[redacted]

Christopher H. Grigorian
Attorney
Arent Fox LLP
1050 Connecticut Avenue, NW
Washington, DC 20036-5339

JUL 27 2010

Re: Confidentiality Determination/PE10-014

Dear Mr. Grigorian:

This responds to your June 22, 2010 request for confidential treatment for Cequent Performance Products (Cequent) information submitted in response to an information request from the National Highway Traffic Safety Administration's Office of Defects Investigation in the above-referenced investigation. Specifically, Cequent requests confidential treatment for sales information and engineering drawings. Cequent requests confidential treatment for the foregoing information for an indefinite period of time.

Your request is granted.

The information provided by Cequent was requested pursuant to 49 USC § 30166, which authorizes the agency to conduct investigations and require manufacturers to submit reports. Because Cequent was required to submit this information, I have examined your submission using the competitive harm standard set forth in *National Parks & Conservation Ass'n v. Morton*, 498 F.2d 765 (D.C. Cir. 1974).

I have reviewed your submission, including the materials that you claim are entitled to confidential treatment and the arguments that you assert in support of your claim. I have concluded that the public release of the sales data and engineering drawings would be likely to cause substantial competitive harm to your company and, therefore, that this information is entitled to confidential treatment pursuant to Exemption 4 of the Freedom of Information Act, 5 USC § 552(b)(4). I also note that the engineering drawings are entitled to confidential treatment under the class determination found in paragraph 1 of appendix B of 49 CFR Part 512.

This grant of confidential treatment is subject to certain conditions. The information may be disclosed under 49 CFR § 512.22 based upon newly discovered or changed facts, and you must inform the agency of any changed circumstances that may affect the protection of the information (49 CFR § 512.10). If necessary, you will be notified prior to the release of any information under the procedures established by our regulations (49 CFR § 512.22(b)).

Sincerely,

Original Signed By

Otto G. Matheke, III
Senior Attorney

