

NKS-213
C. Rose
Tup

AUG 1 2006

William Shapiro
Manager, Regulations and Compliance
Volvo Cars of North America, LLC
Volvo Drive
Rockleigh, NJ 07647

Re: Confidentiality Request for Documents in Support of May 10-11 Meeting
ETM Engineering Analysis (EA05-021)

Dear Mr. Shapiro:

This responds to your May 31, 2006 letter requesting confidential treatment for three documents supporting a May 10-11, 2006 meeting with NHTSA. You contend the documents contain confidential business information you would normally release to the public and are protected from disclosure.

I am granting your request.

These materials were voluntarily submitted to NHTSA; they were not submitted in response to an information request or other legal inquiry. Critical Mass Energy Project v. NRC, 975 F.2d 871 (D.C. cir 1992) (en banc) establishes that under FOIA Exemption 4 documents and materials submitted voluntarily to a government agency are to be treated differently than those that were submitted because the submitter was required to submit them. If the materials are submitted voluntarily, Critical Mass declares that confidential treatment will be granted under Exemption 4 when the information would not customarily be released to the public by the submitter.

I agree that this information would not customarily be released to the public. Indeed, two of the documents are schematics that would otherwise be protected by a class determination. See 49 C.F.R. Part 512, Appendix B.

The grant of confidential treatment above is subject to certain conditions. The information may be disclosed under 49 C.F.R. § 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 C.F.R. § 512.10. If necessary, you will be notified prior to the release of any information under the procedures established by our regulations. 49 C.F.R. § 512.22(b).

Sincerely,

Original Signed By

Otto G. Matheke, III
Senior Attorney

NHTSA:NCC-111:Gehring:7/26/06
NCC-113 Subj/Chron, kg, om, cyt
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