

Christopher H. Grigorian, Esq.
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1050 Connecticut Ave, NW
Washington, DC 20036-5339

Re: Request for Confidential Treatment of Information for Materials
Submitted by Dana Corporation in Response to PE04-062a.

Dear Mr. Grigorian:

This is in response to your letter dated November 29, 2004 to Ms. Jacqueline Glassman in which Dana Corporation (Dana) requests confidential treatment for certain information contained in its response to the above matter. The letter requests confidential treatment for the response to question 11 found at Tab A of your submission. As you did not specify a period of time for which Dana seeks confidential treatment, I have construed your request as seeking confidential treatment for an indefinite period of time.

I have decided to grant your request.

Because the information described above was required to be submitted to the agency, I have reviewed Dana's claim for confidential treatment under the test announced in *National Parks & Conservation Ass'n v. Morton*, 498 F.2d 765 (D.C. Cir. 1974) and its progeny. Under that test, information is confidential under Exemption 4 of the Freedom of Information Act (FOIA) if its disclosure is likely to cause substantial competitive harm to the submitter, or to impair the government's ability to collect the information in the future.

Dana asserts that the information in Tab A contains information about the company's internal quality control processes and that the disclosure of this information would cause substantial competitive harm to the company. The company argues that such information would assist competitors in their efforts to develop their own quality control processes.

I have examined the materials for which you seek confidential treatment. I have determined that the materials in Tab A would, if released, be likely to cause Dana to suffer substantial competitive harm.

This grant of confidentiality will remain in effect indefinitely. However, it is subject to the various provisions of Part 512 that specify the circumstances under which otherwise confidential information can be disclosed. 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,

/s/

Otto G. Matheke, III
Senior Attorney

