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OFFICE OF CHIEF
COUNSEL

David D. Dillon
Sr. Manager
Product Investigations & Campaigns

December 9, 2011

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
for EA11-003 Peer Review

Dear Mr. Vincent:

Chrysler Group LLC ("Chrysler Group") is submitting information to the NHTSA Office of Defects Investigation ("ODI") in connection with the above referenced investigation, which concerns certain vehicles manufactured by Volkswagen and Audi. Chrysler Group is submitting the information in response to a request for "peer vehicle" information from Chrysler Group. This request was made in a letter, dated September 7, 2011, from Mr. Frank Borris, Director of the Office of Defects Investigation, Enforcement, to Mr. David D. Dillon of Chrysler Group. Based on a careful review of the submission, Chrysler Group 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). Therefore, Chrysler Group is submitting the enclosed CDs together with this request for confidential treatment to the Office of Chief Counsel.¹

¹ Chrysler Group 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 Group respectfully requests that the agency inform Chrysler Group of the issue, so that Chrysler Group may take steps to supply NHTSA's Office of Chief Counsel with a disc that is fully functional.

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

The business information for which confidential treatment is being sought is listed below:

- Enclosure 3 consists of an Access database which contains customer complaint information. (Chrysler Group has not been able to Bates stamp the Microsoft Access document).
- Enclosure 4 contains a pdf file providing the confidential version of customer complaint narratives. (Bates page # EA11-003 Peer – Chrysler-001-009, EA11-003 Peer – Chrysler-012-053, with partial confidential business information claimed for Bates page # EA11-003 Peer – Chrysler-010 and 054).(The information for which confidential treatment is being sought is contained in the yellow-lined box).
- Enclosure 6 provides an Access database for misfuelling customer complaint data. (Chrysler Group has not been able to Bates stamp the Microsoft Access document).
- Enclosure 7 contains a pdf file providing customer complaint narratives. (Bates page # EA11-003 Peer – Chrysler-055-106).
- Enclosure 8 consists of an Access database with the subject peer vehicle warranty data. (Chrysler Group has not been able to Bates stamp the Microsoft Access document).
- Enclosure 9 is comprised of extended warranty/service contract volume data (Bates Page # EA11-003 Peer – Chrysler-107).
- Enclosure 13 includes parts sales information. (Bates Page # EA11-003 Peer – Chrysler-108-109).
- Enclosure 16 consists of analysis of returned field parts. (Bates Page # EA11-003 Peer – Chrysler-110).
- Enclosure 17 contains five pdf documents of the material standards for the subject peer vehicles. (Bates page # EA11-003 Peer – Chrysler-111-124).
- Enclosure 19 provides the warranty rates for both the United States and Canada. (Bates Page # EA11-003 Peer – Chrysler-125).

The table attached to this letter identifies the documents, their location, and Bates page numbers.

B. Confidentiality Standard (49 C.F.R. § 512.8(b))

NHTSA treats “peer vehicle” submissions as voluntary. Accordingly, this submission is subject to the voluntary submission standard set forth in 49 C.F.R. § 512.15(d).

C. Justification for Confidential Treatment (49 C.F.R. § 512.8(c))

This agency has a long-established practice of treating “peer vehicle” submissions as voluntary. Under FOIA Exemption 4 and this agency’s regulations, voluntarily-submitted

information is exempt from disclosure if it is the kind of information that the submitter does not customarily disclose to the public.

Chrysler Group does not customarily disclose to the public information like that for which it is seeking confidential treatment, and Chrysler Group takes steps to prevent its dissemination outside the company.

Even if this information were subject to the substantial-competitive-harm standard, much of it would qualify for confidential treatment. Thus, NHTSA has consistently accorded confidential treatment under that standard to engineering standards and related information, extended sales contract information, part sales information, and manufacturing process information.

D. Class Determination (49 C.F.R. § 512.8(d))

The information is not subject to a Class Determination.

E. Duration for Which Confidential Treatment is Sought (49 C.F.R. § 512.8(e))

Because Chrysler Group anticipates that it will never adopt a custom of disclosing this kind of information, Chrysler Group requests that the information be accorded confidential treatment permanently.

