

JUL 20 2012

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

Re: Confidentiality Determination/PE11-035/EA12-001 Draft Test Results,  
Presentation

Dear Mr. Dillon:

This responds to your March 9, 2012 request for confidential treatment for Chrysler Group LLC (Chrysler) presentation material voluntarily submitted at the request of Scott Yon of the National Highway Traffic Safety Administration's (NHTSA) Office of Defects Investigation. Specifically, Chrysler requests confidential treatment for the information contained on a single CD-ROM disk entitled "PE11-035 Draft Test Results 022412 BMS v3.pdf" with each slide marked as "Entire Page Confidential Business Information" regarding the ongoing PE11-035/EA12-001 investigation. Chrysler requests that this information be granted confidential treatment permanently.

I have decided to grant your request.

Chrysler provided this information voluntarily and was not required to submit this information under 49 U.S.C. § 30166 or other authority. Accordingly, I have 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 Exemption 4 of the Freedom of Information Act if it is the kind of information that would customarily not be released to the public by the submitter. Your letter and certificate indicates that the data contained in your response is data that Chrysler has never released or become available outside Chrysler, except as specified. I am according confidential treatment to the presentation information contained in your submission.

Subject to the conditions below, this grant of confidential treatment will remain in effect indefinitely.

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





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David D. Dillon  
Sr. Manager  
Product Investigations & Campaigns

OFFICE OF CHIEF  
COUNSEL

March 9, 2012

Mr. O. Kevin Vincent  
Chief Counsel  
National Highway Traffic Safety Administration  
1200 New Jersey Ave., SE, Room W41-227  
Washington, DC 20590

Re: Request for Confidential Treatment of Business Information Submitted

Dear Mr. Vincent:

Chrysler Group LLC ("Chrysler") is voluntarily submitting a copy of a presentation entitled, "PE11-035 Draft Test Results 022412 BMS v3.pdf." A request for a copy of this information was made in an email, dated February 8, 2012, from Mr. Scott Yon to Mr. David D. Dillon of Chrysler in connection with the ongoing PE11-035 investigation. Based on a careful review of the submission, Chrysler has determined that some of the information in the submission is confidential and should be accorded confidential treatment under this agency's regulations at 49 C.F.R. Part 512 and Exemption 4 of the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552(b)(4).<sup>1</sup> Therefore, Chrysler is submitting the enclosed CDs together with this request for confidential treatment to the Office of Chief Counsel.

The information required by Part 512 is set forth below.

**A. Description of the Information (49 C.F.R. § 512.8(a))**

The business information for which confidential treatment is being sought is contained in a single pdf document, entitled "PE11-035 Draft Test Results 022412 BMS v3.pdf," which provides analysis and assessments. (Bates page # PE11-035/EA12-001 – Chrysler Group LLC – 01 - 12). Each of these slides is marked "Entire Page Confidential Business Information."

<sup>1</sup> Chrysler has taken steps to assure that the CDs are free of any errors or defects that would prevent NHTSA from opening the files on the discs. If, however, the agency is unable to open the files, Chrysler respectfully requests that the agency inform Chrysler of the issue, so that Chrysler may take steps to supply NHTSA's Office of Chief Counsel with a disc that is fully functional.