

DAIMLERCHRYSLER

NHTSA
WASHINGTON, DC 20590

2003 AUG 21 P 3 06

DaimlerChrysler Corporation

OFFICE OF CHIEF COUNSEL

August 18, 2003

Ms. Jacqueline Glassman
Chief Counsel
National Highway Traffic Safety Administration
400 Seventh Street, S.W.
Washington, D.C. 20590

Re: Request for Confidential Treatment for Certain Documents Provided
as follow up to ODI / DaimlerChrysler meeting held on August 14, 2003 at
DaimlerChrysler - Auburn Hills, MI.

Dear Ms. Glassman:

DaimlerChrysler Corporation has submitted information to the Office of Defects Investigation relating to NHTSA ODI Engineering Analysis EA-03-011 - Chrysler JA Ignition-Park Interlock System. In connection with that submission, DaimlerChrysler is submitting certain documents from a meeting held at DaimlerChrysler-Auburn Hills, between the ODI and DaimlerChrysler personnel, regarding this subject, to the Office of Chief Counsel and requesting that they be permanently protected from public release pursuant to 49 C.F.R. Part 512.

DaimlerChrysler has carefully reviewed its submission and has identified documents and test photographs containing confidential information, the disclosure of which would cause competitive harm. The following information is being submitted:

- A) Test procedure for evaluating ignition-park interlock system override efforts.
- B) Photographs of the test set-up used per this test procedure.
- C) The effort data measured by this testing in graphical form.

The justifications for confidential treatment are set forth below.

The documents contain highly sensitive information relating to DaimlerChrysler's attempts to identify and evaluate the forces required to override the 1999 MY JA Ignition-park Interlock system. The disclosure of such information would permit DaimlerChrysler's competitors to duplicate DaimlerChrysler's design, research, and remediation protocols without incurring the substantial expense associated with the development of their own protocols. This information, therefore, is commercially valuable, and its release would cause DaimlerChrysler substantial competitive harm.

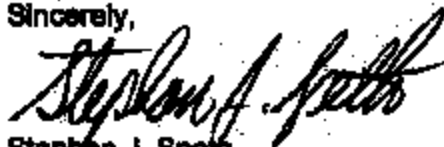
competitor the fruits of DaimlerChrysler's tests, test protocols, and test developmental strategies without having to incur the substantial costs associated with the development of their own analyses, test results, and test protocols, thereby enabling them to bring competitive products to market sooner and to improve their own development procedures at DaimlerChrysler's expense. Disclosure of this information would "eliminate much of the time and effort that would otherwise be required to bring to market a product competitive with DaimlerChrysler's products. This is clearly the type of competitive harm envisioned in Exemption 4 * * *." *Public Citizen Research Grp. v. FDA*, 185 F.3d 898, 905 (D.C. Cir. 1999) ("*Public Citizen II*").

DaimlerChrysler is requesting confidentiality on a permanent basis for the submitted documents. DaimlerChrysler believes that the confidential information identified should be protected permanently, because DaimlerChrysler's interest in protecting the confidentiality of the identified documents will not expire at any fixed point in the future.

As detailed above, the information for which DaimlerChrysler seeks confidential treatment has significant competitive value and would be harmful to DaimlerChrysler's competitive position if released. Accordingly, it should be withheld under Exemption 4 of FOIA.

The certification required by your regulations is attached to this letter. If you need any clarifications or additional information, please contact Robert Norton, Senior Staff Counsel, at (248) 512-4184. If you receive a request for disclosure of these documents before you have completed your review of our claim for confidential treatment, DaimlerChrysler respectfully requests notification of the request and an opportunity to provide further justification for the confidential treatment of this information, if warranted.

Sincerely,




Stephan J. Spein

Certificate In Support of Request for Confidentiality

I, Stephan J. Speth, pursuant to the provisions of 49 C.F.R. Part 512, state as follows:

- (1) I am DaimlerChrysler Corporation's Director, Vehicle Certification, Compliance and Safety Affairs and I am authorized by DaimlerChrysler to execute documents on behalf of DaimlerChrysler;
- (2) The information contained in the indicated documents is confidential and proprietary data and is being submitted with the claim that it is entitled to confidential treatment under 5 U.S.C. 552 (b) (4).
- (3) I have personally inquired of the responsible DaimlerChrysler personnel who have authority in the normal course of business to release the information for which a claim of confidentiality has been made to ascertain whether such information has ever been released outside DaimlerChrysler, except as to DaimlerChrysler suppliers with the understanding that such information be kept confidential.
- (4) Based upon such inquiries, to the best of my knowledge, information and belief the information for which DaimlerChrysler has claimed confidential treatment has never been released or become available outside DaimlerChrysler, except as stated in Paragraph 3; and
- (5) I make no representations beyond those contained in this certificate and in particular, I make no representations as to whether this information may become available outside DaimlerChrysler because of unauthorized or inadvertent disclosure; and
- (6) I certify under penalty of perjury that the foregoing is true and correct.

Executed on this eighteenth day of August, 2003.



Mr. Stephan J. Speth