



October 19, 2020

VIA ELECTRONIC TRANSFER

Jonathan C. Morrison
Chief Counsel
National Highway Traffic Safety Administration
1200 New Jersey Avenue, SE
Washington, D.C. 20590

**Re: Request for Confidential Treatment of Documents Submitted in Response to
NHTSA PE20-006**

Dear Mr. Morrison,

ZF submits this request for confidential treatment of information contained in the enclosed materials as confidential and competitively sensitive and requests that it be withheld from public disclosure under 49 CFR part 512 and Exemption 4 of the Freedom of Information Act (FOIA), 5 U.S.C. § 552(b)(4). These materials are being submitted pursuant to 49 CFR part 512 and instructions provided by NHTSA. Pursuant to 49 C.F.R. §512.6(b)(2) confidential pages of ZF's written response letter are so labeled and the portions of text containing confidential information have been marked with brackets '[]' at the beginning and end of the confidential text (and changed to blue font for ease of identification as some text spans multiple pages). Attachments to ZF's response are confidential in their entirety and have been labeled accordingly. ZF requests that the materials it has designated as confidential be protected from disclosure pursuant to 49 CFR § 512.15(b).

ZF submits the materials at NHTSA's request, in response to an information request in PE20-006. The materials contain confidential commercial information detailing strategies developed by ZF to inspect and analyze its products conducted in connection with an internal investigation, documents concerning ZF's design and engineering methodologies and analyses, and documents concerning ZF's confidential commercial relationships with its customers. ZF customarily keeps this information confidential and does not customarily release this information to the public, as it reveals competitive and commercially sensitive information. *See Food Marketing Institute v. Argus Leader Media*, 139 S.Ct. 2356, 2363 (2019); *see also Critical Mass Energy Project v. NRC, et al.*, 975 F.2d 871, 879 (D.C. Cir. 1992). Protection of this information will further promote cooperation between NHTSA and industry, particularly suppliers, to identify and investigate potential safety risks. *See id.* In addition, release of the submitted information would cause substantial harm to ZFs competitive position, as competitors could gain access to internal ZF plans, procedures, analyses and strategies. ZF submits this information to NHTSA under the agency's rules for confidential business information with the expectation that it will be kept confidential. ZF requests confidential treatment of the materials for an indefinite period of time.

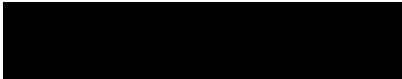
The specific information for which confidentiality is being requested is as follows:

- (1) Information designated as confidential in ZF's information request response
- (2) Attachment A – Production Data
- (3) Attachment B – Complaints, Reports, Claims
- (4) Attachment C – Warranty Claim Data
- (5) Attachment D1 – Engineering Documents
- (6) Attachment D2- Engineering Test Reports
- (7) Attachment E – Part History Overview

These materials are marked "CONFIDENTIAL BUSINESS INFORMATION" as required by 49 C.F.R. § 512.6.

Please contact me with any questions.

Sincerely,

A solid black rectangular box used to redact the signature of Janet L. Conigliaro.

Janet L. Conigliaro
ZF Group
Legal Regulatory Counsel

Enclosures: 1 copy of complete submission marked confidential
1 copy of complete submission, with public redactions applied
ZF Certificate in Support of Request for Confidential Treatment
Daimler Trucks North America and Freudenberg Certificates in Support of Request for Confidential Treatment

**CERTIFICATE IN SUPPORT OF
REQUEST FOR CONFIDENTIALITY**

I, Larry Martin Bowling, Jr., pursuant to the provisions of 49 CFR Part 512, state as follows:

(1) I am Larry Martin Bowling, Jr., Reliability/Warranty Manager Commercial Vehicle Technology for ZF, and I am authorized to execute documents on its behalf;

(2) I certify that the information marked confidential and contained in the attached documents is 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). The documents contain confidential data and analysis that is being provided voluntarily and is not customarily released to the public by ZF;

(3) I hereby request that the information marked confidential be protected on an ongoing basis;

