AUG 13 2004

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Ms. Gay P. Kent
Director, Product Investigations
Mail Code 480-16-304
30500 Mound Road
Warren, MI 48090

Re: Confidentiality Determination on Request PE04-001

Dear Ms. Kent:

This is in response to your letter to Ms. Jacqueline Glassman dated February 27, 2004, requesting confidential treatment for materials submitted by General Motors North America (GM) and enclosed with the letter. The letter and enclosed materials were sent in response to NHTSA's information request of January 14, 2004 regarding allegations of fuel spillage out of the fuel filler neck of 2003 Model Year Chevrolet TrailBlazer vehicles.

GM asserts that the information at issue is considered by GM to be confidential proprietary information available only to authorized GM personnel and otherwise not available to the public.

The materials are contained in Attachment 8A, which GM states contains engineering test reports having commercial value that can only be obtained independently at considerable cost. 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.

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).

I have examined the materials for which you seek confidential treatment. I have not determined that all of the processes described in Attachment 8A are necessarily proprietary as claimed by GM. Nevertheless, the materials were submitted in response to

a defect investigation information request, and the materials do contain data that relates to the internal operations of the submitter. Furthermore, the information was developed at considerable cost to GM, and if revealed would enable GM's competitors to analyze GM's safety, engineering standards and product evaluation methods to their own advantage, without the expenditures associated with conducting these evaluations independently. Accordingly, I have decided to grant confidential treatment to the entirety of Attachment 8A.

Your letter did not indicate a specific period for which GM seeks confidential treatment for the materials contained in Attachment 8A. As a result, I have determined that this grant of confidential treatment will remain in effect indefinitely, subject to the conditions below.

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,

/s/

Otto G. Matheke, III
Senior Attorney

[redacted]

GENERAL MOTORS NORTH AMERICA
Structure & Safety Integration

February 27, 2004

Thomas Z. Cooper, Chief
Vehicle Integrity Division
Office of Defects Investigation
NHTSA Safety Assurance
Room #6320
400 Seventh Street, S.W.
Washington, D.C. 20590

GM-649

NVS-212mbs
PE04-001

Dear Mr. Cooper:

This letter is General Motors (GM) response to your information request (IR), dated January 14, 2004, regarding allegations of fuel spillage out of the fuel filler neck during refueling, in 2003 Model Year (MY) Chevrolet TrailBlazer vehicles manufactured by General Motors.

Mr. Mark Swanson of your staff has clarified that the subject vehicles of this inquiry are 2003 MY Chevrolet TrailBlazer, TrailBlazer EXT, GMC Envoy, Envoy XL, Oldsmobile Bravada and Isuzu Ascender vehicles. Mr. Swanson has been informed that some of the requested information regarding the Isuzu Ascender is not available to GM. Therefore, the information related to the Isuzu Ascender, included in the responses to items 1 - 11, contains only the responsive information that is available to GM.

Your questions and our corresponding replies are as follows:

1. **State, by model and model year, the number of subject vehicles GM has manufactured for sale or lease in the United States. Separately, for each subject vehicle manufactured to date by GM, state the following:**

   a. **Vehicle identification number (VIN);**
   b. **Make;**
   c. **Model;**
   d. **Model Year;**
   e. **Date of manufacture;**
   f. **Date warranty coverage commenced; and**
   g. **The State in the United States where the vehicle was originally sold or leased (or delivered for sale or lease).**

   Provide the table in Microsoft Access 2000, or a compatible format, entitled "PRODUCTION DATA." See Enclosure 1, Data Collection Disc, for a pre-formatted table that provides further details regarding this submission.

   General Motors is providing the number of subject vehicles produced for sale or lease in the United States by model and model year in Table 1 below:

Product Investigations
Mail Code: 480-106-304 • 30500 Mound Road • Warren, MI 48090-9055
Phone: (586) 986-8029 • Fax (586) 947-2318

Model	2003 Model Year
Chevrolet TrailBlazer	193,929
Chevrolet TrailBlazer EXT	87,028
GMC Envoy	83,069
GMC Envoy XL	56,002
Oldsmobile Bravada	6,642
Isuzu Ascender	3478
TOTAL	432,148

TABLE 1 VEHICLE PRODUCTION

The production information requested in 1a-1g is provided on the Attachment 1 CD; refer to the Microsoft Access 2000 file in the folder labeled "PRODUCTION DATA". The GM database that contains Vehicle Identification Number (VIN) information does not include information on the state where an individual vehicle was sold. GM is providing the state where the vehicle was shipped in response to request 1g. For some of the subject vehicles, which have incomplete warranty files, the GM warranty system does not contain a warranty start date or state where the vehicle was shipped and therefore these fields are blank in the Microsoft Access 2000 file.

