

NVS-212
J. Cooper

CERTIFIED MAIL -- RETURN RECEIPT REQUESTED

FEB 20 2007

Stephan J. Speth
Director
Daimler Chrysler
800 Chrysler Drive
CIMS 482-00-01
Auburn Hills, MI 48326-2757

Re: Request for Confidential Treatment/PE06-046

Dear Mr. Speth:

This responds to your December 15, 2006, letter requesting confidential treatment for information submitted by DaimlerChrysler Corporation (DCC) on a single CD-ROM disk in response to an agency information request in the above-referenced investigation. DCC requests that the information within the folder marked "Enclosure 8" be accorded confidential treatment indefinitely.

DCC contends this information is confidential and proprietary business information. DCC asserts the release of this information would allow DCC's competitors to improve their own investigative capabilities and save them considerable time and money that DCC has spent in developing these procedures.

I have decided to grant your request in part and deny it in part.

I note first that this document contains potentially identifying information for consumers and owners of Daimler Chrysler vehicles. This potentially personally identifying information – the last six digits of any vehicle identification numbers ("VIN") will be accorded confidential treatment pursuant to Exemption 6 of FOIA, 5 U.S.C. § 552(b)(6).

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.

With the exception of the information discussed below, the information in Enclosure 8 contains product evaluation and testing information that, if released, would reveal DCC's product performance evaluation processes. The release of this information would be likely to cause DCC substantial competitive harm. Your request for confidential treatment of this information is granted.

Enclosure 8 contains a sub-folder entitled "DCC Documents." Several files within "DCC Documents" consist of collections of warranty repair information or field reports. These files are: Full QNAs 233030.pdf, QNAs for Rear Quarter Glass.pdf, QTR Glass Process TAP.pdf, rt8323av2430501.pdf, and WDSS Claims LOP 233030.xls. The foregoing documents do not reveal any particular analyses or form of data collection. Information within them is unremarkable and consists of data that vehicle manufacturers routinely collect and manipulate. DCC has not established how release of this information would be likely to cause the company to suffer competitive harm. Therefore, with the exception of personally identifying information as discussed above, DCC's request is denied for the foregoing files.

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

This partial 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)).

If you disagree with this partial determination, you may request reconsideration. If you seek reconsideration, your request must be addressed to NHTSA's Chief Counsel and filed within 20 working days after the receipt of this letter. Any such request should contain additional justification supporting your claims for confidential treatment consistent with 49 CFR Part 512 and applicable case law.

Sincerely,

Original Signed By

Otto G. Matheke, III
Senior Attorney

NHTSA:NCC-111(Transtecs)jj:02/12/07
NCC-113 Subj/Chron, jj, om, cyt **NCC06-007840**
Info: NVS-212 Thomas Cooper w/enclosure
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