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August 16, 2024

VIA U.S. DOT's SLFTS

Adam Raviv
Chief Counsel
National Highway Traffic Safety Administration
W41-227
1200 New Jersey Avenue, SE
Washington, DC 20590

Re: Request for Confidential Treatment – Robert Bosch LLC Supplemental
Response to March 28, 2024 Information Request – EA23-001

Dear Mr. Raviv:

This letter serves as the request for confidential treatment by Robert Bosch LLC (Bosch LLC) with respect to the enclosed documents, which are being submitted to supplement its June 14, 2024 response to the Agency's March 28, 2024 information request in the above-referenced investigation. A copy of Bosch's letter requesting confidential for its June 14th response is enclosed for your reference.

In accordance with 49 CFR 512.5, Bosch is submitting the enclosed supplemental information with the filenames and, where possible, contents of confidential files marked "CONFIDENTIAL BUSINESS INFORMATION." The files contain detailed production and sales information, customer information, and costs for certain CP4 fuel-pump variants manufactured by Bosch. Also enclosed is a Certificate in Support of Confidentiality from Bosch. Because Bosch is submitting this information via the U.S. Department of Transportation's secure FPT – "Secure Large File Transfer Solution" (SLFTS) – the request includes a single copy of the confidential file.

As set forth below, Bosch requests confidential treatment for the enclosed materials on the grounds that they contain trade secrets and/or confidential, proprietary information that is closely held by Bosch and would likely subject Bosch to substantial competitive harm if disclosed. *See* 49 CFR 512.3(c)(1) and (2); *Food Marketing Institute v. Argus Leader Media*, 139 S. Ct. 2356, 2364 (2019) (FOIA Exemption 4 protects information that "is customarily kept private, or at least closely held, by the person imparting it"); *National Parks & Conservation Ass'n v. Morton*, 498 F.2d 765, 770 (D.C. Cir. 1974) ("commercial or financial matter is 'confidential' . . . if disclosure of the information is likely to . . . cause substantial

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harm to the competitive position of the person from whom the information was obtained.”); *Public Citizen Health Research Group v. FDA*, 704 F.2d 1280, 1288 (D.C. Cir. 1983) (a trade secret is a “secret, commercially valuable plan, formula, process or device that is used for the making, preparing, compounding, or processing of trade commodities and that can be said to be the end product of either innovation or substantial effort”); *Center for Auto Safety v. Nat’l Hwy. Traffic Safety Admin.*, 93 F. Supp. 2d 1, 16 (D.D.C. 2000), *remanded for further proceedings*, 244 F.3d 144 (D.C. Cir. 2001) (air bag specifications representing “years of research and development and enormous financial investment” not subject to FOIA disclosure); see also *Renewable Fuels Ass’n v. U.S. Eenvtl. Prot. Agency*, 519 F. Supp. 3d 1 (D.D.C. 2021) and *Naumes v. Dep’t of the Army*, No. 21-1670, 2022 WL 17752206 (D.D.C. Dec. 19, 2022).

Specifically, Bosch is seeking confidential treatment for the contents of the files “Bosch - Supplemental CP4 Variant Details_CONF BUS INFO.xlsx,” “Bosch - CP4 IAM Sales Data_CONF BUS INFO.xlsx,” and “Bosch - CP4 IAM Cross Reference Table_CONF BUS INFO.xlsx.” These files contain detailed descriptions components supplied to Bosch’s customers, including part numbers, subcomponent information, geometric characteristics, production and sales volumes, and detailed customer information. Bosch also seeks confidential treatment for the file “Bosch - CP4 IAM Warranty Data_CONF BUS INFO.xlsx,” which includes detailed warranty numbers, customer names, and costs. Bosch closely guard against public disclosure of such information, and it is “customarily kept private” and “closely held” by Bosch. *See Food Marketing Institute v. Argus Leader Media*, *supra*. Disclosure of this information would provide a treasure trove of closely held information regarding product production capacities, customer information, and market share, which would permit its competitors to develop their own competing products and programs without incurring the substantial investment that would otherwise be required. Thus, substantial competitive harm to Bosch is a reasonably foreseeable consequence of public disclosure. Accordingly, Bosch requests that this information be granted confidential treatment indefinitely.

Please contact me if you have any questions.

Sincerely,

R. Nicholas Englund

Enclosures

cc: Daniel Pinero-Espinoza (NHTSA ODI)
Daniel Rabinovitz (NHTSA NCC)
Christopher H. Grigorian (Foley & Lardner)

Certificate in Support of Request for Confidentiality

I, Ravi Rao, pursuant to the provisions of 49 C.F.R. Part 512, state as follows:

(1) I am Vice President of Quality for Powertrain Solutions, Robert Bosch LLC and Robert Bosch GmbH, (collectively “Bosch”), and I am authorized to execute this certificate on behalf of Bosch.

(2) I certify that the information accompanying this confidential treatment request is confidential and proprietary 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 be protected indefinitely.

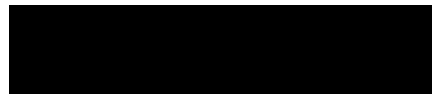
(4) This certification is based on the information provided by the responsible Bosch personnel who have authority in the normal course of business to release the information for which a claim of confidentiality has been made to ascertain whether such information has ever been released outside Bosch

(5) Based upon that information, to the best of my knowledge, information and belief, Bosch does not customarily release this information to the public. Further, the information for which confidential treatment is being sought has never been released or become available outside Bosch, with exception of being shared within the scope of confidential supplier 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 Bosch because of unauthorized or inadvertent disclosure (except as stated in paragraph 5).

(7) I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 16th day of August, 2024



Ravi Rao
Vice President of Quality for
Powertrain Solutions
Robert Bosch LLC