

DAIMLERCHRYSLER

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OFFICE OF CHIEF COUNSEL

DaimlerChrysler Corporation
Stephan J. Speth
Director
Vehicle Compliance & Safety Affairs

October 23, 2006

Mr. Anthony M. Cooke
Chief Counsel
National Highway Traffic Safety Administration
400 Seventh Street, S.W., Rm. 5219
Washington, D.C. 20590

Re: Request for Confidential Treatment for Documents Provided in Response to Additional NHTSA Questions Posed by Email Pertaining to EA 05-018

Dear Mr. Cooke:

DaimlerChrysler Corporation ("DCC") is submitting information to the NHTSA Office of Defects Investigation in response to additional requests by Mr. Chris Lash, Safety Defects Investigator, with regard to the above referenced Information Request ("IR"). Based on a careful review of the submission, DCC has determined that the attached documents consist of confidential data that should be accorded confidential treatment under this agency's regulations at 49 C.F.R. Part 512 and Exemption 4 of the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552(b)(4). Therefore, DCC is submitting these documents, together with this request for confidential treatment and the certificate required by your regulations, to the Office of Chief Counsel.

The information required by Part 512 for DCC's request for confidential treatment is set forth below.

A. Description of the Information (49 C.F.R. § 512.8(a))

The information for which confidential treatment is being sought consists of an Excel spreadsheet created in response to ODI's additional questions 2(a-d) that contains details of the Interior CAN-B Bus and Powertrain CAN-B Bus System for MY 04 and MY 05 Durango. This submission also contains the Performance Standard for the CAN Multiplexing System and the J1850 Multiplexing System.

B. Confidentiality Standard (49 C.F.R. § 512.8(b))

This submission is subject to the substantial competitive harm standard set forth in 49 C.F.R. § 512.15(b) for information that a submitter is required to provide to the agency.

Under this standard, information qualifies for confidential treatment if its disclosure would be likely to result in substantial harm to the competitive position of the submitter.

C. Justification for Confidential Treatment (49 C.F.R. § 512.8(c))

The disclosure of this information would likely cause substantial harm to DCC's competitive position. The CAN Multiplexing System and the J1850 Multiplexing system took DCC considerable time and expense to implement. Competitors that look at DCC's CAN and/or J1850 Multiplexing Systems would be able to gain insight into DCC's internal vehicle systems and design standards for these vehicle multiplexing communication systems, which could enable DCC's competitors to improve their own multiplexing bus systems and processes, and compete more effectively against DCC. Part 512 and FOIA Exemption 4 protect the confidentiality of information that would be likely to cause substantial competitive harm to the submitter if disclosed. These are precisely the kinds of competitively harmful effects that FOIA Exemption 4 was intended to prevent. *See, e.g., Public Citizen Health Research Grp. v. FDA*, 185 F.3d 898, 905 (D.C. Cir. 1999) (Exemption 4 was enacted to prevent disclosures that would "eliminate much of the time and effort that would otherwise be required to bring to market a product competitive with the [submitter's] product"); *Worthington Compressors, Inc. v. Costle*, 662 F.2d 45, 51 (D.C. Cir. 1981) ("Because competition in business turns on the relative costs and opportunities faced by members of the same industry, there is a potential windfall for competitors to whom valuable information is released under FOIA. If those competitors are charged only minimal FOIA retrieval costs for the information, rather than the considerable costs of private reproduction, they may be gaining quite a bargain. Such bargains could easily have competitive consequences not contemplated as part of FOIA's principal aim of promoting openness in government.").

D. Class Determination (49 C.F.R. § 512.8(d))

The information is not subject to a Class Determination.

E. Duration For Which Confidential Treatment Is Sought (49 C.F.R. § 512.8(e))

DCC anticipates that the information will retain its competitive value indefinitely and DCC therefore requests that the information be accorded confidential treatment permanently.

F. Contact Information (49 C.F.R. § 512.8(f))

Please direct all inquiries and responses to the undersigned at the address, telephone number, and email address shown on the first page of this letter.

If you receive a request for disclosure of the information for which confidential treatment is being sought before you have completed your review of our request, DCC respectfully

requests notification of the request(s) and an opportunity to provide further justification for the confidential treatment of this information, if warranted.

Sincerely,



Stephan J. Speth

cc: Jeffrey Quandt

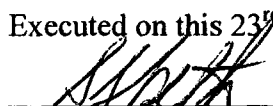
Attachment and Enclosures

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 Corporation to execute documents on its behalf;
- (2) I certify that the information contained in the attached 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 the indicated documents be protected on a permanent basis;
- (4) This certification is based on the information provided by the responsible DaimlerChrysler Corporation 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 Corporation;
- (5) Based upon that information, to the best of my knowledge, information and belief, the information for which DaimlerChrysler Corporation has claimed confidential treatment has never been released or become available outside DaimlerChrysler Corporation, except to certain contractors and suppliers under agreements to preserve the confidentiality of the information;
- (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 DaimlerChrysler Corporation because of unauthorized or inadvertent disclosure (except as stated in paragraph 5); and
- (7) I certify under penalty of perjury that the foregoing is true and correct.

Executed on this 23rd day of October, 2006



Stephan J. Speth