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July 1, 2002

The Honorable Jeffrey W. Runge, M.D.
Administrator
National Highway Traffic Safety Administration
400 Seventh St., SW
Washington, DC 20590

Ref: Docket No. NHTSA-02-12150
49 CFR Part 512
Confidential Business Information

Dear Dr. Runge:

The Technical Affairs Committee of the Association of International Automobile Manufacturers, Inc. (AIAM)[1] submits the attached comments in response to the NHTSA Notice of Proposed Rulemaking on Confidential Business Information. These comments address our concerns with the application of the proposed procedures to information submitted to the agency in general, and the competitive harm and other problems that would occur with a comprehensive disclosure of all unscreened data submitted under the upcoming Early Warning Reporting final rule.

The new Early Warning Reporting Requirements that will be implemented by NHTSA in response to the TREAD Act will result in a large and comprehensive set of business records being turned over by manufacturers to the agency on a regular basis. For the reasons described in the attached comments, AIAM urges the agency to make a class determination that disclosure of any or all of this information would cause competitive harm, recognizing that in appropriate instances – such as once the data has been reviewed by the agency and a decision has been made to pursue an investigation – the early warning data could be disclosed to the public.

AIAM appreciates your consideration of our comments. Should you have any questions on this matter, please contact me at 703/247-2105.

Sincerely,

Michael X. Cammisa

Michael X. Cammisa
Director, Safety

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[1] *AIAM Technical Affairs Committee members include American Honda Motor Co., Inc., American Suzuki Motor Corporation, Hyundai Motor America, Isuzu Motors America, Inc., Kia Motors America, Inc., Saab Cars USA, Inc., and Subaru of America, Inc.*

BUCKLE UP AMERICA

ASSOCIATION OF INTERNATIONAL AUTOMOBILE MANUFACTURERS, INC.
1001 19TH ST. NORTH ■ SUITE 1200 ■ ARLINGTON, VA 22209 ■ TELEPHONE 703.525.7788 ■ FAX 703.525.8817
INTERNET: http://www.aiam.org

COMMENTS REGARDING NHTSA'S NOTICE OF PROPOSED RULEMAKING ON CONFIDENTIAL BUSINESS INFORMATION

Docket No. NHTSA-02-12150

July 1, 2002

The Technical Affairs Committee of the Association of International Automobile Manufacturers, Inc. (AIAM)[1] appreciates the opportunity to offer its comments and recommendations in response to NHTSA's proposal to amend the procedures by which NHTSA considers claims that information qualifies as "confidential business information." in 49 CFR Part 512. It is particularly appropriate that NHTSA consider this matter at this time, when the agency will begin receiving what is likely the largest and most comprehensive set of business records ever provided to it, in response to the "early warning" reporting requirements under the TREAD Act. Although we describe below our concerns regarding the application of the proposed procedures to other information submitted to the agency, our primary concern involves the treatment of the early warning report information.[2]

The early warning reporting requirements are central to Congress' purpose in enacting the TREAD Act. In our view, the early warning reporting requirements are a key building block in Congress' plan to enhance agency decision-making in compliance investigations. See section 15 of TREAD. There is no indication that Congress ascribed other value in early warning information or intended that any other entity would use the early warning information for any other purpose.

Under the early warning reporting proposal, vehicle manufacturers would be required to submit to NHTSA on a quarterly basis information involving numbers of property damage claims, consumer complaints, warranty claims, and field reports, detailed production volume information, and information on incidents involving death or injury. Although the substantive details of the information will differ with each report, the basic characteristics of the reported information will be consistent in terms of its confidentiality. AIAM urges the agency to make a class determination that disclosure of any or all of this information would cause competitive harm. The alternative approach of processing and evaluating repetitive confidentiality claims from all manufacturers every three months would be extremely wasteful of agency and manufacturer resources.

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[1] AIAM Technical Affairs Committee members include American Honda Motor Co., Inc., American Suzuki Motor Corporation, Hyundai Motor America, Isuzu Motors America, Inc., Kia Motors America, Inc., Saab Cars USA, Inc., and Subaru of America, Inc.

[2] It is our understanding that the TREAD early warning final rule is likely to be issued in the near future. AIAM may submit supplemental comments on the confidentiality proposal after we have had the opportunity to review the early warning final rule.

