

JAN 20 2004

NUS-212
Tom Cooper

William Shapiro, P.E.
Manager, Regulatory and Product Compliance
Volvo Cars of North America, LLC
Volvo Drive
Rockleigh, NJ 07647

RE: Confidentiality Determination/EA03-008

Dear Mr. Shapiro:

This is in response to your letter of October 1, 2003 requesting confidential treatment for information provided to the agency in regard to the above-referenced investigation. The information was provided in attachments to your letter consisting of blueprints and engineering drawings. Volvo indicates that the materials for which it requests confidential treatment, which the company does not ordinarily release to the public, would cause Volvo to suffer competitive harm if the materials were released. Your letter also asks that the information be kept confidential indefinitely.

The information was requested pursuant to 49 USC § 30166, which authorizes the agency to conduct investigations and require manufacturers to submit reports. The information at issue was within the scope of a formal agency request for information. Therefore, I have reviewed your submission under the competitive harm standard set forth in *National Parks & Conservation Ass'n v. Morton*, 498 F.2d 765 (D.C. Cir. 1974).

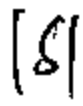
I have decided to grant your request for confidential treatment.

I have reviewed your submissions, including the materials that you claim are entitled to confidential treatment and the arguments that you assert in support of your claim. With regard to the engineering drawings and blueprints, I note that these materials are deemed to be confidential under the class determinations contained in Appendix B to 49 CFR Part 512. Accordingly, these drawings will be accorded confidential treatment.

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,



Otto Matheke, III
Staff Attorney

