

AUG -3 2004

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

Re: Request for Confidential Treatment of Information/PE-03-057

Dear Ms. Kent:

This is in response to your letter dated February 16, 2004, to Ms. Jacqueline Glassman in which General Motors Corporation (GM) requests confidential treatment for certain information contained in its response to the above matter. Your letter requests that the National Highway Traffic Safety Administration (NHTSA) accord confidential treatment to drawings contained on a CD-ROM entitled "Attachment 1 CD #5 Confidential" and drawings and other information in Attachment "TRW." GM requests that these materials be granted confidential treatment for an unspecified period of time.

I have decided to grant your request.

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.

GM asserts that the blueprints on the CD-ROM and the drawings and other documents in Attachment "TRW" contain trade secrets and commercially valuable information that, if disclosed, would cause it to suffer substantial competitive harm. GM states the information contained in the drawings and other documents was developed at considerable cost and that release of the materials would enable competitors to obtain valuable information without incurring expenses needed to develop it independently. GM believes that because this information relates to its core business, the level of harm it would sustain as a result of disclosure would be substantial.

I have examined the materials for which you seek confidential treatment. The CD-ROM contains an array of blueprints that are sufficiently detailed such the components involved could not be manufactured without them except after significant reverse engineering. The drawings contained in Attachment "TRW" are similarly detailed. As such, these drawings are within the scope of the general class determination contained in Paragraph 1 of Appendix B of Part 512. Attachment "TRW" also contains a number of documents outlining design development, product evaluation, test protocols and test results. These documents provide insight into the design choices, product improvement and product evaluation processes involved in the development of components used in a GM vehicle. Release of these documents would provide GM's competitors with insights into the design, evaluation and testing of these parts at no expense. Therefore, I have determined that both the drawings on the CD-ROM and the materials in Attachment "TRW" are to be accorded confidential treatment.

This grant shall remain in effect for an indefinite period of time.

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,



Otto G. Matheke, III
Senior Attorney

