

NOV 19 2008

Jerry L. Johnson
Assistant General Counsel
Robert Bosch Corporation
38000 Hills Tech Drive
Farmington Hills, MI 48331

Re: Request for Confidential Treatment/EA07-016

Dear Mr. Johnson:

This responds to your July 8, 2008, letter requesting confidential treatment for Robert Bosch Corporation (Bosch) information submitted to the agency regarding the above-referenced investigation. You request confidential treatment for five Microsoft Excel files—"Plant City Kissimmee to Shop 3-11-08", "Plant City Kissimmee to Shop 3-12-08", "Plant City Shop to Kissimmee 3-11-08", "Plant City Shop to Kissimmee 3-12-08", and "Shop to Kissimmee 3-11-08 Part B"—in their entirety, indefinitely.

Bosch's request states, among other things, that the information in the five files was submitted voluntarily and, as information that Bosch does not customarily release to the public, is entitled to confidential treatment. Bosch requests confidential treatment for these materials without a time limitation.

I have decided to grant your request.

The information provided by Bosch was not submitted in response to any formal agency request or other legal requirement. Therefore, I have determined that Bosch provided this information voluntarily and reviewed your request under the principles set forth in *Critical Mass Energy Project v. Nuclear Regulatory Comm'n*, 975 F.2d 871 (D.C. Cir. 1992). Under the test set forth in *Critical Mass*, financial or commercial information provided to the government on a voluntary basis is "confidential" for purposes of FOIA Exemption 4 if it is the kind of information that would customarily not be released to the public by the submitter.

Your request indicates that the information in the five files is information that Bosch would not customarily release to the public. As a result, I am granting Bosch's request for confidential treatment to the information contained in five Microsoft Excel files.

This 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)).

Sincerely,

Original Signed By

Otto G. Matheke, III
Senior Attorney

