

30-2008

Gay P. Kent
Director, Product Investigations
General Motors North America
Mail Code 480-210-G11
30001 Van Dyke
Warren, MI 48090-9055

Re: Confidentiality Determination/PE07-025

Dear Ms. Kent:

This responds to your September 4, 2007 request for confidential treatment for General Motors North America (GM) information given in a supplemental response to a National Highway Traffic Safety Administration (NHTSA) information request (IR) issued in the investigation noted above. GM seeks permanent confidential treatment.

The information at issue is provided on one CD-ROM. GM's CD is identified as "N070146 Supplement 1 PE07-025" and contains engineering drawings, design specifications, test specifications and validation criteria. GM contends that these documents disclose trade secrets, engineering specifications, product and process development, performance analyses and test processes. You assert that the release of this information would give competitors insight into the company's methodologies and disclose confidential information about the design and performance of the company's 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.

Review of the materials provided by GM shows that the information consists of internal test reports, test procedures and internal quality improvement analyses. Disclosure of this information within "N070146 Supplement 1 PE07-025" would be likely to cause GM substantial competitive harm to GM by allowing competitors to obtain commercially valuable information that is not otherwise available. Accordingly, the documents in the above-mentioned CD-ROM will be withheld under Exemption 4.

Subject to the conditions below, this grant of confidential treatment will remain in effect for the period requested.

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

Enclosure

