

Stephan J. Speth, Director
Chrysler LLC
800 Chrysler Drive
CIMS 482-00-91
Auburn Hills, MI 48326-2757

JAN 27 2009

Re: Request for Confidential Treatment/PE08-047

Dear Mr. Speth:

This responds to your September 12, 2008, request for confidential treatment for information Chrysler LLC ("Chrysler") submitted in response to a National Highway Traffic Safety Administration ("NHTSA" or "Agency") information request in the above investigation. Chrysler requests confidential treatment for the data in Enclosure 7 and Enclosure 8 on the CD-ROM entitled "PE08-047 Sept. 12, 2008 Confidential Business Information Chrysler". The data in the foregoing enclosures consists of test reports, material analyses and production changes performed by Chrysler. You request permanent confidential treatment for this information.

Your request is granted.

I note first that your submission contains potentially identifying personal information for consumers. This potentially personally identifying information, name, address, telephone number and the last six digits of any vehicle identification numbers ("VIN") will be accorded confidential treatment pursuant to Exemption 6 of FOIA, 5 U.S.C. § 552(b)(6).

I reviewed Chrysler's claim for confidential treatment under the test applied 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, 5 U.S.C. § 552(b)(4), if its disclosure would be likely to cause substantial competitive harm to the submitter or to impair the government's ability to collect the information in the future.

You contend that the confidential material in Enclosures 7 and 8 consist of documents that reveal how Chrysler evaluates and tests its products and makes changes to these products to improve performance. Chrysler contends disclosure of this information would be likely to cause substantial competitive harm because competitors

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could develop and upgrade their own testing protocols, improve design decisions, and gain insights into Chrysler's operational capacities without incurring the costs of independent development. Although I do not agree with each individual assertion that Chrysler makes in support of its request, I find that release of the information contained in Enclosures 7 and 8 would be likely to cause Chrysler substantial competitive harm.

This grant of confidential treatment will remain in effect permanently. The information may be disclosed under 49 C.F.R. § 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 C.F.R. § 512.10). If necessary, you will be notified prior to the release of any information under procedures established by our regulations (49 C.F.R. § 512.22(b)).

Sincerely,

Original Signed By
Otto G. Matheke, III
Senior Attorney

