

NKS-212
M. Lee
8/5/06

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

AUG 31 2006

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

Dear Mr. Spaeth:

This responds to your letters dated August 10, 2006 and August 22, 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 portions of Bosch's response to Information Request Nos. 8, 10 and 13-23. These portions are contained in Enclosures D through I that accompany Bosch's response. You have also provided a third party certificate required by Appendix A to cover portions of your submission that originated from DaimlerChrysler. You request confidential treatment for these materials on a permanent basis. I am construing your request as seeking confidential treatment for this information on an indefinite basis.

You contend that the enclosures contain the following: e-mails revealing technical data the consists of test descriptions and methods, test results, material properties, sensor specifications, assembly tolerances, manufacturing capability information, and field return analyses (Enclosure D); airbag deployment computer simulation data (Enclosure E); design drawings and technical, manufacturing, and mounting specifications (Enclosure F); test descriptions and results of Bosch's durability and environmental testing (Enclosure G); tests, analyses, assessments, and evaluations of the up front sensors used in MY 2005-2006 DaimlerChrysler minivans (Enclosure H); and a summary of modifications and changes related to the design, manufacture, material, and quality control related to the subject components in DaimlerChrysler minivans (Enclosure I). You also explain that portions of Enclosure D -- identified as pages 1165-77, 1200-10, and 1478-81 -- contain validation, evaluation, test procedures and analysis information from DaimlerChrysler.

You assert that the disclosure of this information would enable 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 documents were submitted to the agency in response to the above agency request, I reviewed your 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.

The enclosures described above contain detailed technical data regarding the specifications, manufacturer, and performance of the Bosch up front sensors used in the 2005-2006 DaimlerChrysler minivans. 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 Enclosures D through I.

This grant of confidential treatment 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,

Original Signed By

Otto G. Matheke, III
Senior Attorney

NHTSA:NCC-111mk:08/31/06
NCC-113 Subj/Chron, om, cyt NCC06-005005, NCC06-005400
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