

NVS-212
P. Ong
Juff
10/10/06

John Maddox
Product Compliance Officer
Volkswagen
3800 Hamlin Road
Auburn Hills, MI 48326

OCT 11 2006

Re: Request for Confidential Treatment/PE06-022

Dear Mr. Maddox:

This responds to your September 7, 2006, letter requesting confidential treatment for information submitted by Volkswagen of America, Inc. (VW) in response to the above agency request. VW identifies this information as Attachments 8.2, 8.3, 8.4, 8.5, 8.6 and 11.a. VW request confidential treatment for a period of ten (10) years.

VW asserts this information sets forth highly confidential test methods and results, analyses, process information, internal cost data and, design research and remediation protocols. VW contends this information is confidential and release to the public would result in substantial competitive harm for VW.

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.

The information in Attachments 8.2, 8.3, 8.4, 8.5, 8.6 and 11.a, if released, would allow VW's competitors to duplicate it's design, research and remediation protocols without incurring the substantial expense associated with the development of their own protocols. Your request for confidential treatment for this information is granted.

Subject to the condition below, this grant of confidential treatment will remain in effect for ten (10) years.

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:10/06/06
NCC-113 Subj/Chron, jj, om, cyt **NCC06-005704**
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