In taking this position, we recognize that, in appropriate instances, portions of the early warning information could still be disclosed to the public. This could occur after NHTSA has processed and evaluated early warning information and decided to pursue an investigation about a particular vehicle/component. Should NHTSA determine that release of certain early warning information would assist it in carrying out its responsibilities under the law, it may disclose the information under 49 U.S.C. 30167(b). Rather, the problem lies with a comprehensive disclosure of all, unscreened early warning information.

Our reasons for recommending that NHTSA treat all of the early warning information as confidential, which are discussed in greater detail below, are as follows:

1. **Section 3(b) of the TREAD Act shows that Congress presumed that the early warning information is confidential**. The only plausible explanation for the inclusion of the "Disclosure" paragraph in section 3(b) is that Congress believed the information qualifies as confidential business information.

2. **Release of early warning information would cause substantial competitive harm to the submitter.** Much of the reported information (particularly the counts of claims, reports, and complaints) is made up of records that have historically been developed by manufacturers for business purposes and held confidential. The information would, if released, unfairly provide useful information to competitors about the quality characteristics of the submitter's products and manufacturing processes and about the submitter's cost structure, without having to undertake the cost and risk associated with developing that information.

3. **Release of early warning information could impair the quality of the information that NHTSA receives.** Despite the manufacturer's interest to the contrary, individuals who prepare field reports may be less thorough or candid if they know that their reports will be available to the general public and not just to experienced, sophisticated analysts employed by the manufacturer and the government.

4. **Release of early warning information could impair an important government interest, the promotion of vehicle safety.** The "third prong" of the confidentiality test established in *National Parks & Conservation Association v. Morton*, 498 F.2d 765 (D.C. Cir. 1974), would protect information, the release of which could impair government or private interests. Premature release of the early warning information could generate unwarranted numbers of inquiries to NHTSA and the manufacturers/dealers from the press and the public, many based on confusion and misunderstanding. The resources necessary to respond to these inquiries will be diverted away from other safety investigatory and analytic functions. Also, the release of early warning information could,

as noted above, impair the quality of safety information that the government and manufacturers' safety analysts receive, thereby causing erroneous decisions to be made and potentially impairing vehicle safety.

5. **Other government agencies that are responsible for health and safety matters have treated similar product quality information obtained from regulated parties as confidential.** Although there are differences in some of the statutory provisions that apply in these situations, the Congressional approach as well as policies of the other agencies nevertheless indicate a broad recognition by government policy makers that product quality-related information should be treated as confidential.

6. **NHTSA should consider applying FOIA Exemption 7 (records compiled for law enforcement purposes).** The early warning information qualifies as "records or information compiled for law enforcement purposes," and the release of that information could, in certain situations and for the reasons described above, "interfere with enforcement proceedings." See FOIA exemption 7(A). Exemption 7 may be technically beyond the scope of this rulemaking, but the agency should nevertheless consider its potential applicability to early warning information.

1. **Section 3(b) of TREAD.** The TREAD Act directly addresses the issue of public release of early warning information. The Act states, in 49 U.S.C. 30166(m)(4)(C), as follows:

> DISCLOSURE.- None of the information collected pursuant to the final rule promulgated under paragraph (1) shall be disclosed pursuant to section 30167(b) unless the Secretary determines the disclosure of such information will assist in carrying out sections 30117(b) and 30118 through 30121.

The "rule promulgated under paragraph (1)" is the early warning reporting rule. Section 30167(b) authorizes the release of defect or noncompliance information obtained by NHTSA to assist the agency in carrying out the safety defect and noncompliance recall program or to assist in the program for maintenance of records of first purchasers of vehicles or tires. Significantly, the TREAD provision is worded differently. While section 30167(b) is worded affirmatively ("... the Secretary shall disclose..."), the TREAD Act disclosure provision is worded negatively ("None of the information collected ... shall be disclosed").

Under well-established rules of statutory construction, this provision adds substantive meaning to the underlying statute, i.e., that it is not a nullity. The only plausible explanation for the addition of section 30166(m)(4)(C) in TREAD is that it is intended to

reverse the presumption of information-release under existing law. In other words, under the existing statute, there is a presumption that the agency will release information as necessary for it to carry out specified programs. However, with the regard to the information submitted to the agency in the early warning reports, the presumption created by the TREAD language is that the early warning information should not be released unless necessary to do so.

