

October 16, 2003

Jacqueline Glassman, Esq.
Office of Chief Counsel
National Highway Traffic Safety Administration
400 Seventh Street S.W.
Room 5219
Washington, D.C. 20590

Re: Request for Confidential Treatment - EA03013

Dear Ms. Glassman:

Siemens VDO Automotive Inc. ("Siemens") is voluntarily submitting the enclosed documents at the request of Volkswagen of America, Inc. ("VW") in connection with the above-referenced Engineering Analysis and the Information Request issued to VW by the Office of Defects Investigation on September 2, 2003. Siemens is a supplier of engine cooling motors and fans to VW. Siemens requests that these documents be granted confidential treatment pursuant to 49 C.F.R. Part 512 and Exemption 4 of the Freedom of Information Act, 5 U.S.C. § 552(b)(4).

The following documents or portions thereof are the subject of this request:

- Laboratory Report (German, with English translation). Appendix 1.A. (57 pages). Siemens seeks confidential treatment for the entire document (both versions), which contains confidential and proprietary information related to Siemens testing and quality control processes.
- Supplier Letter, dated July 9, 2003. Appendix 1.B. (2 pages). Siemens seeks confidential treatment for the bracketed portions of this document to prevent disclosure of the identity of Siemens' supplier.
- Supplier Letter, dated July 17, 2003. Appendix 1.C. (1 page). Siemens seeks confidential treatment for the bracketed portions of this document to prevent public disclosure of the identity of Siemens' supplier.

Unredacted copies of these documents are included at Appendix 1. Proposed public versions of these documents are included at Appendix 2. A Certificate in Support of Confidentiality is included at Appendix 3. Confidential treatment is sought on the grounds that (i) these documents were voluntarily submitted and they are not the kind of information that Siemens customarily discloses to the public (49 C.F.R. § 512.15(d)); (ii) these documents contain confidential, commercial information that is likely to cause substantial harm to Siemens' competitive position if disclosed (49 C.F.R. § 512.15(b)); and (iii) the laboratory report (Appendix 1.A.) contains Siemens trade secrets related to testing methodologies and quality control processes (49 C.F.R. § 512.15(a)).

Siemens VDO Automotive Inc.

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First, the documents (or bracketed portions thereof) should be protected from disclosure pursuant to 49 C.F.R. § 512.15(d), because Siemens is submitting these documents voluntarily and Siemens does not customarily disclose such information publicly. The attached Certificate establishes that Siemens does not customarily disclose to the public the kind of information contained in these documents. Siemens and customer employees are advised of their responsibility to keep such information confidential. Accordingly, the information should be granted confidential treatment pursuant to § 512.15(d).

Second, these documents should be protected from FOIA disclosure because they contain confidential, commercial information the disclosure of which would be likely to cause substantial harm to Siemens' competitive position. See 49 C.F.R. § 512.15(b). The laboratory report contained in Appendix 1.A. contains detailed information relating to Siemens' proprietary test methodologies and quality control processes. This report also reveals various specifications and other characteristics of the fan components that are the subject of the report. Disclosure of this information to Siemens' competitors would likely cause substantial harm to Siemens' competitive position because, *inter alia*, it would provide competitors with the evaluation methods used by Siemens to address quality and performance issues. Such information would be extremely valuable to Siemens' competitors in their efforts to develop their own cooling fan assemblies and components by eliminating or significantly reducing their investment of time and resources in bringing competing products to market. The bracketed portions of the documents contained in Appendix 1.B. and 1.C., should be treated confidentially because they reveal the identities of Siemens' suppliers of cooling fan components. Siemens maintains this supplier information confidentially, and disclosure of this information would cause harm to Siemens' competitive position.

Third, the laboratory report contained in Appendix 1.A. should also be protected as a trade secret because it reveals Siemens' proprietary testing methodologies and quality control processes. 49 C.F.R. § 512.5(e)(1).

For the foregoing reasons, the subject documents should be granted confidential treatment. If a request for disclosure of any or all of this information is received by NHTSA, Siemens respectfully requests notification of receipt of each such request and, if necessary, an opportunity to further explain the reasons why such materials are trade secrets or commercial information.

Please feel free to contact me at (519) 880-5542 if you have any additional questions, or if we can provide you with any additional information regarding this request.

Respectfully submitted,



Ariens B. Alvarez
Counsel
On behalf of Siemens VDO Automotive Inc.