

NVS-213
J. Quandt

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

JAN 31 2007

Re: Request for Confidential Treatment/PE06-016

Dear Ms. Kent:

This responds to your December 22, 2006 letter requesting confidential treatment for supplemental information submitted by General Motors (GM) in response to an information request in the above agency investigation. GM seeks confidential treatment for material on a single CD-ROM disk identified as "GM Confidential, GM688 Supplement 1, Attachment 1, Reply Date: 12/22/2006." GM requests confidential treatment for an indefinite period.

The CD-ROM contains a single 1-page document entitled, "GM688 Weibull Analysis." GM contends that this document discloses information about GM's application engineering business process for engineering judgment, analysis methodologies, and action. GM asserts that the release of this information would give competitors insight into GM's methodologies and disclose confidential information about the design and performance of its products, without expending their own resources.

I have decided to grant your request.

GM submitted this data in response to a formal NHTSA request for information. Thus, because GM was required to submit this information, I reviewed your claim for confidential treatment under the test set forth in *National Parks & Conservation Ass'n v. Morton*, 498 F.2d 765 (D.C. Cir. 1974) and its progeny. Under the *National Parks* decision, information concerning a commercial or financial matter is "confidential" under Exemption 4 of the Freedom of Information Act, 5 U.S.C. § 552(b)(4), if disclosure of the information is likely to cause substantial competitive harm to the competitive position of the submitter, or is likely to impair the Government's ability to obtain necessary information in the future. *Id.* at 770.

As described above, the information submitted by GM reveals the company's engineering business process and methodologies. The disclosure of this information would be likely to cause substantial competitive harm to GM by allowing competitors to obtain commercially valuable manufacturing-related information that is not readily available to the public. Accordingly, the document entitled, "GM688 Weibull Analysis" will be withheld under Exemption 4.

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:Goodman 01/23/07 (1/30/07)
NCC-111 Subj/Chron: tg, om, cyt **NCC07-000057**
Info: NVS-213: Jeffrey L. Quandt (with enclosure)
M: Misc07/GM06-0057tg.doc



GENERAL MOTORS NORTH AMERICA
Structure & Safety Integration

2006 DEC 29 P 2:06
OFFICE OF CHIEF COUNSEL

GM Reply Date: December 22, 2006

GM-688 Supplement 1 Book 1 of 1

NHTSA # PE06-016 NHTSA Office of Chief Counsel

Confidential Complete #1

Subject Vehicle: All MY 2001-2002 Chevrolet and GMC (C/K) 2500 and 3500 series pickup trucks and sport utility vehicles equipped with 8.1L V8 engines that were manufactured for sale or lease in the United States.

Subject Component: All Crank Position Sensors (CKP's) manufactured for use as original equipment or service replacement parts on subject vehicles manufactured on the subject vehicles.

Tab (1).....GM Confidentiality Letter

Tab (2)..... Attachment 1 Material (1) CD GM Confidential