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July 27, 2010

Via Federal Express

Mr. O. Kevin Vincent
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 Presentation
Pursuant to PE 10-017

Dear Mr. Vincent:

This letter requests confidential treatment under 49 C.F.R. Part 512 for material contained in a presentation made by Daimler AG and Mercedes-Benz USA, LLC (Mercedes) to the National Highway Traffic Safety Administration's Office of Defects Investigation on July 15, 2010 in connection with PE 10-017.

Pursuant to 49 C.F.R. Part 512, this request attaches two complete versions of the presentation, and a single public version. The confidential version is marked "Confidential" on each page as required by 49 C.F.R. § 512.6.

The presentation is entitled to confidential treatment under *National Parks and Conservation Association v. Morton*, 498 F.2d 765 (D.C. Cir. 1974), because it is 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 presentation provides highly confidential information detailing important facts about the design and operation of the Mercedes airbag system, as well as engineering specifications that are unique to the Mercedes airbag system. The presentation also includes confidential information regarding Mercedes' internal investigations into issues related to the functioning of the system. In addition, the presentation provides engineering drawings of certain components of the Mercedes airbag wiring harness system. 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. These drawings are thus subject to a class determination under Appendix B.

The information in the presentation is proprietary and confidential business information, and represents a significant investment in research and development, which would cause substantial competitive harm to Mercedes 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 the presentation has not been publicly disclosed. Mercedes has taken measures to ensure that the information contained in the presentation has not been disclosed or otherwise made available to any persons outside of Mercedes, its parents, suppliers, and affiliates. Insofar as is known by Mercedes, this information is not known outside of the company, 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 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 indefinitely for the material contained in Mercedes' July 15 presentation to NHTSA, or until such time as the information is no longer held confidential by the company. We would appreciate your notifying us of your decision regarding this confidentiality request.

Thank you for your consideration of this request. Please forward your response to this request to my attention.

Sincerely,



Patrick M. Rahe

cc: D. Scott Yon

Attachments:

Two complete versions of presentation
One redacted version of presentation
Certificate in Support of Request for Confidentiality

**CERTIFICATE IN SUPPORT OF
REQUEST FOR CONFIDENTIALITY**

I, R. Thomas Brunner, pursuant to the provisions of 49 CFR Part 512, state as follows:

(1) I am the Department Manager of Vehicle Compliance and Analysis for Mercedes-Benz USA, LLC (MBUSA), and I am authorized by MBUSA and its parent company, Daimler Aktiengesellschaft (DAG) to execute documents on their behalf;

(2) I certify that the information marked confidential in the presentation regarding the driver front airbag cable, submitted by MBUSA on behalf of DAG to the Office of Chief Counsel in connection with PE 10-017, is confidential and proprietary data. It 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 marked confidential in the MBUSA submission be protected on an ongoing basis;

(4) This certification is based on the information provided by the responsible 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 been released outside MBUSA or DAG;

(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 of MBUSA, except as hereinafter specified: the information has been made available by and to our parent company DAG and portions of it may have been made available as necessary for the purpose of obtaining advice and assistance from counsel and other confidential advisers or in the course of confidential business relationships;

(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 or DAG 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 21 day of July 2010.


R. Thomas Brunner