F. Contact Information (49 C.F.R. § 512.8(f))

Please direct all inquiries and responses to the undersigned at:

800 Chrysler Drive, CIMS 482-00-91
Auburn Hills, MI 48326
248-512-0087
dd28@chrysler.com

If you receive a request for disclosure of the information for which confidential treatment is being sought before you have completed your review of our request, Chrysler respectfully requests notification of the request(s) and an opportunity to provide further justification for the confidential treatment of this information, if warranted.

Sincerely,

A handwritten signature in black ink, appearing to read "David D. Dillon". The signature is written in a cursive style with a large initial "D".

David D. Dillon

cc: Frank S. Borris

Attachment and Enclosures

EA11-003 CONFIDENTIAL DOCUMENTS CHART

QUESTION # SOURCE	ENCLOSURE	FILE/DOCUMENT NAME	DOCUMENT DESCRIPTION	BATES PAGE #	CONFIDENTIALITY JUSTIFICATION
2 Chrysler	Enclosure 3 - CONF BUS INFO - Request Number 2 Data	REQUEST NUMBER TWO DATA (EA11- 003) CONF BUS INFO.mdb	Customer complaints	Unable to Bates Stamp	Chrysler Group does not customarily disclose to the public information like that for which it is seeking confidential treatment, and Chrysler Group takes steps to prevent its dissemination outside the company.
2 Chrysler	Enclosure 4 - CONF BUS INFO - Field Data	EA11-003 CAIRS Report CBI.pdf	CAIRS	EA11-003 Peer- Chrysler – 001 – 009, 012-053, with partial CBI for EA11-003 Peer- Chrysler – 010 and 054	Chrysler Group does not customarily disclose to the public information like that for which it is seeking confidential treatment, and Chrysler Group takes steps to prevent its dissemination outside the company.
5 Chrysler	Enclosure 6 - CONF BUS INFO - Request Number 5 Data	MISFUELLING DATA (EA11-003) CONF BUS INFO.mdb	Customer complaints	Unable to Bates Stamp	Chrysler Group does not customarily disclose to the public information like that for which it is seeking confidential treatment, and Chrysler Group takes steps to prevent its dissemination outside the company.
5 Chrysler	Enclosure 7 - CONF BUS INFO - Field Data	EA11-003 CAIRS Report.pdf	CAIRS	EA11-003 Peer- Chrysler – 055-106	Chrysler Group does not customarily disclose to the public information like that for which it is seeking confidential treatment, and Chrysler Group takes steps to prevent

QUESTION # SOURCE	ENCLOSURE	FILE/DOCUMENT NAME	DOCUMENT DESCRIPTION	BATES PAGE #	CONFIDENTIALITY JUSTIFICATION
					its dissemination outside the company.
8 Chrysler	Enclosure 8 - CONF BUS INFO - Warranty Data	WARRANTY DATA (EA11-003) CONF BUS INFO.mdb	Warranty Data	Unable to Bates Stamp	Chrysler Group does not customarily disclose to the public information like that for which it is seeking confidential treatment, and Chrysler Group takes steps to prevent its dissemination outside the company.
8 Chrysler	Enclosure 9 - CONF BUS INFO - Extended Warranty Sales	2009-2012 Ram Diesel High Pressure Fuel Pump Extended Warranty Volumes.pdf	Extended Warranty Service Contracts	EA11-003 Peer-Chrysler - 107	Chrysler Group does not customarily disclose to the public information like that for which it is seeking confidential treatment, and Chrysler Group takes steps to prevent its dissemination outside the company.
13 Chrysler	Enclosure 13 - CONF BUS INFO - Part Sales	EA11-003 HPFP Service Part sales Conf Bus Info.pdf	Part Sales	EA11-003 Peer-Chrysler - 108- 109	Chrysler Group does not customarily disclose to the public information like that for which it is seeking confidential treatment, and Chrysler Group takes steps to prevent its dissemination outside the company.
16 Chrysler	Enclosure 16 - CONF BUS INFO - Part Return Analysis	EA11-003 6.7L HPFP Field Part Return Analysis.pdf	Field Part Return Analysis	EA11-003 Peer-Chrysler - 110	Chrysler Group does not customarily disclose to the public information like that for which it is seeking confidential treatment,

