

NVS-213
S. McHenry

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

JAN 16 2007

Re: Request for Confidential Treatment/NVS-213/EA05-021

Dear Mr. Shapiro:

This responds to your June 5, 2006, letter requesting confidential treatment for information submitted by Volvo Cars of North America, LLC (Volvo) in response to an informal agency request in the above-referenced investigation. Volvo requests confidential treatment indefinitely.

Volvo contends this information is confidential and proprietary and has never been released to the public and there is no intention to release this to the public.

I have decided to grant your request.

I have reviewed the information for which you seek confidential treatment. The information provided by Volvo was submitted to assist the agency in testing involving the Electronic Throttle Module (ETM). This information was not forwarded to NHTSA in response to any formal agency request or as a necessary part of obtaining any agency grant or approval. I have therefore determined that Volvo provided this information voluntarily. Accordingly, I have review 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 of a kind of information that would customarily not be released to the public by the submitter.

As a result, 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,

Original Signed By

Otto G. Matheke, III
Senior Attorney

NHTSA:NCC-111(Transtecs)jj:01/04/06
NCC-113 Subj/Chron, jj, om, cyt **NCC06-003344**
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