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David D. Dillon
Sr. Manager
Product Investigations & Campaigns

OFFICE OF CHIEF
COUNSEL

March 21, 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 memorandum document entitled, "Deitzel - Georgina Bell Liebsch Memo.pdf." A request for a copy of this memorandum document was made by Mr. Scott Yon during a conversation with Mr. David D. Dillon of Chrysler in connection with the ongoing PE10-031 investigation. Based on a careful review of the memorandum, Chrysler has determined that 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 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 a legal memorandum, entitled "Deitzel - Georgina Bell Liebsch Memo.pdf" (Bates #: Chrysler Group LLC -1).

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 Mr. Yon purport to invoke NHTSA’s authority to compel the submission of the information for which Chrysler is seeking confidential treatment.

Chrysler does not have a custom of publicly disclosing information like that for which it is seeking confidential treatment, and Chrysler takes steps to prevent its dissemination outside the company.

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 anticipates that it will never adopt a custom of disclosing this kind of information, Chrysler 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: Scott Yon

Attachment and Enclosures

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 21st day of March, 2012



David D. Dillon

**PE10-031: VC04561 Film Analysis Summary
Chrysler Group LLC**

May 7, 2012

Background:

The Vehicle Crash Test Letter for VC04561 states that a crash test was conducted by the manufacturer on May 4, 1992 **as part of** the 1993 MY Jeep Grand Cherokee's compliance with FMVSS-301. The Test Letter also states that the test vehicle was built with a drive shaft that was one-inch shorter than production intent which, at the time, engineers concluded had no influence on the vehicle's fuel system impact performance during the FMVSS-301 test.

In connection with PE10-031, Chrysler Group LLC analyzed whether the shorter drive shaft could have influenced the results of this FMVSS-301 compliance test.

Objective:

The objective of the film analysis was to determine if the distance between the mounting points of the drive shaft to the rear axle and the transfer case increased or decreased, which would indicate if the shorter drive shaft could have influenced the fuel system performance in a FMVSS-301 rear impact test **if the distance decreased.**

Method:

Chrysler Group LLC understands that the film analysis was done manually in 1992. The equipment needed to conduct a manual film analysis was not available at Chrysler Group LLC. A 2-D Digital Film Analysis was used as an alternate means to analyze the film, as follows:

- One camera view with standard position estimated.
- Position of the target points were estimated based on equivalent test vehicle target points.
- Although using the estimated target points may not yield precise distances in the 2-D Digital Film Analysis, the objective was to determine if the distance between the mounting points of the drive shaft to the rear axle and the transfer case either increased or decreased. This is an accepted method to accurately determine if the distance between the points increased or decreased.
- The 2-D Digital Film Analysis was done on two different areas of the vehicle to assess the motion of the body relative to the axle:
 - Underbody – One point on rear axle to two points on the underbody sill; and
 - Side Profile - Point on the centerline of the rear axle to a point on the body.

2-D Digital Film Analysis Results:

- Report *VC04561 UBR Jeep ZJ 4x4* illustrates that, from an underbody perspective, during impact the body relative to the rear axle moves forward; and
- Report *VC04561 LSD Jeep ZJ 4x4* illustrates that, from a side view perspective, during impact the body relative to the rear axle moves forward.

Conclusion:

The film analysis demonstrates that during a FMVSS-301 test, the body of the 1993 MY Jeep Grand Cherokee ZJ moves forward relative to the rear axle. As a result, the distance would have increased between the mounting points of the rear drive shaft to the rear axle and transfer case. Therefore, Chrysler Group LLC has concluded that the one-inch shorter drive shaft used during VC04561 **moved within the spline, as designed**, and would not have influenced the performance of the vehicle's fuel system during the FMVSS-301 compliance test.

Attachments: *VC04561 UBR Jeep ZJ 4x4* and *VC04561 LSD Jeep ZJ 4x4*