

SEP 2 2009

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

Re: Request for Confidential Treatment

EA09-003

Dear Mr. Cooper:

This responds to your June 3, 2009 letter requesting confidential treatment for TRW Automotive (TRW) information presented to the agency at a meeting on May 27, 2009. TRW requests that the information be granted confidential treatment permanently.

TRW seeks confidential treatment for multiple pages (7-14, 16, 17, 19 and 27 - 33) of a PowerPoint presentation made to NHTSA's Office of Defects Investigation (ODI) on certain trucks manufactured by Volvo Trucks North America. TRW states that it is voluntarily submitting this information in response to an informal agency request.

I have decided to grant your request.

TRW was not required to submit this information by any formal agency request or regulatory requirement. 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 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 would not be customarily release to the public. Accordingly, I am according confidential treatment to the information contained in your submission.

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