It is entirely reasonable for Congress to have particular concerns regarding the release of the early warning information. As discussed in greater detail below, release of the information would likely cause competitive harm, impair the quality of information received by the agency, adversely affect safety, and be inconsistent with the information policies of other health and safety government agencies with regarding to the handling of proprietary, product quality information

One point that is absolutely clear from the language of section 30166(m)(4)(C) is that Congress must have assumed that at least some significant portion of the early warning information would be protectable under the Freedom of Information Act, 5 U.S.C 552. Otherwise, there would be no issue as to the extent to which the information would be subject to disclosure and there would be no reason for Congress to have included the TREAD "Disclosure" provision in the law. Here again, section 30166(m)(4)(C) cannot be presumed to be a nullity. Moreover, the inclusion of a specific provision regarding disclosure of early warning information is, in itself, an indication of the particular sensitivity of the information.

For these reasons, NHTSA should adopt a presumption that the TREAD early warning information is to be treated as confidential business information.

2. **Substantial competitive harm.** Exemption 4 of the Freedom of Information Act, 5 U.S.C. 552(b)(4), was designed to protect from disclosure information that is obtained by the government that "would customarily not be released to the public by the person from whom it was obtained." *Forsham v. Harris, 445 U.S. 169, 184-5 (1980).* Vehicle manufacturers do not publicly release statistics on claims and complaints and the other early warning-type information. This information is collected for business purposes and is kept secret within the company due to concerns regarding the adverse competitive impacts that would be associated with public disclosure.

While some of the types of information that would be reported under the early warning rule have been released by NHTSA in the past as part of individual defect proceedings, never has such comprehensive information been submitted to the agency. The competitive harm results not from the value of individual bits of the early warning information. Rather, it is the totality and comprehensive nature of the information that gives it value. A knowledgeable competitor can view this "mosaic" of information and put the pieces together to reach valuable conclusions. See *Trans-Pac. Policing Agreement v. United States Customs Serv.*, No. 97-2188, 1998 U.S. Dist. LEXIS 7800, at *14 (D.D.C. May 14, 1998). The comprehensive nature of the TREAD information facilitates manufacturer-to-manufacturer comparisons, readily enabling extrapolations

from one manufacturer's costs and quality levels to those of a competitor. The comparative information would enable one company to use the experience of another to select optimal product design, production process, and pricing strategies, while avoiding the cost and risk that would otherwise necessarily be encountered through trial-and-error. Examples of the possible unfair use of the early warning information by competitors are as follows:

a) The claims/complaint statistics to be submitted under the early warning rule would provide competitors useful information about the quality levels achieved by the submitter or its suppliers, both for vehicle technology and the production process for that technology. This information would allow the competitor to evaluate with greatly reduced risk and cost the desirability of adopting that technology or process or using a particular supplier. In some instances, competitors may base decisions to pursue certain technologies to a substantial degree on their review of the early warning information; without such information, the competitor may have reached a completely different decision as to whether to pursue the technology. The submitter may have expended substantial resources in deciding whether to pursue a particular technology, while the competitor would be handed free of cost or effort a real-world evaluation of the merits of the decision. The disparate cost impacts in such a situation would impair the competitive position of the submitter.

b) The claims/complaint statistics would provide a competitor with information about the submitter's cost structure. The claims rates are an important factor in the cost of various technologies. Public release of this information would allow competitors to evaluate this cost information and make decisions about whether to pursue various product or marketing strategies based on the submitter's costs, all without having first to undertake the risk associated with producing and marketing the affected technology.

c) We agree with other commenters that vehicle manufacturers compete with regard to product quality. Given that competition, it is inevitable that a "cottage industry" of automotive quality reporters would be created if the early warning information were broadly disclosed. Such reports would likely be based upon simplistic analyses of claims/complaint data and could quickly become widely disseminated. Such reports could affect the competitive positions of manufacturers, but do so in a manner that is fundamentally unfair. AIAM believes that the purpose of the early warning reporting requirements in TREAD was to provide information for NHTSA's compliance program, not to create a new auto ratings program, particularly one with the potential to mislead consumers.

d) Public disclosure of the data would create a great potential for misunderstanding and mischaracterization, potentially leading to unfair competitive impacts. Although we believe that NHTSA understands the complexities involved in comparing simple claims rates, other organizations that would use the claims information to "rate" or "compare" vehicle models may not have this degree of understanding. Automotive warranties vary in length and scope of coverage. A model having a higher claims rate than another model may simply have a longer or more comprehensive warranty than the second model, rather

than inferior quality. A manufacturer that has an aggressive program for generating field reports or an efficient, effective program for processing consumer complaints may produce larger numbers of such items, through no quality deficiency in its products.