2. State the number of each of the following, received by GM, or of which GM are otherwise aware, which relate to, or may relate to, the alleged defect in the subject vehicles:

a. Consumer complaints, including those from fleet operators;
b. Field reports, including dealer field reports;
c. Reports involving a fire, based on claims against the manufacturer involving a death or injury, notices received by the manufacturer alleging or proving that a death or injury was caused by a possible defect in a subject vehicle, property damage claims, consumer complaints, or field reports;
d. Property damage claims;
e. Third-party arbitration proceedings where GM is or was a party to the arbitration; and
f. Lawsuits, both pending and closed, in which GM is or was a defendant or codefendant.

For subparts "a" through "d," state the total number of each item (e.g., consumer complaints, field reports, etc.) separately. Multiple incidents involving the same vehicle are to be counted separately. Multiple reports of the same incident are also to be counted separately (i.e., a consumer complaint and a field report involving the same incident in which a crash occurred are to be counted as a crash report, a field report and a consumer complaint).

In addition, for items "c" through "f," provide a summary description of the alleged problem and causal and contributing factors and GM's assessment of the problem, with a summary of the significant underlying facts and evidence. For items "f and g," identify the parties to the action, as well as the caption, court, docket number, and date on which the complaint or other document initiating the action was filed.

Table 2-1 below summarizes records that could relate to the subject condition.

Type of Report	Count (Including Duplicates)	GM Reports	GM Reports Corresponding to NHTSA Reports	Location of Reports (Attachment)	Number with Property Damage	Number with Injuries/ Fatalities	Number with Fire
Owner Reports	31	30	1	2A	0	0	0
Field Reports and Technical Assistance System Reports	172	171	1	2B	0	0	0
Not-In-Suit Claims	0	0	0	N/A	0	0	0
Subrogation Claims	0	0	0	N/A	0	0	0
Third Party Arbitration Proceedings	0	0	0	N/A	0	0	0
Product Liability Lawsuits	0	0	0	N/A	0	0	0
Total (Including Duplicates)	203	201	2	N/A	0	0	0
Total (Excluding Duplicates)	186	186	1	N/A	0	0	0

Table 2-1: Report Breakdown

N/A Not Applicable

The sources of the requested information and the last date the searches were conducted are tabulated in Table 2-2 below.

Source System	Last Date Gathered
Corporate Central File	1/22/2004
Customer Assistance Center	1/30/2004
Technical Assistance Center	1/27/2004
Field Information Network Database (FIND/FPRD)	1/20/2004
Company Vehicle Evaluation Program (CVEP)	1/22/2004
Captured Test Fleet (CTF)	1/29/2004
Early Quality Feedback (EQF)	1/29/2004
Field Product Report Database (FPRD)	1/20/2004
Legal / Employee Self Insured Services (ESIS)	2/2/2004
GM TREAD Data System (Isuzu only)	2/25/2004

Table 2-2: Data Sources

3. **Separately, for each item (complaint, report, claim, notice, or matter) within the scope of your response to Request No. 2, state the following information:**

   a. **GM's file number or other identifier used;**
   b. **The category of the item, as identified in Request No. 2 (i.e., consumer complaint, field report, etc.);**
   c. **Vehicle owner or fleet name (and fleet contact person), address, and telephone number;**
   d. **Vehicle's VIN;**
   e. **Vehicle's make, model and model year;**
   f. **Vehicle's mileage at time of incident;**
   g. **Incident date;**
   h. **Report or claim date;**
   i. **Whether a fire is alleged;**
   j. **Whether property damage is alleged;**
   k. **Number of alleged injuries, if any; and**
   l. **Number of alleged fatalities, if any.**

   Provide this information in Microsoft Access 2000, or a compatible format, entitled "REQUEST NUMBER TWO DATA." See Enclosure 1, Data Collection Disc, for a pre-formatted table that provides further details regarding this submission.

   The requested information is provided on the CD in Attachment 1; refer to the Microsoft Access 2000 file in the folder labeled " REQUEST NUMBER TWO DATA".

