

NUS  
Tom Cooper

MAY 30 2006

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

Re: DaimlerChrysler Request for Confidential Treatment for Certain Documents Provided in EA05-020

Dear Mr. Speth:

This responds to your February 22<sup>nd</sup> and March 14<sup>th</sup> 2006 letters requesting confidential treatment for information submitted by DaimlerChrysler Corporation (DCC), in response to information request in the above agency investigation. The information in your submission is contained on a single CD-ROM disk identified as "EA05-020." DCC requests that confidential treatment be accorded to two documents – "2002 Grand Cherokee 4.0L Engine Fan – Review of Bosch Automotive Motor Systems Process Determination" and "WJ Fan Material Analysis." The CD-ROM also contains documents generated by Robert Bosch Corporation (Bosch). Bosch provided a request for confidentiality and accompanying certificate on March 14<sup>th</sup> 2006. However, Bosch's request is narrower in scope than originally indicated by DCC in its February 22<sup>nd</sup> letter. As stated in the March 14<sup>th</sup> letter, Bosch and DCC do not request confidential treatment for a copy of an electronic mail message contained in the "Tool Usage History" folder on the CD-ROM. Accordingly, Bosch and DCC are requesting confidential treatment for the remaining Bosch materials contained in the "Supplier Process History" and "Survey Results" folders on the CD-ROM. Both Bosch and DCC request that confidential treatment be permanently granted.

DCC and Bosch contend that the documents in the submission contain confidential and proprietary information. Bosch and DCC assert that the disclosure of this information would give competitors insight into their methodologies in investigating and remedying potential problems, designing components, monitoring manufacturing processes and maintaining product quality. Both companies consider the disclosure of this information a potential windfall to competitors because it would enable them to adopt techniques and methodologies without incurring the substantial time and expense necessary to develop their own designs and standards.

I have decided to grant your request.

Because this information was not submitted voluntarily, I have reviewed your submission under the competitive harm standard 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, 5 U.S.C. § 552(b) (4), if its disclosure would be likely to cause substantial competitive harm to the submitter or to impair the government's ability to collect the information in the future. I have also reviewed your submission under 49 CFR Part 512.

I am granting confidential treatment to the documents entitled "2002 Grand Cherokee 4.0L Engine Fan – Review of Bosch Automotive Motor Systems Process Determination" and "WJ Fan Material Analysis." Both documents contain information that, if released, would provide competitors with valuable insights into the proprietary methodologies employed by DCC in investigating and remedying problems in its products.

Your request that confidential treatment be accorded to the documents provided by Bosch – found in the Survey Results and Supporting Documents folders on the CD-ROM – is granted. I have determined that release of this information would be likely to cause Bosch to suffer competitive harm.

This grant of confidential treatment will remain in effect indefinitely. However, it 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,



Otto G. Matheke, III  
Senior Attorney

NHTSA:NCC-ogm:05/24/06:pll:  
NCC-Subj/Chron  
Info: Thomas Cooper w/enclose.  
M:\Misc06\DCC061138and1637ogm.doc