

FEB 13 2007

Gay P. Kent
Director, Product Investigations
General Motors North America
Mail Code 480-210-G11
30001 Van Dyke
Warren, MI 48090

Re: Confidentiality Determination/PE06-006 (2000-2003 MY Saturn L-series vehicles)

Dear Ms. Kent:

This responds to your December 22, 2006 letter requesting confidential treatment for information provided by General Motors North America (GM) in response to a December 20, 2006 request by Jeff Quandt of the agency's Office of Defects Investigation related to GM's summary of the results of its analysis of the field incidents for alleged stalling in model year (MY) 2000-2003 Saturn L-series vehicles equipped with the 2.2L engine. The information was provided on a single CD-ROM (identified as "GM-686 Supplement 4 Attachment 1") containing one (1) file identified by GM as confidential. The file consists of a summary of GM's Weibull analysis related to engine stalling performance. You note that GM has provided this information voluntarily and request that to the extent that the agency grants GM's request, that NHTSA not apply any time limits to this protection. I am construing this letter as a request for confidentiality on an indefinite basis.

Your letter indicates that the submitted information is considered confidential and proprietary and that it is not released to the public. You contend that the information, if disclosed, would be likely to cause GM to suffer substantial competitive harm because disclosure would permit a competitor to obtain this information without committing similar resources and effort.

I have decided to grant your request.

The submitted information was not provided in response to an agency information request but was submitted voluntarily by GM. Accordingly, I have examined your submission using the standard set forth in *Critical Mass v. NRC*, 975 F.2d 871 (D.C. Cir. 1992) for voluntarily submitted information.

GM's submission consists of one (1) PDF file identified and described as a summary of the results of GM's Weibull analysis of the field incidents for the subject investigation.

I have reviewed your submission, including the materials that you claim are entitled to confidential treatment and the arguments that you assert in support of your claim. As described above, the submitted materials consist of a summary of GM's Weibull analysis of the field incidents for the subject investigation which includes GM's application of engineering judgment and analysis methodologies that are not customarily disclosed by GM. I have concluded that this voluntarily submitted information is entitled to confidential treatment pursuant to Exemption 4 of the Freedom of Information Act, 5 U.S.C. § 552(b)(4). Accordingly, the file listed above will be withheld for an indefinite period of time.

Subject to the conditions below, this grant of confidential treatment will remain in effect on an indefinite basis.

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,

Original Signed By

Otto G. Matheke, III
Senior Attorney

NHTSA:NCC-111:DiMarsico:61834:2/11/07
NCC-113:Subj/Chron, ad, om, cyt NCC07-000065
cc: NVS-213: Lash w/enclosures
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