4. **Produce copies of all documents related to each item within the scope of Request No. 2. Organize the documents separately by category (i.e., consumer complaints, field reports, etc.) and describe the method GM used for organizing the documents.**

   Copies of the records identified in Item 2 are provided in the attachments listed in Table 2-1. GM has organized the records by the GM file number within each attachment.

5. **State, by model and model year, a total count for all of the following categories of claims, collectively, that have been paid by GM to date that relate to, or may relate to, the alleged defect in the subject vehicles: warranty claims; extended warranty claims; claims for good will services that were provided; field, zone, or similar adjustments and reimbursements; and warranty claims or repairs made in accordance with a procedure specified in a technical service bulletin or customer satisfaction campaign.**

   Separately, for each such claim, state the following information:

   a. **GM's claim number;**
   b. **Vehicle owner or fleet name (and fleet contact person) and telephone number;**
   c. **VIN;**
   d. **Repair date;**
   e. **Vehicle mileage at time of repair;**
   f. **Repairing dealer's or facility's name, telephone number, city and state or ZIP code;**
   g. **Labor operation number;**
   h. **Problem code;**

i. Replacement part number(s) and description(s);
j. Concern stated by customer; and
k. Comment, if any, by dealer/technician relating to claim and/or repair.

Provide this information in Microsoft Access 2000, or a compatible format, entitled "WARRANTY DATA." See Enclosure 1, Data Collection Disc, for a pre-formatted table that provides further details regarding this submission.

The 873 regular warranty claims for the subject vehicles that may relate to the subject condition, are summarized by model and model year in Table 5A. Isuzu warranty information is not available to GM. There are no extended warranty claims for the subject vehicles that may relate to the subject condition.

Regular Warranty Claims for Fuel Tank Filler Neck - Replace (Labor Code L1065 & L1066)

MODEL	2003MY
Chevrolet TrailBlazer	474
Chevrolet TrailBlazer EXT	109
GMC Envoy	198
GMC Envoy XL	59
Oldsmobile Bravada	33
TOTAL	873

TABLE 5A

GM searched the GM North America Claim Adjustment Retrieval Database (CARD-regular warranty), the Motors Insurance Corporation (MIC – extended warranty), and the Universal Warranty Corporation (UWC – extended warranty) databases to collect the warranty data for this response. The warranty data was last gathered on January 20, 2004.

A summary of warranty claims that may relate to the subject condition is provided on the Attachment 1 CD; refer to the Microsoft Access 2000 file in the folder labeled "REQUEST NUMBER FIVE - WARRANTY DATA."

GM's warranty database does not contain the following information: vehicle owner's name or telephone number, replacement part number description, or customer concern statement. GM is providing a field labeled "Verbatim Text" in response to request 5K (dealer/technician comment). The verbatim text is an optional field in the GM warranty system for the dealer to enter any additional comments that may be applicable to the warranty claim. The verbatim text field is not required to be completed for every warranty claim.

6. Describe in detail the search criteria used by GM to identify the claims identified in response to Request No. 5, including the labor operations, problem codes, part numbers and any other pertinent parameters used. Provide a list of all labor operations, labor operation descriptions, problem codes, and problem code descriptions applicable to the alleged defect in the subject vehicles. State, by make and model year, the terms of the new vehicle warranty coverage offered by GM on the subject vehicles (i.e., the number of months and mileage for which coverage is provided and the vehicle systems that are covered). Describe any extended warranty coverage option(s) that GM offered for the

subject vehicles and state by option, model, and model year, the number of vehicles that are covered under each such extended warranty.

The GM regular warranty data was collected by searching for the following labor code and trouble codes.

Labor Code	Description:
L1065	Neck, Hose and/or Vent Hose, Fuel Tank Filler –Left Tank - Replace
L1066	Neck, Hose and/or Vent Hose, RR Fuel Tank Filler - Replace

Trouble Code	Description:
1A	Bent
1D	Broken
1H	Clogged/Restricted/Blocked
1J	Collapsed
1K	Cracked
1Y	Foreign Material
2E	Clearance Excessive
2F	Clearance Too Tight
2H	Improperly Installed
2K	Improperly Sealed
2L	Incorrect Pressure
2P	Insufficient Sealant
2S	Kinked
2W	Loose
3A	Misadjusted/Misaligned
3C	Misrouted
3F	Not Connected
3Z	Ruptured
4N	Warped/Wavy/Wrinkled
6C	Component Inoperative
6D	Component Intermittent
98	Customer Satisfaction

The warranty data provided has limited analytical value in analyzing the field performance of a motor vehicle component. The warranty records do not contain sufficient information to establish the condition of the part at the time of the warranty correction; and service personnel may not consistently use the appropriate labor and trouble codes. Warranty numbers represent claims by our dealers for reimbursement for parts and labor costs incurred in performing warranty service for our customers.

