

CERTIFIED MAIL -- RETURN RECEIPT REQUESTED

Stephan J. Speth, Director
Vehicle Compliance & Safety Affairs
Chrysler Corporation
800 Chrysler Drive
CIMS 482-00-91
Auburn Hills, MI 48326-2757

Re: Request for Reconsideration/PE 07-052

Dear Mr. Speth:

This letter responds to Chrysler Corporation's (Chrysler) March 12, 2008, request for reconsideration of a February 27, 2008, agency decision denying confidential treatment for certain documents submitted in response to an agency information request. The information is contained on two identical CD-ROM disks identified as "PE07-052". Chrysler requests permanent confidential treatment.

By a letter dated February 27, 2008, Mr. Otto Matheke partially denied Chrysler's original request. Mr. Matheke found that Chrysler had not properly identified a number of documents (found in Enclosure 11) as required by 49 C.F.R. § 512.6(c)(2). Chrysler's request for reconsideration resubmits these documents (computer generated drawings of parts) with the proper labels. Chrysler's request for this data may now be substantively evaluated.

Mr. Matheke's February 27, 2008, partial denial also rejected Chrysler's request for confidential treatment for drawings contained in Advance Manufacturing Planning System (AMPS) documents. These documents consist of drawings of components and subsystems that are accompanied by notations relating to manufacturing operations. Because the drawings of the AMPS documents were simple depictions of subassemblies similar to those found in service manuals, Mr. Matheke denied confidential treatment for the drawings. However, his determination granted confidential treatment for the substantive, written materials and annotations on the AMPS documents.

Chrysler's reconsideration request contends that the now properly labeled drawings in Enclosure 11 are design drawings containing engineering specifications for vehicle components and they show the exact location of components in relation to surrounding components. In Chrysler's view, these drawings could be used by competitors to improve their own designs at Chrysler's expense, thereby causing competitive harm.

Chrysler contends that three documents in Enclosures 9 and 10 are the AMPS drawings showing the design information. The company also asserts that the accompanying notations and written material on the AMPS documents contains important manufacturing process information whose disclosure would aid its competitors.

Chrysler's request for reconsideration is denied.

Because Chrysler was required to submit this information, your request for reconsideration is subject to the standard set forth in *National Parks & Conservation Ass'n v. Morton*, 498 F.2d 765 (D.C. Cir. 1974), and its progeny. Under that test, information is confidential under Exemption 4 of the Freedom of Information Act if its disclosure would be likely to cause substantial competitive harm to the submitter or otherwise impair the government's ability to collect the information in the future.

The drawings contained in Enclosure 11 are computer generated depictions of the engine and power steering system of a production vehicle. These depictions simply show views of a production vehicle's engine, parts in the power steering system and part of the body frame. The public may view the locations of the components, which are well known. For example, mechanics who work on vehicles that include the engines and steering systems depicted in Enclosure 11, can see the parts and their locations. The depictions can not fairly be described as design drawings. They do not reveal dimensions, material specifications, design calculations, performance requirements or manufacturing processes. In short, these drawings simply show views of a production vehicle's engine and body frame that are equivalent to those found in service publications or may be gleaned from an inspection of an actual vehicle. One can obtain a used engine or can purchase replacement steering system parts from a Chrysler dealer for a modest price and obtain far more detailed information than in these depictions. Moreover, Chrysler has not provided a satisfactory justification as to why the release of these drawings would cause competitive harm; instead, it simply asserts, in a conclusory fashion and without support that with this information a competitor could improve its own design without incurring additional costs. In view of the nature of the information in Enclosure 11, the availability of more detailed information in the public arena at modest cost and the conclusory and inadequate justification by Chrysler, I am denying Chrysler's petition as to these documents.

I am also denying Chrysler's request that I modify Mr. Matheke's determination regarding the following AMPS materials found in enclosures 9 and 10:

- 3.8L Power Steering Overview AMPS.pdf (Bates pg. PE07-052-Chrysler-0009-10) – 2 pages
- Power Steering Fill AMPS.pdf (Bates pg. PE07-052-Chrysler-0011-12) – 2 pages

- Secure PS Lines to Gear 4.0L AMPS.pdf (Bates pg. PE07-052-Chrysler-0211-0213) – 3 pages
- Secure PS Lines to Gear 4.0L (Bates pg. PE07-052-Chrysler-0219-0221) – 3 pages

Mr. Matheke's denial of Chrysler's request for confidential treatment applied to only the drawings in the AMPS documents from Enclosures 9 and 10, listed above. In the case of the document which contained only drawings and the words "overview ref.," (3.8L Power Steering Overview AMPS.pdf" file - Bates pg. #PE07-052 -Chrysler-0009-10), this amounted to a denial for the entire document. The drawings in the AMPS sheets from Enclosures 9 and 10, listed above, variously depict an engine and power steering system in a manner similar to the Enclosure 11 documents, discussed above. These drawings do not show dimensions, materials, specifications, or details of manufacturing. The reasoning applied to Enclosure 11, above, applies here as well. I note that Mr. Matheke granted confidential treatment to the information in text and notations of the AMPS process sheets. Mr. Matheke's determination adequately addresses Chrysler's concerns regarding release of the information involving production processes in the AMPS sheets. Therefore, Chrysler's request for reconsideration regarding the figures on pages PE07-052-Chrysler-009, -0011, -0211 and -0219 is denied and those figures, to the extent that they depict engines and power steering systems, will be released. Chrysler's request for confidentiality regarding the surrounding text is granted and that text will be withheld from the public domain.¹ However, the words "overview ref." on page PE07-052-Chrysler-0010 will be released.

Chrysler's request for reconsideration has been delegated to the undersigned for decision. My decision is administratively final and no further administrative reconsideration or appeal is available. The documents identified above for which confidential treatment has been denied are subject to public disclosure within twenty (20) working days after receipt of this letter.

Sincerely yours,

Lloyd S. Guerci
Assistant Chief Counsel
Litigation and Enforcement Division

¹ In a supplement to its reconsideration request, Chrysler has provided redacted AMPS sheets with the notations and text removed. These sheets will be released.

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cc: Cynthia Glass, ODI
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