

NVA-212  
Sam Cooper  
✓

MAY 30 2006

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

Re: Volvo Request for Confidentiality for MY2004 and MY2005 XC90  
Windshield Wiper System in Reference to NVA-212hs/PE05-064

Dear Mr. Shapiro:

This responds to your letter dated February 28, 2006, requesting confidential treatment for information submitted by Volvo Cars of North America, LLC (Volvo) for the MY2004 and MY2005 Volvo XC90 Windshield Wiper System. The information in your submission is contained on a single CD-ROM disk identified as "PE05-064 Volvo, February 28, 2006 (Confidential)". Volvo requests that this information remain confidential indefinitely.

Volvo identifies its submission as answers to questions #8 (analyses), #9 (changes), portions of #10 (engineering description) and #11 (Volvo's assessment of the alleged defect in the subject vehicles from the letter dated February 28, 2006). Volvo asserts this information is confidential and proprietary information that has never been released to the public. Volvo contends this information, if released, may be potentially misinterpreted or misused by the public and Volvo's competitors leading to substantial competitive harm to Volvo.

I have decided to grant your request.

Because this information was not submitted voluntarily, I have reviewed your submission under the competitive harm standard announced in *National Parks & Conservation Ass'n v. Morton*, 498 F.2d 765 (D.C. Cir. 1974) and its progeny. Under that test, information is confidential under Exemption 4 of the Freedom of Information Act, 5 U.S.C. § 552(b)(4), if its disclosure would be likely to cause substantial competitive harm to the submitter or to impair the government's ability to collect the information in the future.

Volvo's response to questions #8, 9, portions of 10 and 11 contain internal test results and analyses, supplier names, addresses, and phone numbers, engineering drawings and descriptions, and changes to production data. This information would, if released, provide insight into Volvo's methodologies, techniques, and conclusions used by Volvo in determining the cause of the loosening of the retaining nut that secures the wiper arm to its pivot. Accordingly, this material is granted confidential treatment. I also note that the engineering drawings marked "180\_252\_1\_003\_F, 180\_253\_002\_F and 182\_388\_1\_d" contained in the file identified as "CONFIDENTIAL Supporting Documents", contain sufficient detail to allow another party to reproduce the component in question without significant reverse engineering. As such, these drawings are accorded confidential treatment under the class determination found in Paragraph 1 of Appendix B of Part 512.

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-113(Transtecs)jj:05/24/06:cyt  
NCC-113 Subj/Chron, jj, orn, cyt NCC06-001376  
NVS-212: Thomas Cooper w/enclosure  
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