The subject vehicles are covered by a bumper-to-bumper new vehicle warranty for three years or 36,000 miles whichever occurs first. Many different extended warranty options are available through GM dealerships. They are offered at different prices and for varying lengths of time, based on customer's preference, up to 7 years from the date of purchase or up to a total of 100,000 vehicle miles. The General Motor's warranty system does not contain information on the number of vehicles that have extended warranty coverage.

7. Produce copies of all service, warranty, and other documents that relate to, or may relate to, the alleged defect in the subject vehicles, that GM has issued to any dealers, regional or zone offices, field offices, fleet purchasers, or other entities. This includes, but is not limited to, bulletins, advisories, informational documents, training documents, or other documents or communications, with the exception of standard shop manuals. Also include the latest draft copy of any communication that GM is planning to issue within the next 120 days.

GM has identified a service bulletin that relates to the subject condition in the subject vehicles titled:

> "Vehicle is Difficult to Fill with Fuel or Filling Station Pump Shuts Off Before Tank is Full or Fuel Spits Back/Out When Filling Tank (Replace Fuel Tank Filler Upper Pipe and Lower Hose) # 04-06-04-003 - (01/12/2004)"

This bulletin pertains to:

2003 - 04 MY Chevrolet TrailBlazer, TrailBlazer EXT
2003 - 04 MY GMC Envoy, Envoy XL
2003 - 04 MY Oldsmobile Bravada
2004 MY Buick Rainier

A copy of this service bulletin, issued January 12, 2004, is contained in Attachment 7.

On January 30, 2004 a request to revise bulletin #04-06-04-003 was submitted. There has not yet been any action taken to revise the bulletin, therefore, no draft copy of the revised bulletin is available.

There are two revisions to the bulletin being requested. One is to add the 2002 MY Chevrolet TrailBlazer EXT and GMC Envoy XL to the list of vehicles included on the bulletin. An additional Fuel Tank Fill Pipe Assembly (Service Part No. 88963256) will also be added to the parts list. The additional Fuel Tank Fill Pipe Assembly is necessary because the 2002 MY vehicles require a longer ground strap on the Fuel Tank Fill Pipe Assembly than the ground strap required for subsequent MY vehicles. The ground strap length is the only difference between the Fill Pipe on the original bulletin and the Fill Pipe to be added to the bulletin.

The preceding information was collected from GM Service Operations. The data collection was completed on February 25, 2004. Information regarding Isuzu bulletins is not available to GM.

8. Describe all assessments, analyses, tests, test results, studies, surveys, simulations, investigations, inquiries and/or evaluations (collectively, "actions") that relate to, or may relate to, the alleged defect in the subject vehicles that have been conducted, are being conducted, are planned, or are being planned by, or for, GM. For each such action, provide the following information:

a. Action title or identifier;
b. The actual or planned start date;
c. The actual or expected end date;
d. Brief summary of the subject and objective of the action;
e. Engineering group(s)/supplier(s) responsible for designing and for conducting the action; and

f. A brief summary of the findings and/or conclusions resulting from the action.

For each action identified, provide copies of all documents related to the action, regardless of whether the documents are in interim, draft, or final form. Organize the documents chronologically by action.

General Motor's fuel system test and validation program includes tests of the Onboard Fueling Vapor Recovery (ORVR) and fuel fill pipe (R-Fill conditions). These ORVR and R-fill tests are "actions" conducted on new fuel systems that relate to fueling the subject vehicles. Attachment 8A contains a copy of the test reports including the information responsive to 8a-8f regarding the ORVR and R-Fill tests. There was no fuel spillage out of the fuel filler neck during fueling in any of the tests conducted on the subject vehicles. The test reports included in Attachment 8A are marked as GM Confidential.

In June 2003, JD Power Initial Quality Survey information indicated that 10 out of the 432 owners of the subject vehicles responding to the survey indicated that they had experienced fuel spillage while fueling the vehicle. GM Manufacturing and GM Brand Quality evaluated the JD Power information for the subject vehicles. A copy of a summary of the JD Power information is contained in Attachment 8B.

