

AUG 20 2004

Gay P. Kent, Director  
Product Investigations  
General Motors Corporation  
30500 Mound Road, Mail Code 480-106-304  
Warren, MI 48090-9055

Re: Request for Confidential Treatment (PE03-050)

Dear Ms. Kent:

This is in response to your letter dated May 13, 2004, to Ms. Jacqueline Glassman in which General Motors Corporation (GM) requests confidential treatment for certain information contained in its response to the agency's information request for PE03-050. The letter requests that a portion of GM's response to the inquiry, which is contained on a single CD-ROM ("Attachment CD 2 GM Confidential"), be granted confidential treatment for an unlimited period of time. Specifically, GM seeks confidential treatment for twenty-one (21) files contained within the directory labeled "FPE Draft Entry Documents GM Confidential" and a PDF file labeled "IPC RAPIDFAX GM Confidential.pdf." In support of this request, GM states that the information contained in these files contains trade secrets and commercially valuable information that, if released, would cause GM to suffer competitive harm.

I have decided to grant your request for confidential treatment.

Because the information described above was required to be submitted to the agency under the above matter, the agency reviewed GM's claim for confidential treatment under the test 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 (FOIA) if its disclosure is likely to cause substantial competitive harm to the submitter or to impair the government's ability to collect the information in the future.

In justifying its request, GM states that the files reflect GM's application of problem-solving methodologies. GM states further that these files contain design information and field performance data that have commercial value and that this information can only be obtained

independently at considerable cost. GM claims that the disclosure of this information would provide competitors with insight into GM's products without having to expend the resources needed to obtain this information independently. Disclosure of this information, in GM's opinion, would provide its competitors with insight into GM's methodologies and reveal proprietary commercial design and product performance information that would cause substantial competitive harm to GM.

I have examined the materials for which you seek confidential treatment. The files contained in the "FPE Draft Entry Documents GM Confidential" directory are various draft versions of three documents -- FPE\_Entry\_Doc\_PV8Rail Dec10 (5 versions), FPE\_Entry\_Doc-Requirements\_95-7PV8Rail (2 versions), and FPE\_Entry\_Doc-Requirements\_PV8Rail (14 versions) -- that chronicle the efforts taken by GM to confirm and address an alleged fuel rail defect and the estimated labor costs to resolve the issue. Similarly, the file identified as "IPC RAPIDFAX GM Confidential.pdf" contains information regarding GM's analysis of the alleged defect, the procedural steps followed in addressing the issue, and internal communications among GM divisions in the United States and Japan. Although actual monetary costs have been redacted from these documents, these documents reveal GM's process in identifying and addressing the alleged defect. The agency has determined that the disclosure of this information would be likely to cause GM substantial competitive harm. Accordingly, the agency will withhold the contents of these electronic files under Exemption 4.

Notwithstanding this grant of confidential treatment, the information may be disclosed under the various provisions set forth in 49 U.S.C. § 30167 and 49 C.F.R. Part 512. You will be notified prior to any such release of information.

Sincerely,

151

Otto G. Matheke, III  
Senior Attorney

