

NKS-212  
M. Lee  
3/24/07

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

MAR - 9 2007

Re: DaimlerChrysler Request for Confidential Treatment for Information  
Provided in EA06-003

Dear Mr. Speth:

This responds to your February 7, 2007 letter requesting confidential treatment for information submitted by DaimlerChrysler Corporation (DCC). The materials at issue supplement prior DCC responses to May and December 2006 agency information requests relating to the above matter. A separate certificate from one of DCC's suppliers -- Robert Bosch Corporation ("Bosch") -- was submitted with your request letter. The information for which you request confidential treatment is contained on a single CD-ROM ("EA06-003 Supplemental Response Feb. 7, 2007") and consists of two (2) Excel files ("CONFIDENTIAL - 9C.0009.9C03.xls" and "CONFIDENTIAL - 92.0105.9224B.xls") and 22 PDF files. DCC requests permanent confidential treatment for this information.

I have decided to grant your request.

The agency reviewed DCC's claim for confidential treatment under the test 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 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 submitted materials consist of two Excel spreadsheets ("CONFIDENTIAL - 9C.0009.9C03.xls" and "CONFIDENTIAL - 92.0105.9224B.xls") that contain detailed engineering specifications and related data on two calibrations used by DCC in certain Chrysler minivans. The PDF files consist of 21 "Calibration Review/Release" documents and a "Change Notice Worksheet". The review/release documents detail airbag performance results while the change notice worksheet details the changes made to the airbag system's occupant restraint controller's calibrations.

DCC explains that the type of testing described in the enclosures listed above reveal information about the processes that it and Bosch follow in remedying problems and evaluating and improving products. Disclosing this information, DCC contends, would enable competitors

to refine their own product evaluation, remediation, and improvement procedures without incurring the costs normally required for the independent development of these procedures. DCC further explains that these development and design information could provide competitors to develop, upgrade or improve their own testing protocols and design decisions while providing insight into DCC's operations. DCC adds that the data downloaded from its occupant restraint controller contains proprietary information related to how Bosch stores and retrieves data from the controller, which competitors can use to identify design strategies to improve their own products without the requisite investment of time and resources in developing their own code.

This information is not readily available to the public and is detailed in its presentation of the process followed by DCC to identify and resolve potential problems identified in its vehicles, and in the operation of the occupant restraint controller. I have determined that this information, if disclosed, is likely to cause DCC to suffer substantial competitive harm. Accordingly, I am granting your request as to the contents of the submitted CD-ROM

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

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