

NOS 212-
Tom Cooper
248-314
Full

DEC 13 2007

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

Re: Request for Confidential Treatment/PE07-001

Dear Ms. Kent:

This responds to your March 8, 2007 and March 14, 2007 requests for confidential treatment for information submitted by General Motors (GM) in response to an information request (IR) issued in the above-referenced investigation. Three GM suppliers, Valeo Switches & Detection Systems (Valeo), Emerson Appliance Controls (Mallory) and Delphi Corporation (Delphi) have provided certifications and letters outlining their view that the materials included in GM's submission are confidential. These letters and certifications are incorporated into your request. GM seeks permanent confidential treatment.

The information at issue is provided on four CD-ROM's. One contains materials from GM, and Delphi and Mallory have each provided a single CD-ROM. Information originating from Valeo is on two CD-ROMs. The first is identified as "Valeo CONFIDENTIAL, N 070018 PE07-001 Attachment 3" and the second is identified as "Valeo CONFIDENTIAL, N 070018 PE07-001 Supplement 1 Attachment 3." The Mallory material is on a disk is marked as "Mallory CONFIDENTIAL, N 070018 PE07-001 Attachment 4, Delphi's data is on the disk identified as "DELPHI CONFIDENTIAL, N 070018 PE07-001 Attachment 5, and GM's material is on a disk labeled "GM CONFIDENTIAL, N 070018 PE07-001 Attachment 2."

The CD-ROMs contain engineering drawings, design specifications, test specifications and validation criteria. GM and its suppliers contend that these documents disclose information about specifications, test procedures, engineering testing, and products analysis. You assert that the release of this information would give competitors insight into the companies' methodologies and disclose confidential information about the design and performance of the companies' products, without expending their own resources.

I have decided to grant your request.

GM and its suppliers submitted this data in response to a formal NHTSA request for information. Thus, because they were 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 and its suppliers reveals the companies' engineering business process and methodologies. The disclosure of this information would be likely to cause substantial competitive harm to the companies by allowing competitors to obtain commercially valuable manufacturing-related information that is not readily available to the public. Accordingly, the documents in the above-mentioned CD-ROMs 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,



Otto G. Matheke, III
Senior Attorney

