DOREL JUVENILE
Care for Precious Life

Mr. O. Kevin Vincent
Chief Counsel (NCC-111)
National Highway Traffic Safety Administration Room W41-227
1200 New Jersey Avenue, S.E.
Washington D.C. 20590

2014 MAY 29 PM 12:41
OFFICE OF CHIEF COUNSEL

May 28, 2014

RE: Dorel Juvenile Peer Information Request EA13-001

Dear Mr. Vincent:

Dorel Juvenile is responding to the Peer Information Request (PIR) letter, dated May 13, 2014, regarding EA13-001. The PIR letter set a May 28, 2014 due date for the response. On May 21, 2014, however, Dorel Juvenile requested an extension for the PIR response due date of 10 working days, up to and including June 11, 2014.

Per an agreement with the Office of Defects Investigation, today, Dorel Juvenile is responding to information request number 1. The response to requests 2 and 3 will be provided on or before June 11, 2014. Because Dorel Juvenile considers some of the information contained in today's response to be confidential, Dorel Juvenile is submitting the response to request number 1 through your office and is requesting that the information designated below be accorded confidential treatment pursuant to Exemption 4 of the Freedom of Information Act (FOIA), 5 U.S.C. § 552(b)(4), and NHTSA's regulations at 49 C.F.R. Part 512. The information required under Part 512 follows.

A. Description of the Confidential Business Information (49 C.F.R. § 512.8(a))

The confidential business information appears in columns C, D, and F of the response to request number 1. Those columns set forth the identity of the buckle supplier, the type of buckle, and production volumes. We have highlighted the confidential columns in yellow, rather than bracketing them, for ease of reference.

B. Confidentiality Standard ((49 C.F.R. § 512.8(a))

As noted above, Dorel Juvenile is responding to a peer IR in EA13-001. At least since *Center for Auto Safety v. NHTSA*, 244 F.3d 144 (D.C. Cir. 2001), NHTSA's practice has been to treat responses to peer review investigations as voluntary. Thus, the voluntary submission standard set forth in 49 C.F.R. § 512.15(d) is applicable to this request for confidential treatment.

C. Justification for Confidential Treatment (49 C.F.R. § 512.8(c))

Voluntarily-submitted information should be accorded confidential treatment if it is the type of information that is not customarily disclosed by the submitter to the public. *See, e.g.*, 49 C.F.R. § 512.15(d); *Center for Auto Safety*, 244 F.3d at 147. Dorel Juvenile does not have a custom of publicly

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disclosing compilations of information that correlate buckle suppliers with buckle types and production volumes. To the contrary, Dorel Juvenile carefully guards the confidentiality of such information to prevent its unauthorized dissemination

D. Class Determinations (49 C.F.R. § 512.8(d))

None of the information is subject to a class determination.

E. Time Period During Which Confidential Treatment is Sought (49 C.F.R. § 512.8(e))

Because Dorel Juvenile does not anticipate that it ever will adopt a custom of disclosing this kind of information to the public, Dorel Juvenile requests that the information be protected from public disclosure on an indefinite (permanent) basis.

F. Contact Information

NHTSA's response and any inquiries may be directed to me at the following address and phone number:

Mark A. Evanko
EVP Quality Assurance and Product Safety
Dorel Juvenile Group, Inc.
2525 State Street
Columbus, Indiana 47201
Tel. 812-314-4252.

* * *

A certificate in support of confidentiality is enclosed. We are providing two copies of the complete (confidential) version of the information and one redacted copy. If you receive a request for disclosure of the enclosed information, Dorel Juvenile respectfully requests notification of the request and an opportunity to provide further justification for the confidential treatment of this information, if warranted.

Respectfully submitted,

Mark A. Evanko
EVP Quality Assurance and Product Safety
Dorel Juvenile
812-314-4252

Attachment: Response 1 – Production Data

Cc: Terry Emerson

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Certificate in Support of Request for Confidentiality

I, Mark A. Evanko, pursuant to the provisions of 49 C.F.R. Part 512, state as follows:

(1) I am EVP Quality Assurance and Product Safety of Dorel Juvenile Group (Dorel Juvenile), and I am authorized by Dorel Juvenile to execute documents on its behalf;

(2) I certify that the information for which Dorel Juvenile has requested confidential treatment is confidential and proprietary data and is being submitted with the claim that it is entitled to confidential treatment under 5 U.S.C. 552(b)(4);

(3) I hereby request that the information for which confidential treatment is being sought be protected on a permanent basis;

(4) This certification is based on the information provided by the responsible Dorel Juvenile personnel who have authority in the normal course of business to release the information for which a claim of confidentiality has been made to ascertain whether such information has ever been released outside Dorel Juvenile;

(5) Based upon that information, to the best of my knowledge, information and belief the information for which Dorel Juvenile has claimed confidential treatment has never been released or become available outside Dorel Juvenile, except for disclosures to suppliers who were provided the information with the understanding that the information must be maintained in confidence;

(6) I make no representations beyond those contained in this certificate and in particular, I make no representations as to whether this information may become available outside Dorel Juvenile because of unauthorized or inadvertent disclosure (except as stated in paragraph 5); and

(7) I certify under penalty of perjury that the foregoing is true and correct.

Executed on this 28th day of May, 2014.



Mark Evanko