

NUS-212
m. Lee

JUL 31 2006

Matthias Spaeth
Vice President, Quality
Body Electrical and Electronics Division
Robert Bosch Corporation
38000 Hills Tech Drive
Farmington Hills, MI 48331

Re: Robert Bosch Corporation's Request for Confidential Treatment for
Information Provided in Response to EA06-003

Dear Mr. Spaeth:

This responds to your letter dated July 21, 2006, in which you request confidential treatment for information submitted by Robert Bosch Corporation (Bosch) in response to the above agency request. You seek confidential treatment for Bosch's response to Information Request 12, which is contained in a single-page document identified as Enclosure B. You request confidential treatment for these materials for a period of five (5) years, but your certification document states confidential treatment is sought permanently. I am interpreting your request as seeking confidentiality for five (5) years.

You contend that Enclosure B contains confidential and proprietary information that Bosch uses in its development of airbag electronic control units. You explain that Enclosure B contains details of the data monitored, collected and stored by Bosch's airbag electronic control unit. It also details the type of vehicle and crash information that can be stored by Bosch's electronic control unit. You assert that the disclosure of this information would enable its competitors to develop or improve their own products at Bosch's expense by permitting them to introduce competitive products to market in less time and with less expense than would otherwise be required. You also state that while some of the information may be obtained through reverse engineering, the costs in doing so would be considerable.

I am granting your request.

Because the document was submitted to the agency in response to the above agency request, I reviewed you claim for confidential treatment under the test in *National Parks & Conservation Ass'n v. Morton (National Parks)*, 498 F.2d 765 (D.C. Cir. 1974). 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.

Enclosure B is a single-page table that contains details regarding the type of data ("Data Name") and data recorded ("Data stored") by Bosch's electronic airbag control unit in Chrysler minivans. The disclosure of this information would provide competitors with specifics regarding the data relied on by Bosch's airbag sensor system. The agency believes that the disclosure of this information would be likely to cause Bosch to suffer substantial competitive harm. Accordingly, I am granting confidential treatment to Enclosure B.

This grant of confidential treatment will remain in effect for five (5) years and 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-111mk:07/28/06
NCC-113 Subj/Chron, **NCC06-004604**
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