

NUS-214
Bruce York ✓

MAY 31 2006

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Norman L. Sims
Patent Counsel
Dow Automotive
1250 Harmon Road
Auburn Hills, MI 48326

Re: Reconsideration of Confidentiality Determination/EA05-005

Dear Mr. Sims:

This responds to your February 9, 2006 letter, requesting reconsideration of [REDACTED] January 27, 2006 denial of a request for confidential treatment for information submitted by The Dow Chemical Company (TDCC) in response to an agency information request. TDCC's original request for confidential treatment failed to mark or properly identify the information for which confidentiality was being requested as required by 49 CFR § 512.6(b). Your original request also failed to state a time period in which the information should remain confidential.

Your request for reconsideration seeks confidential treatment for information concerning the specific formulation of TDCC's Brake Fluid HD 50-4, which is contained within one page. You request confidential treatment for a period of 25 years.

Your August 15, 2005 letter and accompanying certificate, which you resubmitted, indicate that the information provided is confidential and proprietary data and that it has never been released or become available outside TDCC. You contend that TDCC would suffer significant competitive harm if this information was provided to a competitor because it would allow the competitor to produce an identical formulation without having to go through the expense of developing its own formulation.

I am granting your request for confidential treatment.

Subject to the following conditions, this grant of confidential treatment will remain in effect for 25 years. 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)).

My decision is administratively final.

Sincerely,

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Stephen P. Wood
Acting Chief Counsel

NHTSA:NCC-111;Goode;05/30/06:pl1
NCC-113:Subj/Chron NCC06-000906
[NCC-112]: Bruce York w/o enclosure(s)
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