



January 14, 2005

Jacqueline Glassman, Esq.
 Chief Counsel
 National Highway Traffic
 Safety Administration
 Room 5219
 400 Seventh Street, S.W.
 Washington, D.C. 20590

GM-646B

NVS-214gb
 RQ04-010

Dear Ms. Glassman:

Enclosed with this letter are three copies of General Motors (GM) January 14, 2005, response to NHTSA's information request (IR), dated November 18, 2004, regarding the reason(s) that General Motors excluded 1998 and 1999 model year Sierra and Silverado vehicles from the vehicles included in Campaign 04V-129. Two copies include the confidential documents and the third does not.

General Motors requests the documents stamped "GM Confidential" be afforded confidential treatment without a time limitation by the NHTSA. These are included in the electronic CD identified as Attachment 1 Confidential. 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).

The following identifies the specific types of confidential information contained in each document:

Response	Document Name	Information Types
9	Attachment 9C GM Evaluation Report PER/Report 13925.	Engineering investigation information, analysis and test data.
9	Attachment 9D GM Evaluation Report PER/Report 14062.	Engineering investigation information, analysis and test data.
9	Attachment 9E GM R & D Chemical & Environmental Sciences Lab Elemental Analysis Certificate No 2004-00595.	Engineering investigation information, analysis and test data.
9	Attachment 9F GM R & D Chemical & Environmental Sciences Lab XPS Analysis Certificate No 2004-00611.	Engineering investigation information, analysis and test data.
9	Attachment 9G GM R & D Chemical & Environmental Sciences Lab Micro Energy-Dispersive X-ray Fluorescence Spectroscopy Analysis Certificate No 2004-00624.	Engineering investigation information, analysis and test data.
9	Attachment 9H GM R & D Chemical & Environmental Sciences Lab X-ray Photoelectron Spectroscopy Elemental Analysis Certificate No 2004-00632.	Engineering investigation information, analysis and test data.

9	Attachment 91 GM R & D Chemical & Environmental Sciences Lab Gas Chromatography-Mass Spectrometry Analysis Certificate No 2004- 00651.	Engineering investigation information, analysis and test data.
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GM requests confidential treatment of the information in these documents because it includes trade secrets, disclosure of which would cause substantial competitive harm. GM submits that the competitive harm would be substantial because the design and manufacture of vehicles and vehicle components are the core of its business, and because global competition in that business is intense.

Documents in response to question 9, on the CD labeled Attachment 1 Confidential identified above, disclose GM's test procedures, results of product development, performance testing and analysis. The development of test procedures involves time, effort, and skill. Knowledge of how GM tests and evaluates a product would give a competitor valuable information that it would otherwise have to spend its time and money to develop, and therefore would deprive GM of the competitive advantage of its efforts without any compensation. These test procedures and results, warranty data and quality information would give competitors insight into GM's methodologies and business practices for evaluating its products.

Several of the documents in response to question 9, on the CD labeled Attachment 1 Confidential identified above, disclose GM's investigation procedures and results. The conduct of an investigation involves time, development effort, and money to plan and execute. A product of the investigation would give a competitor valuable information that it would otherwise have to spend its time and money to develop and investigate. This would deprive GM of the competitive advantage of its efforts without any compensation.

Several documents in response to question 9, on the CD labeled Attachment 1 Confidential identified above, contain engineering part specifications and other design data. This information would give competitors insight into GM's methodologies and disclose confidential information about the design and performance of its products, without spending their own resources or compensating GM for the knowledge they would gain.

GM treats the above material as confidential proprietary information available only to authorized GM, supplier, and customer personnel who have a business need for them, and are not otherwise available to the public. These documents are maintained under a record-keeping system that is intended to control dissemination of this material within GM, supplier and customer personnel, and to assure that it is not freely disseminated outside the Corporation. Multiple security systems are used to limit access to facilities and record storage systems where confidential information is stored and employees receive training in information security policies and procedures.

To the best of our knowledge, the NHTSA, other Federal Agencies, or the Federal Courts have made no prior determinations of the confidentiality for these documents. These types of documents, however, have normally been granted confidential treatment by the NHTSA in the past, to the best of our knowledge.

The documents subject to this request for confidentiality are being provided and have 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

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is trade secret and commercial information which should not be disclosed under the applicable statutes and regulations.

If you require further information about this request, please do not hesitate to call me at 586-866-8029.

Sincerely,



Gay F. Kent
Director
Product Investigations

Enclosures

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 Director of Product Investigations of General Motors Corporation and am authorized to execute this certificate on its behalf.
- (2) I certify that the information contained in the documents identified in the letter dated January 14, 2005 is confidential and proprietary data and is being submitted with the claim that it is entitled to confidential treatment under 5 U.S.C. 552(b)(4) and 49 C.F.R. Part 512.
- (3) I hereby request that the information be protected without a time limitation.
- (4) This certification is based on the information provided by the responsible GM personnel who have responsibility for the documents being provided to NHTSA for which a claim of confidentiality has been made.
- (5) Based on that information, to the best of my knowledge, information and belief, the information for which GM has claimed confidential treatment has never been released or made available outside GM and supplier or customer personnel.
- (6) 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.
- (7) I certify under penalty of perjury that the foregoing is true and correct. Executed on this the 14th day of January 2005.



Gay P. Kent
Director
Product Investigations