On June 10, 2003, Field Performance Report (FPR) No. 1776/2003/US was created in the Field Performance Reporting Database regarding difficulty fueling the subject vehicles. A copy of FPR 1776/2003/US is provided in Attachment 8C. Attachment 8D contains a copy of the 26 memos listed in FPR 1776/2003/US. The memos relate to ongoing "actions" taken by GM related to premature gas station pump shut off and fuel spit-back in the subject vehicles.

In late June 2003, a GM Brand Quality Manager reported to the Fuel Fill Pipe Engineer that an incident of fuel spit-back had occurred during refueling of a subject vehicle. The next day the GM Brand Quality Manager and the GM Fuel System Engineers took three subject vehicles, including the vehicle involved in the reported incident, back to the same fueling station. All three vehicles were fueled using the same fuel pump as the pump used in the reported incident. The vehicle that was reported to have spit-back during refueling the day before, did not spit-back any fuel. However, the other two vehicles did spit-back approximately 4 oz (118 ml) of fuel. The documents related to this fueling investigation are the photographs and videos provided on the CD in Attachment 1; refer to the folder labeled "Response to Q8".

On July 30, 2003, the Fuel Systems group initiated EWO AYMSG. The EWO approved a change to the fuel filler pipe installed in the subject vehicles to address "poor fill quality issues". The poor fill quality issues are identified in the FPR as premature fuel pump shut off (PSO) due to fuel system burp. This burp may be caused by the vehicle fuel system's attempt to normally vent during refueling when the fuel pump flow rate exceeds 10 gallons per minute. Premature Shut Off (PSO) was a customer satisfaction issue and the primary reason for the EWO. The changes to the fuel fill pipe approved in the EWO also address the rare incidents of fuel spit-back that may occur when the fuel pump flow rate exceeds 10 gallons per minute. Attachment 8E contains a copy of EWO AYMSG.

In November 2003, EWO ANSTDB (Attachment 8F) approved the service parts modified according to EWO AYMSG to be used for service. The EWO cited variability at the filling stations (fuel flow rates, type of fill nozzle, fuel properties) as contributing factors creating a potential to develop an increase in back pressures internal to the fuel fill neck. The backpressure trips the fuel nozzle prior to completely filling the tank, or results in a hard to fill condition (PSO). See also response to Item 12.

9. **Describe all modifications or changes made by, or on behalf of, GM in the design, material composition, manufacture, quality control, supply, or installation of the subject components, from the start of production to date, which relate to, or may relate to, the alleged defect in the subject vehicles. For each such modification or change, provide the following information:**
   a. **The date or approximate date on which the modification or change was incorporated into vehicle production;**
   b. **A detailed description of the modification or change;**
   c. **The reason(s) for the modification or change;**
   d. **The part numbers (service and engineering) of the original component;**
   e. **The part number (service and engineering) of the modified component;**
   f. **Whether the original unmodified component was withdrawn from production and/or sale, and if so, when;**
   g. **When the modified component was made available as a service component; and**
   h. **Whether the modified component can be interchanged with earlier production components.**

   Also, provide the above information for any modification or change that GM is aware of which may be incorporated into vehicle production within the next 120 days.

   A listing of the modifications or changes that may relate to the subject condition are provided on the CD in attachment 1; refer to the Microsoft Excel file in the folder labeled "Response to Q9".

10. **List all GM models that have the same or similar fuel system designs as the subject vehicle.**

    The GM vehicles that have the same or similar fuel system designs are identified in Table 10.

Chevrolet TrailBlazer	2002	18.7
GMC Envoy	2002	18.7
Oldsmobile Bravada	2002	18.7
Chevrolet TrailBlazer	2003	18.7
GMC Envoy	2003	18.7
Oldsmobile Bravada	2003	18.7
Chevrolet TrailBlazer	2003	21.7
GMC Envoy	2003	21.7
Oldsmobile Bravada	2003	21.7
Chevrolet TrailBlazer EXT	2002	25.3
GMC Envoy XL	2002	25.3
Chevrolet TrailBlazer EXT	2003	25.3
GMC Envoy XL	2003	25.3
Chevrolet TrailBlazer	2004	21.7
GMC Envoy	2004	21.7
Oldsmobile Bravada	2004	21.7
Buick Rainier	2004	21.7
Chevrolet TrailBlazer EXT	2004	25.3
GMC Envoy XL	2004	25.3
GMC Envoy XUV	2004	25.3

TABLE 10

The 18.7 gallon fuel tank was used in production from start of the 2002 MY production to September 30, 2002. The 21.7-gallon fuel tank was used in production from September 30, 2002 to July 19, 2003.

