

NVS-213  
S. Yon

Kristin Kolodge, Senior Manager  
Product Investigations and Campaigns  
Chrysler Group LLC  
800 Chrysler Drive  
CIMS 482-00-91  
Auburn Hills, MI 48326-2757

OCT 29 2013

Re: Confidentiality Determination — Trailer Hitch Design Information in EA12-005

Dear Ms. Kolodge:

This responds to Chrysler Group LLC's (Chrysler) August 15, 2013 request for confidential treatment for information submitted by to the National Highway Traffic Safety Administration (NHTSA) in the above-referenced investigation. The materials at issue consist of three data sheets for Chrysler trailer hitches. These documents were provided to NHTSA in response to an informal request from Mr. Scott Yon of the Office of Defects Investigation. Your request seeks indefinite confidential treatment for these documents in their entirety.

I am granting your request.

Chrysler was not required to submit this information by any formal agency request or regulatory requirement. I have therefore determined that Chrysler provided this information voluntarily. 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 if it is the kind of information that would customarily not be released to the public by the submitter. Your letter indicates that the data contained in your response is data that would not be customarily release to the public. Examination of the materials for which Chrysler requests confidential treatment indicates that the information is not otherwise publicly available. Accordingly, I am according confidential treatment to the information contained in your submission.

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)). Furthermore, this information may be disclosed if such disclosure would be in the public interest, pursuant to the procedures established in 49 CFR 512.23.

Sincerely,

**Original Signed By**

Otto G. Matheke, III  
Senior Attorney

OCC:OMatheke:65263:cyt:10/28/13  
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