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ATTORNEYS AT LAW

November 29, 2004

VIA MESSENGER

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Re: Request for Confidential Treatment – Dana Corporation, Commercial Vehicle Systems Division, PE04-062a

Dear Ms. Glassman:

The enclosed documents were submitted by Dana Corporation, Commercial Vehicle Systems Division, to Richard Boyd, Chief, Medium & Heavy Duty Vehicle Division, Office of Defects Investigation, in response to Request Number 11 and 14 of the information request to Dana in the above-referenced investigation. Dana requests that its response to Request Number 11 be granted confidential treatment pursuant to Part 512, Title 49, Code of Federal Regulations, and Exemption 4 of the Freedom of Information Act, 5 U.S.C. § 552(b)(4), on the ground that it contains confidential, proprietary information that would likely subject Dana to competitive harm if disclosed. See 49 C.F.R. 512.15(b). (A request for confidential treatment was also made on November 18, 2004 with respect to documents previously submitted to the agency in this investigation.)

In accordance with Section 512.5(a), a complete copy of Dana's submission is included at Tab A, a proposed public version of these documents is included at Tab B, the portion of the submission for which confidential treatment is claimed is included at Tab C, and a Certificate in Support of Confidentiality is included at Tab D.

Dana is seeking confidential treatment for its response to Request Number 11. This response contains documents relating to Dana's internal investigation, including quality control processes, internal analyses, and testing methods and results. Disclosure of this information would give competitors information about Dana's quality control processes, and other product and defect evaluation methods and procedures used by Dana to address product quality and performance issues. Because disclosure of this information would likely cause substantial harm to Dana's competitive position, these documents should be protected from FOIA disclosure. 49 C.F.R. § 512.4(b)(3)(vi). *National Parks & Conservation Ass'n v. Morton*, 498 F.2d 765, 770 (D.C. Cir. 1974); see also *Critical Mass Energy Project v. Nuclear Regulatory Comm'n*, 975 F.2d 871 (D.C. Cir. 1992).

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For the foregoing reasons, we request that the subject documents be granted confidential treatment.

Sincerely,



Christopher H. Grigorian

Enclosures

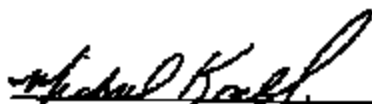
cc: Jeffrey J. Wawrzyniak

CERTIFICATE IN SUPPORT OF REQUEST FOR CONFIDENTIALITY

I, Michael Koralewski, pursuant to the provisions of 49 CFR 512, state as follows:

- (1) I am the Director of Quality for Dana Corporation, Commercial Vehicle Systems Division ("Dana"), and I am authorized to execute documents on behalf of Dana;
- (2) I certify that the information contained in the enclosed 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 hereby request that the information contained in these documents be protected indefinitely;
- (4) This certification is based on the information provided by the responsible Dana 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 Dana;
- (5) Based upon that information, to the best of my knowledge, information and belief, the information for which Dana has claimed confidential treatment has never been released or become available outside Dana, except within the scope of the confidential relationships between Dana and its customers and/or suppliers;
- (6) 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 Dana because of unauthorized or inadvertent disclosure, except as stated in Paragraph 5; and
- (7) I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 29th day of November, 2004.



Michael Koralewski