

NUS-213
S. Yon

AUG 31 2005

Stephan J. Speth, Director
Vehicle Compliance & Safety Affairs
DaimlerChrysler Corporation
800 Chrysler Drive
CIMS 482-00-91
Auburn Hills, MI 48326-2757

Re: Request for Confidential Treatment for Videotapes Submitted by
DaimlerChrysler in Connection with EA 04-025

Dear Mr. Speth:

This is in response to your letter, dated June 9, 2005, in which you request confidential treatment for three (3) videotapes submitted by DaimlerChrysler Corporation (DCC) in connection with EA 04-025. DCC did not indicate a period of time that it seeks confidential treatment for the videotapes, but we have construed your request for the information contained on the videotapes be withheld on a permanent basis.

DCC provided this information voluntarily and was not required to submit this information under 49 U.S.C. § 30166 or other authority. 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).

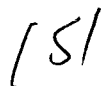
Under the test set forth in *Critical Mass*, financial or commercial information provided to the government on a voluntary basis is "confidential" for purposes of Exemption 4 of the Freedom of Information Act if it is the kind of information that would customarily not be released to the public by the submitter. Your letter indicates that the data contained in your response is data that DCC would not customarily release to the public. Therefore, I am according confidential treatment to the information contained in your submission.

Subject to the conditions below, this grant of confidential treatment will remain in effect indefinitely.

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)).

Sincerely,

Handwritten signature of Otto G. Matheke, III, consisting of the letters 'O', 'G', and 'M' in a stylized, cursive script.

Otto G. Matheke, III
Senior Attorney

NHTSA:NCC_DiMarsico:pll:61834:8/30/05:
NCC-113 Subj/Chron
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