

FEB 10 2005

Ms. Gay P. Kent
Director, Product Investigations
General Motors North America
Mail Code 480-111-E18
30200 Mound Road
Warren, MI 48090-9010

Re: Confidentiality Determination/EA04-011

Dear Ms. Kent:

This is in response to your letter to Ms. Jacqueline Glassman, dated January 24, 2005, requesting confidential treatment for certain materials submitted by General Motors North America (GM) in response to a National Highway Traffic Safety Administration's (NHTSA) information request regarding alleged parking brake ineffectiveness in certain model year 1998-2004 GMT400 and GMT800 vehicles. The materials are contained in a CD identified as "GM Confidential EA04-011 GM 648A Attachment 2." GM requests that this information be kept confidential indefinitely.

You assert that the information at issue is considered by GM to be confidential, proprietary, available only to authorized GM personnel, and otherwise not available to the public. The information contains trade secrets, disclosure of which would cause substantial competitive harm. You further state in your letter that the information can be used by competitors to identify quality and performance problems or differences, thereby enabling them to improve their own products, without the expenditures associated with the evaluation of products.

I am granting your request.

Because this information was not submitted voluntarily, I have reviewed your submission under the competitive harm standard set forth in *National Parks & Conservation Ass'n v. Morton*, 498 F.2d 765 (D.C. Cir. 1974). Under that test, information is confidential under Exemption 4 of the Freedom of Information Act (FOIA) if its disclosure would be likely to cause substantial competitive harm to the submitter or to impair the government's ability to collect the information in the future.

I have examined the materials for which you seek confidential treatment. The materials contain component drawings, test specifications, test results and analyses, quality control information, corrective actions, and other data that relates to GM's internal operations. I have determined that all of this information is proprietary information that is closely guarded in the automotive industry, and that disclosure would reveal commercially valuable information to GM's competitors. Release of this information would be likely to cause GM to suffer competitive harm.

This grant of confidential treatment will remain in effect indefinitely, 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
Senior Attorney

