

David W. Smith
Senior Manager, Product
Investigations and Campaigns

July 24, 2015

Mr. Stephen P. Wood
Acting Chief Counsel
National Highway Traffic Safety Administration (“NHTSA”)
1200 New Jersey Ave., SE,
Room W41-227
Washington, DC 20590

Re: Request for Confidential Treatment of Business Information Submitted as Additional Information for NVS-213krh; PE15-003

Dear Mr. Wood:

FCA US LLC (f/k/a Chrysler Group LLC) (“FCA US”) is voluntarily submitting additional information and certain documents to the NHTSA Office of Defect Investigations (“ODI”) in connection with the above referenced investigation. An informal request for this information was made during a telephone call with, and contained in a follow up email from, Jeff Quandt of NHTSA’s ODI to FCA US on July 22, 2015. Based on a careful review of the submission, FCA US has determined that 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). Therefore, FCA US is submitting the enclosed CDs, together with this request for confidential treatment and Certificate in Support of Request for Confidentiality to the Office of Chief Counsel.¹

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 within the following enclosures:

- NHTSA Presentation PE15-003 Supplemental CONF BUS INFO.pdf, consisting of one .pdf file containing entire page confidential business information; (Bates page numbers: 07/22/2015 - INFORMAL NHTSA REQUEST - VOLUNTARY - PE15-003 - FCA US LLC – 000001- 000025).
- 15 KL AC warranty CONF BUS INFO.mdb, consisting of one .mdb file containing entire page confidential business information. Please note that this Microsoft Access database file is being produced in native format, thus it cannot be marked “Entire Page Confidential.” The file name includes “CONF BUS INFO” to designate it as confidential business information.

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

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- 2014 AC warranty CONF BUS INFO.mdb, consisting of one .mdb file containing entire page confidential business information. Please note that this Microsoft Access database file is being produced in native format, thus it cannot be marked "Entire Page Confidential." The file name includes "CONF BUS INFO" to designate it as confidential business information.
- TOC warranty by LOP CONF BUS INFO.mdb, consisting of one .mdb file containing entire page confidential business information. Please note that this Microsoft Access database file is being produced in native format, thus it cannot be marked "Entire Page Confidential." The file name includes "CONF BUS INFO" to designate it as confidential business information.

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

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))

Information is voluntarily submitted if the agency did not invoke its authority to compel the submission of the information, even if the agency had such authority. See *Parker v. Bureau of Land Management*, 141 F. Supp. 2d 71, 78 n.6 (D.D.C 2001) ("In addition to possessing the authority to compel submission, the agency must also exercise that authority in order for a submission to be deemed mandatory."); U.S. Dept. of Justice, *Guide to the Freedom of Information Act at 279* (2009) (http://www.justice.gov/oip/foia_guide09/exemption4.pdf) ("Furthermore, the existence of agency authority to require submission of information does not automatically mean such a submission is 'required'; the agency authority must actually be exercised in order for a particular submission to be deemed 'required.'"). At no time did Jeff Quandt purport to invoke NHTSA's authority to compel the submission of the information for which FCA US is seeking confidential treatment.

Information submitted voluntarily should be accorded confidential treatment if it is the type of information that is not customarily disclosed by the submitter to the public. FCA US does not customarily disclose the information or analysis included in this submission.

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

The information for which confidential treatment is sought does not fit within a class determination.

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

Because FCA US anticipates that the information will be competitively valuable indefinitely, FCA US 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

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248-576-2579
David.W.Smith@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, FCA US respectfully requests notification of the request(s) and an opportunity to provide further justification for the confidential treatment of this information, if warranted.

Sincerely,



David W. Smith

Enclosures

cc: Jeff Quandt