

MAR 11 2004

NVS-214
Tom Bowman

Gay P. Kent
Director
Product Investigations
General Motors Corporation
30500 Mound Road
Warren, MI 48090-9055

PE03-049

Re: Confidentiality Determination / ~~PE03-049~~

Dear Ms. Kent:

This is in response to your letter dated December 12, 2003, to Mr. Thomas Cooper in which you request confidential treatment for information relating to tailgate support cable failures submitted to the agency by General Motors Corporation (GM) in response to a formal agency information request. You request that the materials, which you indicate are contained in Attachments 9C, 10A, 11A, 11B and 16B be granted confidential treatment for an unspecified period of time. In support of this request, you indicate that the aforementioned information contains trade secrets and commercially valuable information that, if released, would cause GM to suffer competitive harm. Additionally, you contend that the blueprints and engineering drawings contained in Attachment 16B are subject to a class determination contained in paragraph 1 of Appendix B of Part 512.

I have decided to grant your request.

I note first that GM, in inserting its request for confidential treatment in its response to the agency's information request, has failed to follow the correct procedures for requesting confidential treatment contained in 49 CFR Part 512. All requests for confidential treatment must be directed to the Chief Counsel of the National Highway Traffic Safety Administration pursuant to §512.7 of Part 512. Failure to comply with this requirement may result in misdirection or mishandling of confidential materials and their inadvertent disclosure to the public prior to any determination of whether confidential treatment is granted or denied.

I have examined the materials for which you seek confidential treatment. Attachment 9C contains documents relating to GM testing of failed components, including test methods, test data, results and conclusions. Attachment 10A contains documents and data relating

to GM's internal product standards for pickup truck beds and tailgates. Attachment 11A contains documents outlining GM's internal standards for corrosion resistance and corrosion testing. Attachment 11B contains product development and evaluation tests for the vehicles at issue. The foregoing materials all contain information that was developed at considerable cost to GM and, if revealed, would cause GM to suffer substantial competitive harm by providing competitors with substantial insight into GM's product standards, test procedures, product development process and other internal decision-making processes. I have therefore determined to accord confidential treatment to this information. Moreover, examination of the blueprints and drawings contained in Attachment 16B indicate that the components could not be manufactured without the blueprints except after significant reverse engineering. Accordingly, these blueprints will be accorded confidential treatment under the class determination found in paragraph 1 of Appendix A of Part 512.

This grant of confidential treatment is indefinite. However, it is also subject to the various provisions of Part 512 that specify the circumstances under which otherwise confidential information can be disclosed.

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,

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Otto G. Matheke, III
Staff Attorney

