

APR 11

Lyndon R. Lie
Director, Product Investigations
General Motors North America
30500 Mound Road
Mail Code: 480-106-304
Warren, MI 48090-9055

RE: Confidentiality Determination/EA02-031/NVS-213ct

Dear Mr. Lie:

This is in response to your letter dated March 28, 2003, in which you request confidential treatment for Attachment 14, enclosed with your letter. You state that Attachment 14 contains engineering Subsystem Technical Specifications. You request confidential treatment for these materials for an indefinite period of time.

General Motors (GM) asserts that these materials have commercial value that can only be obtained independently at considerable cost. GM asserts also that this information can be used by competitors to identify quality and performance requirements, thereby enabling them to improve their own products, without the expenditures associated with the development of these specifications, all at the expense of GM. Finally, GM asserts that these materials contain commercial information, the disclosure of which would likely result in substantial competitive harm.

I have reviewed your submission, including the information that you claim is entitled to confidential treatment and the arguments that you assert in support of your claim. I have concluded based upon your submission as a whole that the public release of Attachment 14 is likely to cause substantial competitive harm to GM and, therefore, that this information is entitled to confidential treatment pursuant to Exemption 4 of the Freedom of Information Act, 5 U.S.C. §552(b)(4). These materials will be protected for an indefinite period of time.

This grant of protection is subject to certain conditions since the information for which protection has been granted was submitted pursuant to a defect investigation. The information may be disclosed under the authority of 49 U.S.C. §30167(b) and 49 C.F.R. §512.9(a)(2), if the agency decides the disclosure will assist in carrying out the purposes of the National Traffic and Motor Vehicle Safety Act.

In addition, this material may be disclosed under 49 C.F.R. §512.8, 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. §512.4(i)). Prior to the release of information under 49 C.F.R. §512.8 or §512.9, you would be notified in accordance with the procedures established by our regulations.

Sincerely,

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Heidi L. Coleman
Assistant Chief Counsel