11. Produce each of the following:

a. Parts schematics of the fuel system for each design version of the subject component; and
b. A diagram of the fuel system showing how the system works.

An electronic summary of the parts schematics of the fuel system for each design version of the subject component is provided on the CD in Attachment 1; refer to the folder labeled, "Response to Q11."

A block diagram of the Fuel System in the subject vehicles showing how the system works is provided in Attachment 11.

12. Furnish GM's assessment of the alleged defect in the subject vehicle, including:

a. The causal or contributory factor(s);
b. The failure mechanism(s);
c. The failure mode(s);
d. The risk to motor vehicle safety that it poses;
e. What warnings, if any, the operator and the other persons both inside and outside the vehicle would have that the alleged defect was occurring or subject component was malfunctioning; and
f. The reports included with this inquiry.

GM's assessment and analysis of fill quality issues ("hard to fill"-pump shuts off prior to tank being full and "spit back"-fuel spillage out of the filler neck during refueling) indicates that these fill quality issues can result from the effect that variability in fuel filling station equipment has on the subject vehicles fuel system.

GM has completed a series of validation tests on the fuel system in the subject vehicles. The tests were conducted using 6 different fuel pump nozzles inserted into the filler neck at different angles. The fuel flow rates varied from 4 gallons per minute to 10 gallons per minute. The typical severe fill test conditions and requirements are listed in the test report tables included in Attachment 8A. EPA regulations provide that maximum allowable flow rate at the filling station pump shall not exceed 10 gallons per minute (see 40 CFR §80.22). At that fill rate, no fuel spillage occurred during the validation testing. The fuel system met all GM Engineering design guidelines at various flow rates.

Analysis of the information regarding fuel fill quality issues contained in the Field Performance Report (FPR), consumer complaints, field reports and warranty data indicates that the variability in fuel filling equipment, primarily flow rates exceeding legal mandates and failed pressure switches on filling station nozzles, can contribute to fill quality issues including fuel spillage.

All of these conditions and others including: bent or broken filling station nozzle, changes in flow rates based on the number of pumps in use simultaneously (pulsation/two phase flow) and high

fuel Reid Vapor Pressure (RVP) coupled with high fuel temperature, can potentially create an increase in back pressure internal to the fuel fill neck.

Back pressure, induced by these conditions, causes fuel to back up to the filler cup/dispersion nozzle area as the vehicle fuel system attempts to normally vent. This can cause the fuel nozzle to trip (shuts off) or fuel spit-back (fuel spillage out of the filler neck).

GM does not believe there is a risk to motor vehicle safety posed by fuel spillage out of the filler neck during refueling, in the subject vehicles. The incidence of fuel spillage during refueling in the subject vehicles is rare. GM Test Report P001988 (see Attachments 8A) indicates that the volume of fuel spilled as a result of the conditions noted above is less than 2.03 oz (60 ml) using an Emco-Wheaton A2000 nozzle at a flow rate of 12 gallons per minute. (Higher than mandated) The risk to motor vehicle safety from fuel spillage out of the filler neck can only occur if there is an ignition source for the fuel.

The presence of an ignition source at a refueling station is highly unlikely. Legal requirements enacted in most, if not all states, mandate that any source of ignition be removed or extinguished before operating the fuel station pump. Many states incorporate by reference the National Fire Protection Association (NFPA) 30A Code for Motor Vehicle Fuel Dispensing Facilities and Repair Garages.

According to a representative state requirement (see Attachment 12) "smoking materials, including matches, lighters, and other sources of ignition including torches shall not be used within 25 feet (7 meters) of areas used for fueling, servicing fuel systems of internal combustion engines, or receiving or dispensing Class 1 Liquids. The motors of all equipment being fueled shall be shut off during the fueling operation, except for emergency generators, pumps, and the like, where continuing operation is essential." "Warning signs shall be conspicuously posted in the dispensing area and shall incorporate the following or equivalent wording 'WARNING' It is unlawful and dangerous to dispense gasoline into unapproved containers. No smoking. Stop motor. No filling of portable containers in or on a motor vehicle. The person shall remain in attendance outside of the vehicle and in view of the nozzle."

