

VOLKSWAGEN

GROUP OF AMERICA

NHTSA
WASHINGTON, DC 20590

2010 OCT -4 P 3: 10

OFFICE OF CHIEF
COUNSEL

CHRISTOPHER T. SANDVIG NAME
GM COMPLIANCE/TREAD TITLE
PRODUCT COMPLIANCE DEPARTMENT
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OCTOBER 01, 2010 DATE

Kevin Vincent, Chief Counsel
Office of Chief Counsel
National Highway Traffic Safety Administration
1200 New Jersey Avenue S.E.
Washington, DC 20590

**Re: Request for Confidential Treatment-
NHTSA Inquiry PE10-027: Misfire Detection Strategy**

VOLKSWAGEN GROUP OF AMERICA, INC.
3800 HAMLIN ROAD
AUBURN HILLS, MI 48326
PHONE +1 248 754 5000

Dear Mr. Vincent:

Volkswagen Group of America, Inc., ("VWGoA") is submitting the enclosed documents in response to the above referenced inquiry issued to VWGoA by the Vehicle Integrity Division on August 06, 2010. VWGoA requests that the documents identified below be granted confidential treatment pursuant to 49 C.F.R. Part 512 (2010) and Exemption 4 of the Freedom of Information Act, 5 U.S.C. § 552(b)(4)(2010). The applicable confidentiality standard is set forth at 49 C.F.R. § 512.15(b), which, under the FOIA Exemption 4 case law, applies to information that a submitter is required to provide to a Federal agency. Under this standard, information is exempt from disclosure if its disclosure would cause substantial harm to the competitive position of the submitter (*see also* National Parks and Conservation Association v. Morton, 574 F.2d 673 (1976)).

The following documents are the subject of this request:

- * Attachment 10-01 General Description DMD_ME7_MY03.pdf
- * Attachment 10-02 General Description DMD_MED9_MY07.pdf
- * Attachment 10-03 Misfire Parameter Table.pdf
- * Attachment 10-05 V6.pdf
- * Attachment 10-06 18T.pdf

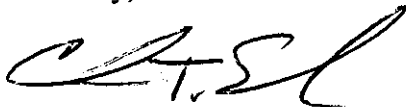
Release of these documents would reveal internal design and performance criteria that would allow competitors to duplicate this design without incurring the substantial expense associated with the development of their own protocols, thereby allowing the competitor an opportunity to bring competitive products to market sooner and to improve their own development procedures at Volkswagen's expense.

Copies of the above documents are being provided on the enclosed disc labeled "PE10-027 NVS-212cag", dated October 01, 2010. A Certificate in Support of Request for Confidentiality is attached in Appendix 1.

For the reasons listed above, the subject documents should be granted confidential treatment for a period of ten (10) years. If a request for disclosure of any or all of this information is received by NHTSA, VWGoA respectfully requests notification of each such request and, if necessary, an opportunity to further explain the reasons why such materials are entitled to protection from release under FOIA.

Please feel free to contact Mr. David Geanacopoulos, Esq. (VWGoA, Office of General Counsel) at 703-364-7240 if you have any additional questions, or if we can provide you with any additional information regarding this request.

Sincerely,



Christopher T. Sandvig
General Manager - Compliance/TREAD
Service and Quality

Attachments

Certificate in Support of Request for Confidentiality
Pursuant to the provisions for 49 CFR 512 (2010)

I, Christopher T. Sandvig pursuant to the provisions of 49 CFR part 512, state as follows:

(1) I am Christopher T. Sandvig, General Manager, Compliance & TREAD and I am authorized by Volkswagen Group of America, Inc. ("VWGoA") to execute this certificate on its behalf;

(2) I certify that the information contained in

- * Attachment 10-01 General Description DMD_ME7_MY03.pdf
- * Attachment 10-02 General Description DMD_MED9_MY07.pdf
- * Attachment 10-03 Misfire Parameter Table.pdf
- * Attachment 10-05 V6.pdf
- * Attachment 10-06 18T.pdf

is confidential and proprietary data and is being submitted with the claim that it is entitled to confidential treatment under 5 U.S.C. 552(b)(4) (as incorporated by reference in and modified by the statute under which the information is being submitted);

(3) I hereby request that the information contained in

- * Attachment 10-01 General Description DMD_ME7_MY03.pdf
- * Attachment 10-02 General Description DMD_MED9_MY07.pdf
- * Attachment 10-03 Misfire Parameter Table.pdf
- * Attachment 10-05 V6.pdf
- * Attachment 10-06 18T.pdf

be protected for 10 years;

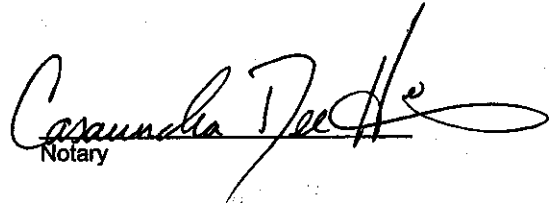
(4) This certification is based on the information provided by the responsible VWGoA personnel who have authority in the normal course of business to release the information for which a claim of confidentiality has been made to ascertain whether such information has ever been released outside VWGoA;

(5) Based upon that information, to the best of my knowledge, information and belief, the information for which VWGoA has claimed confidential treatment has never been released or become available outside VWGoA;

(6) I make no representations beyond those contained in this certificate and, in particular, I make no representations as to whether this information may become available outside VWGoA because of unauthorized or inadvertent disclosure (except as stated in paragraph 5); and

(7) I certify under penalty of perjury that the foregoing is true and correct. Executed on this the 1st day of October 2010. (If executed outside of the United States of America: I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct).


Official Signature


Notary