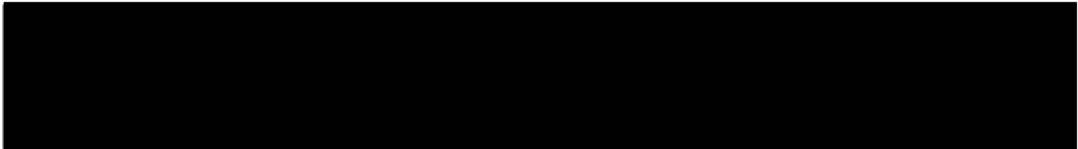
(4) This certification is based on the information provided by the responsible ZF personnel who have authority in the normal course of business to release the information for which a claim of confidentiality has been made to ascertain whether such information has ever been released outside ZF;

(5) Based upon that information, and to the best of my knowledge, information and belief, the information for which ZF has claimed confidential treatment has never been released or become available outside of ZF, except 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 ZF 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 16th day of October, 2020.



Larry Martin Bowling, Jr.
ZF, Reliability/Warranty Manager Commercial Vehicle Technology

CERTIFICATE IN SUPPORT OF REQUEST FOR CONFIDENTIALITY

I, Aaron Nelson pursuant to the provisions of 49 C.F.R. § 512, state as follows:

- (1) I am the Chassis Engineering Manager for Steering and Front Axles at Daimler Trucks North America (DTNA) and am authorized to execute this certificate on its behalf;
- (2) I certify that the Confidential Information, that will be submitted by ZF in response to NHTSA inquiry PE20-006, was supplied to ZF by DTNA (the "**Supplier Confidential Information**") is confidential and proprietary data and is entitled to confidential treatment under 5 U.S.C. 552(b)(4) and 49 C.F.R. § 512 that is not customarily released to the public by DTNA;
- (3) I hereby request that the information marked confidential be protected on an on-going basis;
- (4) This certification is based on information known to me or provided to me by the responsible DTNA 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 DTNA;
- (5) Based on that information, to the best of my knowledge, information, and belief, the Supplier Confidential Information for which DTNA has claimed confidential treatment has never been released or made available outside of DTNA except in the course of confidential business relationship, or as required by law;
- (6) I make no representations beyond those contained in this certificate and, in particular, I make no representations as to whether the Supplier Confidential Information may become available outside of DTNA because of unauthorized or inadvertent disclosures; and
- (7) I certify under penalty of perjury that the foregoing is true and correct.

Executed on October 16, 2020.

Aaron Nelson

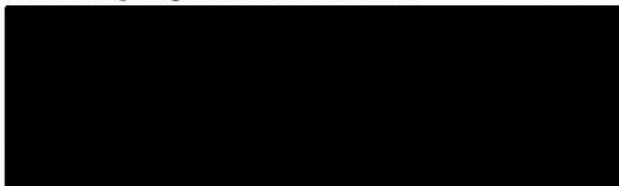
For NHTSA Action No. PE20-006:

CERTIFICATE IN SUPPORT OF REQUEST FOR CONFIDENTIALITY

I, David Sakata, pursuant to the provisions of 49 C.F.R. § 512, state as follows:

- (1) I am the Vice President, Product Warranty and Lean Product Engineering, at Freudenberg-NOK General Partnership and am authorized to execute this certificate on its behalf;
- (2) I certify that the Confidential Information of Freudenberg-NOK General Partnership, that will be submitted by ZF in response to NHTSA inquiry PE20-006, was supplied to ZF by Freudenberg-NOK General Partnership (the "Supplier Confidential Information") is confidential and proprietary data and is entitled to confidential treatment under 5 U.S.C. 552(b)(4) and 49 C.F.R. § 512 that is not customarily released to the public by Freudenberg-NOK General Partnership;
- (3) I hereby request that the information marked confidential be protected on an on-going basis;
- (4) This certification is based on information known to me or provided to me by the responsible Freudenberg-NOK General Partnership 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 Freudenberg-NOK General Partnership;
- (5) Based on that information, to the best of my knowledge, information, and belief, the Supplier Confidential Information for which Freudenberg-NOK General Partnership has claimed confidential treatment has never been released or made available outside of Freudenberg-NOK General Partnership except in the course of confidential business relationship, or as required by law;
- (6) I make no representations beyond those contained in this certificate and, in particular, I make no representations as to whether the Supplier Confidential Information may become available outside of Freudenberg-NOK General Partnership because of unauthorized or inadvertent disclosures; and
- (7) I certify under penalty of perjury that the foregoing is true and correct.

Executed on **October 16, 2020**.



David Sakata