

Jeffery M. Cooper
Senior Counsel
TRW Automotive
12001 Tech Center Drive
Livonia, MI 48150

DEC 23 2009

Re: Request for Confidential Treatment

EA09-003

Dear Mr. Cooper:

This responds to your September 21, 2009 request for confidential treatment for TRW Automotive U.S. LLC (TRW) information submitted in response to a request from the National Highway Traffic Safety Administration's Office of Defects Investigation (ODI). TRW requests confidential treatment for an indefinite period of time.

You request confidential treatment for information in a PowerPoint presentation submitted to ODI during a teleconference and WebEx meeting. You request confidential treatment for information located on pages 3, 4, 5, 6, 7, and 8 of the PowerPoint submission. Your letter and accompanying certificate indicate that the information provided is "confidential and proprietary data" that has never been released or become available outside TRW.

I have decided to grant your request.

The information provided by TRW was submitted in response to an agency request that did not require TRW to submit the data. I have therefore determined that TRW provided this information voluntarily. Accordingly, I have reviewed your request under the principles set forth in *Critical Mass Energy Project v. Nuclear Regulatory Comm'n*, 975 F.2d 871 (D.C. Cir. 1992).

Under the test set forth in *Critical Mass*, financial or commercial information provided to the government on a voluntary basis is "confidential" for purposes of Exemption 4 of the Freedom of Information Act, if it is the kind of information that would customarily not be released to the public by the submitter. Your letter indicates that the data contained in your response is data that TRW would not customarily release to the public. Therefore, I am according confidential treatment to the information contained in your submission.

Subject to the conditions below, this grant of confidential treatment will remain in effect indefinitely.

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

