

SEP 22 2008

Keith Schultz
Product Investigations
General Motors North America
Mail Code: 480-210-G11
30001 Van Dyke
Warren, MI 48090

Re: Request for Confidential Treatment/EA07-08

Dear Mr. Schultz:

This responds to your May 30, 2008 request for confidential treatment for supplemental information submitted by General Motors (GM) in response to an information request in the above agency investigation.

The information for which you request confidential information is contained on a CD-ROM entitled "NO70035A Supplement 6, EA07-008, ATT_1_DELPHI_CONF Reply Date: 5/30/2008." A GM supplier, Delphi Corporation (Delphi) has provided a certification outlining its view that the materials included in GM's submission are confidential. Delphi's certification is incorporated into your request. GM seeks permanent confidential treatment.

Your request is granted.

I reviewed GM's claim for confidential treatment under the test applied 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 would be likely to cause substantial competitive harm to the submitter or to impair the government's ability to collect the information in the future.

You contend that the confidential information in the 4 page document entitled "Spark Plug Ch Material Properties" contained in subfolder "ATT_1_DELPHI_CONF" contains engineering specifications. You contend that competitors could utilize Delphi's engineering specifications and lessons learned without the expense of developing their own designs and expertise. I concur with GM's assertion that the information in this document would be likely to cause substantial competitive harm if released.

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 C.F.R. § 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 C.F.R. § 512.10). If necessary, you will be notified prior to the release of any information under the procedures established by our regulations (49 C.F.R. § 512.22(b)).

Sincerely,

Original Signed By
Original Signed By
Ottó C. Mathias, II
Senior Attorney

