

NWS-213  
K. Bowker

MAY 31 2005

Mr. Stephen T. Waimey  
Gordon & Rees, LLP  
4675 MacArthur Court  
Suite 800  
Newport Beach, CA 92660

Re: Confidentiality Determination on Request PE04-065 (Kia Motors America, Inc.)

Dear Mr. Waimey:

This is in response to your letter to Ms. Jacqueline Glassman dated January 18, 2005 requesting confidential treatment for materials submitted by Kia Motors Corp and Kia Motors America, Inc. ("Kia"), and enclosed with the letters. The letters and enclosed materials were submitted by Kia in response to the National Highway Traffic Safety Administration's information request regarding alleged rear drum brake wheel cylinder leakage in Kia Spectra 2002-2004 model year vehicles.

Kia asserts that the information at issue is considered by Kia to be confidential and proprietary information available only to authorized personnel and otherwise not available to the public. The materials are contained in attachments to the letter identified as testing reports at Tab 3 and Tab 4 to Kia's Supplemental Response. There is a chart of wheel replacement data at Tab 7 with the VIN numbers highlighted for deletion. You state that 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 these products.

Because this information was not submitted voluntarily, I have reviewed your submissions 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 Kia seeks confidential treatment. The material at Tab 3 and Tab 4 contains confidential testing reports and specifications in English and Korean. I have determined that release of this information would be likely to cause Kia to suffer competitive harm. Tab 7 contains personal VIN numbers displayed in a chart. Personal identifying information, including the last six digits of VIN's, will be accorded confidential treatment. As a result, I am granting confidential treatment for the material at Tabs 3 and 4 in its entirety, and the last six digits of each VIN listed in the chart at Tab 7.

As you requested, subject to the conditions provided below, this grant of confidential treatment will remain in effect indefinitely. 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,

**Original Signed By**

Otto G. Matheke, III  
Senior Attorney

NHTSA: NCC-110:Mills 5/25/05:cyt:65263 **NCC05-000552**  
NCC-111 :Subj/Chron, ntm, om, cyt  
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