



Stephen Williams
Head of Safety Compliance and
Product Analysis

November 5, 2014

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

Dear Mr. Vincent:

Chrysler Group LLC ("Chrysler") is submitting its response to the National Highway Traffic Safety Administration ("NHTSA") Deputy Administrator David J. Friedman's October 29, 2014 request for information regarding "Takata Inflator Recalls." Based on a careful review of the submission, Chrysler has determined that some of the information 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).¹ Therefore, Chrysler is submitting these CDs, together with this request for confidential treatment and attached certificate in support of request for confidentiality, 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 consists of one .pdf document entitled "Enclosure 6 – FLORIDA SALVAGE COLLECTION ANALYSIS CONF BUS INFO.pdf" showing the results of testing and analysis of driver side Takata inflators obtained from Chrysler vehicles in Florida salvage yards. The pages of this document (after page 1) are entirely confidential. This document is identified by the bates labeling "CHRYSLER RESPONSE – NOVEMBER 5, 2014 – TAKATA INFLATORS – 000001 through 000073." Chrysler's request is accompanied by a certificate in support of request for confidentiality, signed by Mike Rains, Director – Product Safety Group, for TK Holdings, Inc.

¹ Chrysler has taken steps to assure that the CDs are free of any errors or defects that would prevent NHTSA from opening each file on the disc. If, however, the agency is unable to open any of 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.

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

This submission is subject to the substantial competitive harm standard set forth in 49 C.F.R. § 512.15(b) for information that a submitter is required to provide to the agency.

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

This agency's regulations and Exemption 4 of the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552(b)(4), protect the confidentiality of information that would be likely to cause substantial competitive harm to the submitter if disclosed. *See e.g.* 49 C.F.R. § 512.15(b); *Nat'l Parks & Conservation Ass'n v. Morton*, 498 F.2d 765, 770 (D.C. Cir. 1974). FOIA Exemption 4 was enacted to prevent disclosures that would "eliminate much of the time and effort that would otherwise be required to bring to market a product competitive with the [submitter's] product." *Public Citizen Health Research Grp. v. FDA*, 195 F.3d 898, 905 (D.C. Cir. 1999). "Because competition in business turns on the relative costs and opportunities faced by members of the same industry, there is a potential windfall for competitors to whom valuable information is released under FOIA. If those competitors are charged only minimal FOIA retrieval costs for the information, rather than the considerable costs of private reproduction, they may be getting quite a bargain. Such bargains could easily have competitive consequences not contemplated as part of FOIA's principal aim of promoting openness in government." *Worthington Compressors, Inc. v. Costle*, 662 F.2d 45, 51 (D.C. Cir. 1981). Substantial competitive harm also may result from disclosures that would reveal a firm's "operational strengths and weaknesses" to competitors. *See Nat'l Parks & Conservation Ass'n v. Kleppe*, 547 F.2d 673, 684 (D.C. Cir. 1976). The information at issue here should be protected under these standards.

The document for which confidential treatment is sought, consists of test information and analysis, and should be given confidential treatment. If this information is disclosed, competitors could determine the type of testing and analysis that Chrysler Group and/or Takata does in evaluating components, as well as Chrysler Group's and/or Takata's process of analysis, product testing methodology, and problem solving capabilities. These documents reveal valuable information about the processes for remedying problems and evaluating and improving products. The disclosure of such information would enable competitors to refine their own product evaluation, remediation, and improvement procedures without incurring the costs normally required for independent development of such procedures, and also would provide information about Chrysler Group's and/or Takata's operational strengths.

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

There is no class determination for this information.

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

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Because Chrysler Group anticipates that the information will be competitively valuable indefinitely, 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 482-00-23
Auburn Hills, MI 48326
248-512-2470
stephen.williams@fcagroup.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,



Stephen L Williams

cc: Frank Borris, NHTSA Director of ODI

Attachment and Enclosures