

JUL - 5 2005

Ms. Gay P. Kent
Director, Product Investigations
General Motor North America
Mail Code 480-106-304
30200 Mound Road
Warren, MI 48090-9055

Re: Confidentiality Determination/RQ04-010

Dear Ms. Kent:

This is in response to your letter, dated January 14, 2005, requesting confidential treatment for certain materials submitted by General Motors North America ("GM") in response to an agency information request (IR) regarding the reasons that GM excluded certain model year Sierra and Silverado vehicles from vehicles included in recall campaign 04V-129. The materials are contained on one CD-ROM (attachments 9C to 9I). Specifically, GM requests that the information contained in these attachments be treated as confidential and asks that this information be kept confidential without a time limitation.

Your letter and accompanying certificate indicate that the information provided is confidential and proprietary information that GM does not and has not released to the public. You contend that the information (engineering investigation information, analysis and test data), if disclosed, would be likely to cause GM to suffer substantial competitive harm. In particular, GM states that this information would reveal GM's methodologies and testing processes to competitors without them having to make the investment in resources made by GM.

I have decided to grant your request.

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, 5 U.S.C. § 552(b)(4), 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's submission consists of chemical and environmental test data relating to the subject vehicles' liftgate cables, its associated component parts and tests of the part in actual operation. This information is not readily available to the public. Further, the agency believes that the disclosure of this detailed information would be likely to cause GM to suffer substantial competitive harm. Accordingly, I am according confidential treatment to the materials described above.

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,



Otto G. Matheke, III
Senior Attorney

