

David D. Dillon, Sr. Manager  
Product Investigations & Campaigns  
Chrysler Group LLC  
800 Chrysler Drive  
CIMS 482-00-91  
Auburn Hills, MI 48326-2757

MAY - 3 2010

Re: Request for Reconsideration / Confidentiality of information submitted in  
RQ09-003

Dear Mr. Dillon:

This responds to your December 4, 2009 letter requesting reconsideration of our November 19, 2009 partial denial of the September 3, 2009 request for confidential treatment submitted by Chrysler Group LLC (Chrysler). Chrysler requested confidential treatment for, among other things, a document contained in Enclosure 8E – SHAININ BLACKBELT STUDY. NHTSA denied Chrysler's request with respect to this document because it appeared to originate from a third party for which Chrysler did not submit a Part 512 certification.

You now request that NHTSA reconsider its earlier denial of confidential treatment for this document. You assert that Chrysler "was not required to submit a certification from Shainin LLC because, although the study used a methodology developed by Shainin, the study was commissioned and conducted solely by Chrysler engineers without the participation of Shainin LLC personnel."

Materials or data generated by, or under the control of, parties other than the submitter must be accompanied by a certification from that entity. *See* 49 CFR 512.9. Since Chrysler now represents that this material was commissioned and generated solely by Chrysler personnel, such third-party certification is not necessary. Accordingly, we have proceeded to review the substance of your request for confidential treatment for this document.

You request confidential treatment for this material on the grounds that disclosure of this information would reveal how Chrysler evaluates products, investigates and analyzes issues, and reports the results, as well as the specific analytic processes and

detailed product testing methodologies used by Chrysler. You assert that release of this material would be likely to cause substantial harm to Chrysler's competitive position, and request that it be afforded permanent confidential treatment.

I am granting your request.

Chrysler submitted this report in response to an agency information request. Since Chrysler was required to submit this information, your claim for confidential treatment was reviewed under the test set forth in *National Parks & Conservation Ass'n v. Morton*, 498 F.2d 765 (D.C. Cir. 1974) and its progeny. Under the *National Parks* decision, information concerning a commercial or financial matter may be withheld under Exemption 4 of the Freedom of Information Act if disclosure of the information would be likely either to cause substantial harm to the competitive position of the submitter, or to impair the Government's ability to obtain necessary information in the future. *Id.* at 770.

I have reviewed your submission, including the materials that you claim are entitled to confidential treatment and the arguments that you assert in support of your claim. Examination of this material indicates that release of the information therein would be likely to cause Chrysler to suffer substantial competitive harm. Accordingly, I am granting your request for confidential treatment.

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**

O. Kevin Vincent  
Chief Counsel

