

NWS - 213  
Chris Lash

JUL - 7 2006

Keith S. Schultz  
Manager, Product Investigations  
General Motors North America  
Mail Code 480-111-E18  
30200 Mound Road  
Warren, MI 48090-9010

Re: Request for Confidential Treatment/Presentation in PE06-006

Dear Mr. Schultz:

This responds to your June 7, 2006, letter requesting confidential treatment for information submitted by General Motors North America, LLC (GM) in a presentation given to agency officials relating to PE06-006. GM requests that a summary of Weibull analyses be afforded confidential treatment indefinitely.

GM asserts that the Weibull analyses contain proprietary information related to how GM analyzes the performance of its products and implements the improvement of these products. Your letter further states that this information is not publicly released by GM and that release of this information would be likely to result in substantial competitive harm to GM.

I have decided to grant your request.

The information provided by GM was submitted in response to an agency request that did not require GM to submit the data. I have therefore determined that GM provided this information voluntarily. Accordingly, I have reviewed your request under the principles set forth in *Critical Mass Energy Project v. Nuclear Regulatory Comm'n*, 975 F.2d 871 (D.C. Cir. 1992).

Under the test set forth in *Critical Mass*, financial or commercial information provided to the government on a voluntary basis is "confidential" for purposes of Exemption 4 of the Freedom of Information Act, if it is the kind of information that would customarily not be released to the public by the submitter. Your letter indicates that the data contained in your response is data that GM would not customarily release to the public. Therefore, I am according confidential treatment to the information contained in your submission.

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

NHTSA:NCC-113:65263:7/03/06:  
Subj/Chron, om,  
Info: Chris Lash w/enclosure  
M:\Misc06\GM3356ogm.doc



June 7, 2006

Steve Wood, Esq.  
Office of Chief Counsel  
National Highway Traffic Safety Administration  
Room 5219  
400 Seventh Street, S.W.  
Washington, D.C. 20590

GM-686 Supplement 2

NVS-213cla  
PE06-006

Dear Mr. Wood:

Enclosed with this letter are two copies of General Motors' (GM) June 1, 2006 presentation on Weibull analysis methods and results for the subject investigation.

GM requests that the document stamped "GM Confidential" included in Attachment 1 CD GM Confidential be afforded confidential treatment without a time limitation by 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).

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

Document Name	Information types
Summary of Weibull Analyses Supplement 2	GM's application of engineering judgment and analysis methodologies.

GM requests confidential treatment of the information in these documents because it includes trade secrets and the 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.

The document labeled "Summary of Weibull Analyses Supplement 2" on the Attachment 1 CD GM CONFIDENTIAL identified above discloses information about GM's application engineering business process for engineering judgment, analysis methodologies, and action. 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 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 and 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 has made no prior determinations of the confidentiality for these documents. These types of

**Product Investigations**

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GM686 Response Supplement 2 Confidentiality Request



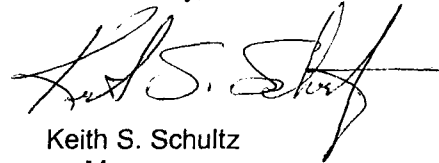
Letter to Steve Wood  
PE06-006 / GM-686 Supplement 2  
June 7, 2006  
Page 2

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" on a CD label. 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.

If you require further information about this request, please do not hesitate to call me.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith S. Schultz", with a long horizontal flourish extending to the right.

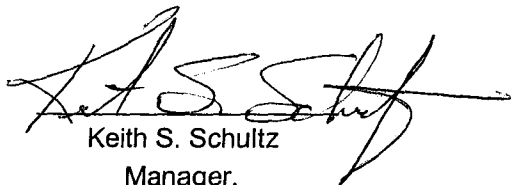
Keith S. Schultz  
Manager,  
Product Investigations

Attachments

## CERTIFICATE IN SUPPORT OF REQUEST FOR CONFIDENTIALITY

I, Keith S. Schultz, pursuant to the provisions of 49 CFR Part 512, state as follows:

- (1) I am Manager 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 June 7, 2006 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 7<sup>th</sup> day of June 2006.



Keith S. Schultz  
Manager,  
Product Investigations