

NVS-212
J. Cooper
10/29/06

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

OCT 27 2006

Re: Request for Confidential Treatment/PE06-028

Dear Mr. Speth:

This responds to your October 3, 2006, letter requesting confidential treatment for information submitted by DaimlerChrysler Corporation (DCC) in response to the above agency information request. DCC identifies this information as a file marked "Change History" located in a folder labeled "Enclosure 7" contained on a single CD-ROM disk. DCC requests confidential treatment indefinitely.

DCC contends this information reveals design and manufacturing processes as well as DCC lead-time and operational capacity. DCC asserts that the release of this information would be likely to cause DCC substantial competitive harm.

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.

The document "Change History" reveals information about DCC design and manufacturing process changes. The release of this information would enable DCC's competitors to improve their own design and manufacturing processes and would be likely to cause substantial competitive harm to DCC.

Subject to the conditions below, this grant of confidential treatment will remain in effect indefinitely.

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-111(Transtecs)jj:10/24/06
NCC-113 Subj/Chron, jj, om, cyt NCC06-006378
NVS-212: Thomas Z. Cooper w/enclosure
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