QUESTION # SOURCE	ENCLOSURE	FILE/DOCUMENT NAME	DOCUMENT DESCRIPTION	BATES PAGE #	CONFIDENTIALITY JUSTIFICATION
					and Chrysler Group takes steps to prevent its dissemination outside the company.
17 Chrysler	Enclosure 17 - CONF BUS INFO - Material Standards	EA11-003 ms11246.pdf	Material Standards	EA11-003 Peer-Chrysler - 111-113	Chrysler Group does not customarily disclose to the public information like that for which it is seeking confidential treatment, and Chrysler Group takes steps to prevent its dissemination outside the company.
17 Chrysler	Enclosure 17 - CONF BUS INFO - Material Standards	EA11-003 ms10956.pdf	Material Standards	EA11-003 Peer-Chrysler - 114-116	Chrysler Group does not customarily disclose to the public information like that for which it is seeking confidential treatment, and Chrysler Group takes steps to prevent its dissemination outside the company.
17 Chrysler	Enclosure 17 - CONF BUS INFO - Material Standards	EA11-003 ms11094.pdf	Material Standards	EA11-003 Peer-Chrysler - 117- 119	Chrysler Group does not customarily disclose to the public information like that for which it is seeking confidential treatment, and Chrysler Group takes steps to prevent its dissemination outside the company.
17 Chrysler	Enclosure 17 - CONF BUS INFO - Material Standards	EA11-003 ms11182.pdf	Material Standards	EA11-003 Peer-Chrysler - 120 -122	Chrysler Group does not customarily disclose to the public information like that for which it is seeking

QUESTION # SOURCE	ENCLOSURE	FILE/DOCUMENT NAME	DOCUMENT DESCRIPTION	BATES PAGE #	CONFIDENTIALITY JUSTIFICATION
					confidential treatment, and Chrysler Group takes steps to prevent its dissemination outside the company.
17 Chrysler	Enclosure 17 - CONF BUS INFO - Material Standards	EA11-003 ms10756.pdf	Material Standards	EA11-003 Peer- Chrysler – 123 - 124	Chrysler Group does not customarily disclose to the public information like that for which it is seeking confidential treatment, and Chrysler Group takes steps to prevent its dissemination outside the company.
19 Chrysler	Enclosure 19 - CONF BUS INFO - Warranty Rates	EA11-003 Warranty Claim Rate Comparison - US vs Canada.pdf	Warranty rates for the United States and Canada	EA11-003 Peer- Chrysler – 125	Chrysler Group does not customarily disclose to the public information like that for which it is seeking confidential treatment, and Chrysler Group takes steps to prevent its dissemination outside the company.

Certificate in Support of Request for Confidentiality

I, David D. Dillon, pursuant to the provisions of 49 C.F.R. Part 512, state as follows:

- (1) I am Chrysler Group LLC's Senior Manager, Product Investigations & Campaigns and I am authorized by Chrysler Group LLC to execute documents on its behalf;
- (2) I certify that the information contained in the attached documents is confidential and proprietary data and is being submitted with the claim that it is entitled to confidential treatment under 5 U.S.C. 552(b)(4);
- (3) I hereby request that the information contained in the indicated documents be protected on a permanent basis;
- (4) This certification is based on the information provided by the responsible Chrysler Group LLC personnel who have authority in the normal course of business to release the information for which a claim of confidentiality has been made to ascertain whether such information has ever been released outside Chrysler Group LLC;
- (5) Based upon that information, to the best of my knowledge, information and belief, the information for which Chrysler Group LLC has claimed confidential treatment has never been released or become available outside Chrysler Group LLC, except to certain contractors of Chrysler Group LLC with the understanding that such information must be maintained in strict confidence;
- (6) I make no representations beyond those contained in this certificate and, in particular, I make no representations as to whether this information may become available outside Chrysler Group LLC because of unauthorized or inadvertent disclosure (except as stated in paragraph 5); and
- (7) I certify under penalty of perjury that the foregoing is true and correct.

Executed on this 9th day of December, 2011



David D. Dillon