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WASHINGTON, DC 20590

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June 5, 2008

Patrick M. Raher
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Via Federal Express

Mr. Anthony M. Cooke
Chief Counsel
National Highway Traffic Safety Administration
(NCC-111), Room W41-227
1200 New Jersey Avenue, S.E.
West Building
Washington, D.C. 20590

RE: Request for Confidentiality Concerning Mercedes-Benz's Response to Information Request in RQ08-002

Dear Mr. Cooke:

This letter requests confidential treatment under 49 C.F.R. Part 512 for an attachment to my June 5, 2008 letter, sent on behalf of Daimler AG and Mercedes-Benz USA, LLC ("Mercedes-Benz") to the National Highway Traffic Safety Administration's Office of Defects Investigation in response to an information request in RQ08-002.

Pursuant to 49 C.F.R. Part 512, this request attaches two complete versions of the letter to Mr. Jeffrey L. Quandt, and a single public version of the response with confidential Attachment 13 redacted. Attachment 13 is marked "CONFIDENTIAL" in accordance with 49 C.F.R. § 512.6(b). This attachment contains detailed engineering design drawings of the power steering hoses used in Mercedes-Benz M-Class vehicles.

Blueprints and engineering drawings containing process and production data are presumed by NHTSA to be confidential under Appendix B to Part 512 because of the high

likelihood that disclosure to the public would result in substantial competitive harm. The materials contained in Attachment 13 are thus subject to a class determination under Appendix B and are entitled to confidential treatment under 49 C.F.R. § 512.16.

Moreover, the materials in Attachment 13 are entitled to confidential treatment under National Parks and Conservation Association v. Morton, 498 F.2d 765 (D.C. Cir. 1974) because they are confidential commercial information, the release of which is likely to cause competitive harm. The National Parks basis for confidential treatment has been incorporated into the Agency's regulations at 49 C.F.R. § 512.3(c)(2)(i) (confidential commercial information). The drawings depict design and engineering specifications that are unique to Mercedes-Benz vehicles' power steering system. As such, the drawings represents proprietary and confidential business information. This information represents a significant investment in research and development, which would cause substantial competitive harm to Mercedes-Benz and its individual suppliers if disclosed to competitors. Because of the substantial competitive harm that would be caused, the Agency should protect the confidentiality of this information. Accordingly this information should be granted confidential treatment under the criteria at 49 C.F.R. § 512.15(b).

The information contained in Attachment 13 has not been publicly disclosed. Mercedes-Benz has taken measures to ensure that the information contained in the attachments have not been disclosed or otherwise made available to any persons outside of Mercedes-Benz, its parents, suppliers, and affiliates. Insofar as is known by Mercedes-Benz, this information is not known outside Mercedes-Benz, except by these related parties. The information has also been disclosed as necessary for the purpose of obtaining advice and assistance from counsel and other confidential advisers. Such disclosures do not compromise the confidential nature of the information because of the close business relationship between Mercedes-Benz and its parents and affiliates, nor does selective disclosure to advisers bound by obligations of confidentiality compromise such confidentiality.

We request that confidentiality be granted for Attachment 13 to the June 5, 2008 submission to NHTSA indefinitely, until such time as the information is no longer held confidential by the company, and would appreciate your notifying us of your decision when practicable.

Please note that because the design drawings were prepared for Mercedes-Benz by Eaton Fluid Power GmbH and Aeroquip (which is part of Eaton), we have included a certificate in support of confidentiality from Eaton as well as the certificate from Mercedes-Benz.

Mr. Anthony M. Cooke
June 5, 2008
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Thank you for your consideration of this request. Please forward your response to this request to my attention.

Sincerely,

A handwritten signature in cursive script, reading "Patrick M. Raher". The signature is written in dark ink and is positioned above the printed name.