3. **Impairment of the information received by the government.** The "impairment prong" of the *National Parks* test of substantial competitive harm applies not only to situations in which public disclosure of information that is submitted to the government would impair the ability of the government to obtain such information in the future, but also to situations in which public disclosure would impair the quality or reliability of the information that the government receives. See *Critical Mass Energy Project v. NRC*, 975 F.2d 871 at 878 (D.C. Cir. 1992); accord *Africa Fund v. Mosbacher*, No. 92-289, 1993 WL 183736, at *7 (S.D.N.Y. May 26, 1993); see also *Goldstein v. HHS*, No. 92-2013, slip op. at 5, 7 (S.D. Fla. May 21, 1993) (protecting information concerning laboratory's participation in drug-testing program as it furthers agency's ability to continue to receive reliable information).

What will be the reaction of an individual who writes field reports if he or she knows that the field reports may be made public, possibly appearing in the press, perhaps in misinterpreted form? Will the individual fear harassment by private investigators if the reports are made public? It is in the best interests of NHTSA and the vehicle manufacturers that field reports contain full, frank, and open statements and views from technical staff. If the fear of publicity compromises the quality and reliability of the information in the field reports, it will be to the detriment of the safety programs of both NHTSA and the manufacturers. There is an important difference between providing information to NHTSA for the use of that agency and providing the information to the public, where the author of the report may find his or her report described in press accounts.

4. **"Third prong" impairment.** In the en banc rehearing of the *Critical Mass*, the U.S. Court of Appeals for the District of Columbia Circuit recognized a "third prong" of the *National Parks* test of confidentiality for information the release of which would impair important government or private interests. *Supra*, at 879. As noted above, release of the early warning report information could, in certain instances, impair the interests of NHTSA and the manufacturers in promoting vehicle safety. If less complete information relating to safety issues is provided to the agency and/or manufacturers, faulty decisions could result with regard to the need for and type of remedial action. Avoiding such erroneous decisions involves a primary interest of NHTSA (vehicle safety) and an important financial and moral interest of the manufacturers.

A practical concern regarding the release is the resulting burden on NHTSA staff and manufacturers' technical personnel. Disclosure of the early warning information would inevitably result in numerous inquiries from the press and the public regarding the significance of the information. The agency and the manufacturers can expect a greatly increased number of such inquiries, many of which will be based on misunderstandings of the significance of the released information. It will be necessary for the agency and

the manufacturers to devote substantial resources to responding to such inquiries, distracting those resources from work on higher safety priorities.

Moreover, relatively small numbers of claims could form the basis for stories appearing in the press or product liability lawsuits that magnify the significance of the claims numbers, whether resulting from lack of understanding of the full significance of the claims data or the self-interest of those that would use the data. These press accounts and lawsuits can generate substantial publicity, which in turn stimulates more claims. Some of the additional claims that are stimulated through the publicity may be unjustified, particularly for alleged defects that have subjective manifestations. The process creates its own momentum. The publicity can distort the claims data, potentially skewing the agency's trend analysis.

5. **Policies of other agencies.** Several regulatory agencies receive product quality-related information from regulated parties for compliance evaluation purposes. These agencies consistently follow policies of withholding such information from public disclosure. Although the specific statutory provisions affecting these agencies differ from those affecting NHTSA[3], they do show that government policy makers have consistently found that non-disclosure is the better policy. NHTSA should consider the policies of these other agencies in determining what policy to follow in the TREAD area.

California Air Resources Board (CARB) - CARB administers a program under which vehicle manufacturers must report information on warranty claims relating to emission-related components. See Title 13 Code of California Regulations, sections 2144-5. Under this program, manufacturers must report counts of unscreened and screened warranty claims, categorized by engine family and specific component. When the number of warranty claims exceeds a threshold level, the manufacturer must submit a report containing the counts of claims to CARB. This information may be used by the Board as the basis for ordering a recall based on the failure to meet emissions standards. Based on our discussion with CARB legal staff, it is our understanding that the Board treats the reports of warranty claims as confidential. The basis identified by the legal staff for this policy is to be found in California Government Code, section 6254,15, a provision of the California Public Records Act. Under that provision, "corporate financial records, corporate proprietary information, including trade secrets, ..." are exempt from public disclosure. The legal staff cited concerns regarding public confusion associated with premature release of such information as a subsidiary reason for their policy.

