

MAR 11 2004

Stephan J. Speth
Director
Vehicle Compliance & Safety Affairs
DaimlerChrysler Corporation
800 Chrysler Drive
CIMS 482-00-91
Auburn Hills, MI 48326-2757

Re: Confidentiality Determination/EA03-004

Dear Mr. Speth:

This is in response to your letter dated October 10, 2003, in which you request confidential treatment for the materials submitted by DaimlerChrysler Corporation (DC) and enclosed with your letter. The materials contain responses to a NHTSA Information Request pertaining to the above-captioned matter. You request that the materials be granted confidential treatment permanently.

The materials for which you request confidential treatment are described in your letter as the performance factors and design standards relating to the wheel attachment components used on DC vehicles. DC indicates release of the information contained in the submission would provide competitors with detailed insights into the design elements and performance standards developed and used by DC. Your letter also indicates that the aforementioned information, if disclosed, would cause DC to suffer substantial competitive harm.

I have decided to grant DC confidential treatment for these materials.

The information submitted was requested pursuant to 49 USC § 30166, which authorizes the agency to conduct investigations and require manufacturers to submit reports. Therefore, because the information was not submitted voluntarily, I have reviewed your submission under the competitive harm standard set forth in *National Parks & Conservation Ass'n v. Morton*, 498 F.2d 765 (D.C. Cir. 1974).

The materials at issue depict DC's wheel attachment components and the performance factors. Release of this information would, as your letter suggests, provide DC's competitors with substantial insight into DC's design elements and to engineering standards. This information, if revealed, could cause competitive harm to DC.

As requested, this grant of confidential treatment will remain in effect permanently. However, it is also subject to the various provisions of Part 512 that specify the circumstances under which otherwise confidential information can be disclosed.

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,

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Otto G. Matheke, III
Staff Attorney