Patrick M. Raher

Cc: Jeffrey L. Quandt

Attachments:

Two complete versions of submission (w/o production documents)

One redacted version of submission

Certificates in Support of Request for Confidentiality



Mercedes-Benz

Mercedes-Benz USA, LLC
A Daimler Company

**CERTIFICATE IN SUPPORT OF REQUEST
FOR CONFIDENTIALITY**

I, Gary H. Bowne, pursuant to the provisions of 49 CFR 512, state as follows:

(1) I am the Department Manager of Product Compliance, Analysis, Safety and Emissions for Mercedes-Benz USA, LLC (MBUSA), and I am authorized to execute documents on behalf of MBUSA.

(2) I certify that the information contained in the June 5, 2008 submission to NHTSA on behalf of MBUSA and Daimler AG concerning RQ08-002 contains confidential and proprietary data, and is being submitted with the claim that it is entitled to confidential treatment under 5 U.S.C. § 552 (b)(4);

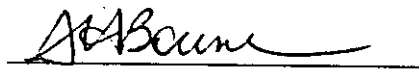
(3) I hereby request that the information contained in this presentation be protected indefinitely;

(4) This certification is based on the information provided by the responsible MBUSA personnel who have authority in the normal course of business to release the information for which a claim of confidentiality has been made to ascertain whether such information has ever previously been released outside MBUSA;

(5) Based upon that information, to the best of my knowledge, information and belief, the information for which MBUSA has claimed confidential treatment has never been released or become available outside MBUSA, except as hereinafter specified: portions of the information have been made available to our parent company, Daimler AG (previously DaimlerChryslerAG), and for the purpose of obtaining advice and assistance from counsel and other confidential advisers;

(6) I make no representations beyond those contained in this certificate and in particular, I make no representations as to whether this information may become available outside of MBUSA because of unauthorized or inadvertent disclosure, except as stated in Paragraph 5; and

(7) I certify under penalty of perjury that the foregoing is true and correct.
Executed on this the 5th day of June, 2008.



Gary H. Bowne



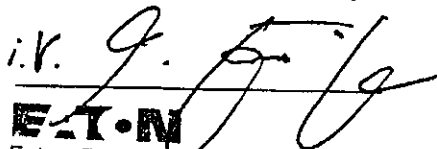
Mercedes-Benz - are registered trademarks of Daimler, Stuttgart, Germany

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Phone (201) 573-0600
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**CERTIFICATE IN SUPPORT OF REQUEST
FOR CONFIDENTIALITY**

I, Michael Zimpfer, pursuant to the provisions of 49 CFR 512, state as follows:

- (1) I am Global Account Manager Sales, and I am authorized to execute certificates on behalf of Eaton Fluid Power GmbH.
- (2) I certify that the information prepared by Eaton Fluid Power GmbH contained in the June 5, 2008 submittal to NHTSA re: RQ08-002 contain confidential and proprietary data, and is being submitted with the claim that it is entitled to confidential treatment under 5 U.S.C. § 552 (b)(4);
- (3) I hereby request that the information contained in this presentation be protected for indefinitely;
- (4) This certification is based on the information provided by the responsible Eaton Fluid Power GmbH personnel who have authority in the normal course of business to release the information for which a claim of confidentiality has been made to ascertain whether such information has ever previously been released outside Eaton Fluid Power GmbH
- (5) Based upon that information, to the best of my knowledge, information and belief, the information for which Eaton Fluid Power GmbH has claimed confidential treatment has never been released or become available outside Eaton Fluid Power GmbH; except that it has been provide to Daimler AG (previously DCAG) in the context of a supplier OEM relationship;
- (6) I make no representations beyond those contained in this certificate and in particular, I make no representations as to whether this information may become available outside Eaton Fluid Power GmbH because of unauthorized or inadvertent disclosure, except as stated in Paragraph 5; and
- (7) I certify under penalty of perjury that the foregoing is true and correct.
Executed on this the 4th day of June, 2008.

M. Zimpfer


EATON
Eaton Fluid Power GmbH
Dr.-Reckeweg-Straße 1 • D-76532 Baden-Baden