U.S. Consumer Product Safety Commission (CPSC) - Under 15 U.S.C. 2064(b), each manufacturer of consumer products is required to report to the CPSC in the event one of the manufacturer's products fails to meet an applicable safety standard, contains a defect, or presents an unreasonable risk of serious injury or death. Under 15 U.S.C. 2055(b)(5), the CPSC may not disclose this information unless the Commission has issued a

[3] These analogous situations do not, therefore, provide controlling legal authority for NHTSA's handling of the early warning report information.

complaint involving the product, entered into remedial settlement agreement involving the product, or received the manufacturer's consent to release the information.

Federal Aviation Administration (FAA) – The FAA strongly relies on voluntarily reported information relating to potential defects or flight safety problems, and such information is broadly protected from disclosure. See 49 U.S.C. 40123. However, the FAA also requires airlines to report on "mechanical reliability" problems in-use, such as fires, toxic fumes in the crew cabin or passenger compartment, unanticipated engine shutdown, fuel leaks, or landing gear problems. See 14 CFR 121.703. Information relating to these reports is placed on the FAA Internet site. However, according to FAA legal staff, the identity of the airline is not released to the public. The airlines are very sensitive about the release of the identity of the airline reporting the problem, due to concerns that such information would be competitively harmful. It is believed that releasing the airline identity along with such reports would cause members of the flying public to select other airlines that do not report such problems (or report them at lower rates). For example, individuals could believe that an airline with a high rate does not perform adequate maintenance on its aircraft, although according to FAA there could be a variety of non-safety related explanations for such rate discrepancies.

Food and Drug Administration (FDA) – The FDA requires drug product manufacturers to report "adverse drug experiences" claimed to result from their products. See, e.g., 21 CFR 314.80, 314.81, 510.300. The adverse drug experience information is generally released to the public. See, e.g., sections 314.430 and 514.11. However, sales or production data involving the drug products is not released. See section 314.430(g)(2) and 514.11(g)(2). In this way, the information relating to individual adverse drug experiences is disclosed, but the confidentiality of the sales or production data prevents competitors from calculating "claims" rates (i.e., the numerator of the rate fraction is disclosed, but not the denominator). For competitive purposes, the rate information is critical, in that it enables comparisons and extrapolations among different manufacturers, products, and production processes. FDA legal staff informed us that the sales/production information is withheld on the basis of FOIA exemption 4, as confidential commercial or financial information.

6. **Exemption 7.** The agency should also consider the potential applicability of FOIA Exemption 7 to TREAD early warning information, particularly when the agency has initiated a specific compliance investigation. Exemption 7(A) authorizes agencies to withhold "records or information compiled for law enforcement purposes ..., but only to the extent that the production of such law enforcement records or information ... could reasonably be expected to interfere with law enforcement proceedings..." See 5 U.S.C. 552(b)(7)(A). Federal agencies may make generic, class determinations to withhold information under Exemption 7. See *NLRB v. Robbins Tire & Rubber Co.*, 437 U.S. 214 (1977) at 223. This exemption reflects Congress' recognition that "law enforcement agencies had legitimate needs to keep certain records confidential, lest the agencies be hindered in their investigations ..." Supra at 224. The affected law enforcement records need not have been originally compiled for law enforcement purposes, if they are subsequently used for such purposes. See *John Doe Agency v. John Doe Corp.,* 493 U.S.

146 (1984) at 154-55. The protections of this provision were significantly broadened by Congress' 1986 adoption of the "could reasonably be expected to interfere" language, compared to the previous "would interfere with" language. See *Manna v. United States Dep't of Justice*, 51 F.3d 1158, 1164 n.5 (3d Cir. 1995). The Exemption applies not only in the criminal law context but also to regulatory matters. See, e.g., *Johnson v. DEA*, No. 97-2231, 1998 U.S. Dist. LEXIS 9802, at *9 (D.D.C. June 25, 1998). As noted above, the agency may also release confidential information as necessary to allow it to carry out its law enforcement functions under 49 U.S.C. 30167(b).

