

## § 512.12

for the extension of time and the length of time requested.

### § 512.12 What if I am submitting multiple items of information?

Any certificate provided under § 512.4(b) of this part, and any supporting information provided under § 512.4(c) of this part, may be used to support a claim for confidential treatment of more than one item of information. However, general or nonspecific assertions or analysis may be insufficient to form an adequate basis for the agency to find that the information is entitled to confidential treatment, and may result in the denial of the claim.

### § 512.13 What are the consequences for noncompliance with this part?

(a) If the submitter fails to comply with § 512.4 of this part at the time the information is submitted to NHTSA or does not request an extension of time under § 512.11, the claim for confidentiality may be waived, unless the agency is notified or otherwise becomes aware of the claim before the information is disclosed to the public. If the information is placed in a public docket or file, such placement is disclosure to the public within the meaning of this part and may preclude any claim for confidential treatment. The Chief Counsel may notify a submitter of information or, if applicable, a third party from whom the information was obtained, of inadequacies regarding a claim for confidential treatment and may allow the submitter or third party additional time to supplement the submission, but has no obligation to provide either notice or additional time.

(b) If the submitter does not provide the certificate required under § 512.4(b) of this part or any supporting information required under § 512.4(c) of this part, or if the information is insufficient to establish that the information should be afforded confidential treatment under the confidentiality standards set out in § 512.15 of this part, a request that such information be treated confidentially may be denied. The Chief Counsel may notify a submitter of information of inadequacies in the supporting information and may allow the submitter additional time to sup-

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plement the showing, but has no obligation to provide either notice or additional time.

## Subpart D—Agency Determination

### § 512.14 Who makes the confidentiality determination?

The Chief Counsel will determine whether an item of information will be afforded confidential treatment under this part.

### § 512.15 How will confidentiality determinations be made?

Information may be afforded confidential treatment if the Chief Counsel determines that:

- (a) The information is a trade secret;
- (b) Public disclosure of the information would be likely to cause substantial harm to the competitive position of the submitter;
- (c) Public disclosure of the information would be likely to impair NHTSA's ability to obtain necessary information in the future;
- (d) The information was provided to NHTSA voluntarily and was not customarily released to the public by the person from whom it was obtained; or
- (e) The information is otherwise entitled to protection, pursuant to 5 U.S.C. 552(b).

### § 512.16 Class determinations.

(a) The Chief Counsel may issue class determinations of categories of information to be entitled to confidential treatment if the Chief Counsel determines that one or more characteristics common to each item of information in that class, will, in most cases, result in identical treatment, and further that it is appropriate to treat all such items as a class for one or more purposes under this part. Once a class determination is made, the Chief Counsel will publish the new class determination in the FEDERAL REGISTER.

(b) The Chief Counsel may amend, modify, or terminate any class determination established under this section. These changes will be published in the FEDERAL REGISTER.

(c) Class determinations made by the Chief Counsel are listed in Appendices B and C to this Part.