[redacted]

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

JAN 24 2011

Re: Confidentiality Determination/~~EA 10-014~~ PE 10-014

Dear Mr. Grigorian:

This responds to your September 2, 2010 request for confidential treatment for Cequent Performance Products, Inc. (Cequent) information submitted in response to an information request (IR) from the National Highway Traffic Safety Administration's Office of Defects Investigation. Specifically, Cequent requests confidential treatment for the bracketed portions of a supplemental response to an agency IR. Cequent requests confidential treatment for the bracketed portions indefinitely.

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 bracketed portions of the supplemental response to NHTSA's IR would be likely to cause substantial competitive harm to Cequent and that this information is entitled to confidential treatment pursuant to Exemption 4 of the Freedom of Information Act, 5 USC § 552(b)(4).

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). Furthermore, this information may be disclosed if such disclosure would be in the public interest, pursuant to the procedures established in 49 CFR 512.23.

Sincerely,

Original Signed By

Otto G. Matheke, III
Senior Attorney

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