Procedure for processing TREAD information – In addition to establishing a class determination that the TREAD early warning information is presumptively confidential, we urge the agency to take the additional step of not requiring certificates and supporting information to accompany each early warning report. Such accompanying documentation would, in general, contain repetitive statements describing the characteristics of the information. The agency could, by rule, require manufacturers to submit such information with the first quarterly reports, and then notify the agency if subsequently reported information differs from the typical information in its class, such as if it has been previously released to the public or if particular information lacks the usual competitive value.

General Confidentiality Matters

AIAM also has several concerns regarding confidentiality matters that are not limited to the TREAD early warning matter. These concerns are discussed below.

1. **Duty to amend.** Proposed section 512.10 describes a requirement for submitters to notify the agency in the event that the submitter "knows or becomes aware" that any of the information submitted as part of a confidentiality request was incorrect at the time it was provided to NHTSA or, although correct when submitted, is no longer correct. Presumably, this requirement would apply equally to correcting the basis for the confidentiality request or the substance of the reported information. In the preamble to the proposal (67 Fed. Reg. at 21199) the agency states that this provision does not reflect substantive change to agency policy. AIAM requests that the agency state in the final rule that this provision does not establish a requirement for continuous monitoring of information, such as reviewing the trade press and other sources, to verify that no information claimed as confidential has ever been released to the public in any manner. AIAM does not oppose a requirement to report known instances of release of information that is subject to a confidentiality claim or correction of identified substantive errors, but a requirement for continuous monitoring is infeasible. The agency could also request that the submitter of information re-verify the basis for a confidentiality claim if or when a FOIA request is submitted to the agency covering such information.

2. **Test protocols.** AIAM opposes the establishment of a class determination that compliance test procedures and test results are presumptively not entitled to confidential

treatment. Test procedures specified in agency regulations are clearly not confidential, nor, in many routine instances, would disclosure of test results present competitive concerns. However, manufacturers may develop alternative test procedures that correlate well with the NHTSA-specified procedure but that can be conducted at significantly lower cost. Such tests are the property of the developing manufacturer, and may provide the manufacturer a cost advantage over its competitors. Release of such test procedures would unfairly deprive the manufacturer of a valuable asset. Tests that are conducted at speeds or under conditions other than those specified in a standard are sometimes undertaken for development or evaluation purposes, and release of information relating to such tests could provide a competitor with information regarding the manufacturer's future product plans. Such information could also provide insight into the effectiveness of particular technology, allowing the competitor unfairly to gain such insight without incurring the cost of the test. In certain situations, even results of tests conducted to the specified test procedure could provide useful insights to competitors, if there were a particularly unusual compliance margin. In a situation in which the compliance margin provides an indication of the effectiveness of some new technology, release of the test result could provide a competitor an indication of a useful new technology path, without undertaking the cost and risk incurred by the submitting manufacturer. Thus, NHTSA should protect test procedures and results in appropriate situations.[4]

3. **Confidential-only versions.** In proposed section 512.6, the agency would create a new requirement for the submission of a third version (in addition to the complete and redacted versions) of a confidential submission. This third submission would contain only the confidential information. We question the value of this third version for the agency. Frequently it is possible to redact limited information from a submittal such as a rulemaking comment, in such a manner that the public can still understand the general point being made when viewing the redacted version but confidentiality is preserved. The redacted information may be a key phrase, numbers, or a product name. Pages showing only this confidential information taken out of context would not be useful to the agency in all likelihood, since the significance of the information would not be apparent (e.g., a page of numbers or table matrices). In such cases, it would still be necessary to refer to the public version or, more likely, the complete version, to understand the significance of the information. Preparation of the third version would place an additional burden on manufacturers, as well. We request that the agency delete this requirement.

4. **Personal information.** Proposed section 512.5(c) requests that manufacturers also redact any information of a personal nature from the redacted version of materials submitted under a confidentiality request. However, in the early warning report proposal, the agency seeks comment on whether manufacturers should submit only redacted versions of field reports and other documents, with the personal information deleted. See

[4] We note that even under the proposed class determination, test procedures and results that are voluntarily submitted to the agency could be protected under the *Critical Mass* decision. Under that decision, the principal issue for the agency to decide is whether the submitter of the information customarily disclosed the information to the public, rather than the competitive harm attendant to the disclosure of the information.

66 Fed. Reg. 66190, at 66214. AIAM believes that the best procedure would be to have the manufacturers submit complete information and the agency delete the personal information from any public versions. In that way, the agency would have access to the personal information for tracking and investigative purposes. There is no legal obligation under applicable privacy laws for the submitter of the information to redact personal information.