The reports included with this inquiry and the reports being submitted by GM in this response are consistent with the failure mechanisms noted above. There have not been any reports of fire or injury. As indicated in response to Item 9, GM has modified the fuel fill pipe assembly to address customer dissatisfaction with fuel fill quality. The modified fuel fill pipe assembly was made available as a service part for the subject vehicles.

* * *

General Motors requests that the document stamped "GM Confidential" included in Attachment 8A be afforded confidential treatment by the NHTSA. This information is not customarily made public by General Motors and contains trade secrets and commercial information which is privileged or confidential under 5 U.S.C. Section 552(b)(4), 49 CFR Part 512 and 49 U.S.C. Section 30167(a).

This 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, all at the expense of General Motors. Attachment 8A contains commercial information the disclosure of which would likely result in substantial competitive harm.

General Motors treats the above material as confidential proprietary information available only to authorized General Motors personnel and not otherwise available to the public. The document is maintained under a record-keeping system which is intended to control dissemination of this material within General Motors, and to assure that it is not disseminated outside the Corporation, except as described in the attached certification made pursuant to 49 CFR Part 512.4(e).

To the best of our knowledge, no prior determinations of the confidentiality of this document has been made by the NHTSA, other Federal Agencies, or the Federal Courts. Document such as the one contained in Attachment 8A, however, have, to the best of our knowledge, normally been granted confidential treatment by the NHTSA in the past.

The document subject to this request for confidentiality has been clearly stamped "GM CONFIDENTIAL". If a request for disclosure of any or all of this information is received by the NHTSA, General Motors requests notification of receipt of each such request and, if necessary, an opportunity to further explain the reasons why such material is trade secret and commercial information which should not be disclosed under the applicable statutes and regulations.

This response is based on searches of General Motors Corporation (GM), locations where documents determined to be responsive to your request would ordinarily be found. As a result, the scope of this search did not include, nor could it reasonably include, "all of its past and present officers and employees, whether assigned to its principal offices or any of its field or other locations, including all of its divisions, subsidiaries (whether or not incorporated) and affiliated enterprises and all of their headquarters, regional, zone and other offices and their employees, and all agents, contractors, consultants, attorneys and law firms and other persons engaged directly or indirectly (e.g., employee of a consultant) by or under the control of GM (including all business units and persons previously referred to), who are or, in or after 2004, were involved in any way with any of the following related to the alleged defect in the subject vehicles:

a. Design, engineering, analysis, modification or production (e.g. quality control);
b. Testing, assessment or evaluation;
c. Consideration, or recognition of potential or actual defects, reporting, record-keeping and information management, (e.g., complaints, field reports, warranty information, part sales), analysis, claims, or lawsuits; or
d. Communication to, from or intended for zone representatives, fleets, dealers, or other field locations, including but not limited to people who have the capacity to obtain information from dealers."

This response was compiled and prepared by this office upon review of the documents produced by various GM locations, and does not include documents generated or received at those GM locations subsequent to their searches.

Please contact me if you require further information about this response or the nature or scope of our searches.

Sincerely,

Gary P. Kent
Director
Product Investigations

Attachments

CERTIFICATE IN SUPPORT OF REQUEST FOR CONFIDENTIALITY

I, Gay P. Kent, pursuant to the provisions of 49 CFR Part 512 state as follows:

(1) I am the Director of Product Investigations, and I am authorized by General Motors Corporation (GM) to execute documents on its behalf;

(2) The information stamped "GM Confidential" contained in Attachment 8A to this document is confidential and proprietary data and is being submitted with the claim that it is entitled to confidential treatment of 5 USC §552(b)(4), 49 U.S.C. Section 30167(a) and implemented in 49 CFR Part 512;

(3) I, or members of my staff, have personally inquired of the responsible GM personnel who have authority in the normal course of business to release the information for which a claim of confidentiality has been made to ascertain whether such information has ever been released outside GM;

(4) Based upon such inquiries to the best of my knowledge, information and belief, the information for which GM has claimed confidential treatment has never been released or become available outside GM, except as hereinafter specified: None.

(5) I make no representations beyond those contained in this certificate and in particular, I make no representations as to whether this information may become available outside GM because of unauthorized or inadvertent disclosure except as stated in Paragraph 4; and,

(6) I certify under penalty of perjury that the foregoing is true and correct." Executed on this the 27th day of February 2004.

Gay P. Kent
Director
Product Investigations