

NIS-213 ✓
J. Quandt

MAR 16 2006

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

**Request for Confidential Treatment for Certain Documents Provided in
Response to PE05-050 Peer Group Inquiry**

Dear Mr. Speth:

This responds to your December 16, 2005, letter requesting confidential treatment for information submitted by DaimlerChrysler Corporation (DCC) in response to the above agency information request. The information in your submission is contained on a single CD-ROM disk identified as "PE05-050, Question #8 (Confidential) December 15, 2005". DCC requests that the information be accorded confidential treatment permanently.

DCC asserts that the documents contain confidential and highly sensitive business information about DCC's test protocols and analyses used in the development of an automobile fuel tank system. DCC contends that it has not disclosed, nor customarily, disclose information like the information for which DCC is requesting confidential treatment to the public.

I am granting your request.

The information provided by DCC was submitted in response to an agency request that did not require DCC to submit the data. I have therefore determined that DCC 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.

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,

Original Signed By

Otto G. Matheke, III
Senior Attorney

NHTSA:NCC-(Transtecs)jj:03/10/06:(cyt:3/15/06)
NCC-Subj/Chron, jj, orn, cyt NCC05-009627
NVS-213 Jeffrey Quandt w/enclosure
Misc05/DCC05-9627jj.doc