

NUS-213
J. Quandt

AUG - 1 2005

Gay P. Kent
Director
Product Investigations
General Motors North America
Structure & Safety Integration
Mail Code: 480-106-304
30200 Mound Road
Warren, MI 48090-9010

Re: Confidentiality Determination/Engine Stalling Investigations
PE04-075, EA03-007 & EA04-008

Dear Ms. Kent:

This is in response to your letter dated April 11, 2005, which requests confidential treatment for information related to three engine stalling investigations PE04-075, EA03-007 and EA04-008 and enclosed with your letter. The materials were submitted by General Motors North America (GM) in response to a request from Jeff Quandt of the Vehicle Controls Division of the National Highway Traffic Safety Administration. GM requests that the materials be granted confidential treatment without a time limitation.

Your letter and accompanying certificate indicate that the information provided is confidential and proprietary data that GM does not, and has not, released to the public.

I have decided to grant your request.

GM was not required to submit the test information under 49 U.S.C. § 30166 or other authority. Accordingly, I have reviewed your request under the principles set forth in *Critical Mass Energy Project v. Nuclear Regulatory Comm'n*, 975 F.2d 871 (D.C.Cir.1992).

Under the test set forth in *Critical Mass*, financial or commercial information provided to the government on a voluntary basis is "confidential" for purposes of Exemption 4 of the Freedom of Information Act if it is the kind of information that would customarily not be released to the public by the submitter. Your certificate indicates that the test information, which is not compliance data, is information that GM would not customarily release to the public. Therefore, I am according confidential treatment to the information contained in your submission.

Subject to the conditions below, this grant of confidential treatment will remain in effect indefinitely.

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,

A handwritten signature in black ink, appearing to be "151" or a stylized version of the name.

Otto G. Matheke, III
Senior Attorney

NHTSA:NCC113:Matheke:pll:61834:07/25/05
NCC-113:Subj/Chron NCC05-003641
NVS-213:Jeff Quandt – w/enclosure
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