

**CERTIFIED MAIL -- RETURN RECEIPT REQUESTED**

OCT 10 2008

Keith S. Schultz, Manager  
Product Investigations  
General Motors Corporation  
Vehicle Structure & Safety Integration  
Mail Code: 4800-210-G11  
30001 Van Dyke Road  
Warren, MI 48090

Re: Request for Confidential Treatment/PE08-016 May 13, 2008 Presentation

Dear Mr. Schultz:

This responds to your June 2, 2008 request for confidential treatment for General Motors' (GM) presentation material given in a May 13, 2008 meeting with the National Highway Traffic Safety Administration's (NHTSA) Office of Defects Investigation. This information is contained in the "NHTSA Demo OHB Brake System Final.pdf" file a CD-ROM disk entitled "GENERAL MOTORS CORPORATION, Global Vehicle Structure & Safety Integration, Product Investigations, GM Confidential Business Information, NO80111 Supplement 1, PE08-016, ATT\_1\_GM\_CONF, Reply Date: 5/21/2008." Specifically, GM requests confidential treatment for all of the pages of the foregoing file. GM requests that this information be granted confidential treatment indefinitely.

Your letter and accompanying certificate indicate that the information provided is confidential and proprietary data that has never been released or become available outside GM, except as specified. GM further contends that the file contains trade secrets and commercial information whose release would be likely to cause GM to suffer competitive harm.

I am granting your request in part and denying it in part.

I have determined that GM provided this information voluntarily. Accordingly, I have reviewed your request under the principles set forth in *Critical Mass Energy Project v. Nuclear Regulatory Comm'n*, 975 F.2d 871 (D.C. Cir. 1992). Under the test set forth in *Critical Mass*, financial or commercial information provided to the government on a

voluntary basis is "confidential" for purposes of Exemption 4 of the Freedom of Information Act if it is the kind of information that would customarily not be released to the public by the submitter. Your letter indicates that the information contained in your response is information that is not customarily released to the public.

Examination of the "NHTSA Demo OHB Brake System Final.pdf" reveals, with the exception of the pages discussed below, that the information therein is not information that GM would customarily release to the public. Accordingly, I am granting your request except for the following pages:

- Page 3 contains a synopsis of the status of PE08-016 identical to that found on NHTSA's website.
- Page 4 contains a VOQ summary and a rate table calculated from this VOQ data and available production data.
- Page 9 shows a picture of a supplemental vacuum pump as used in 2007 model year vehicles and explains the pump acts to provide a minimum level of vacuum in the brake booster.
- Page 10 briefly describes the scope of the investigation and a discussion of the basic principles of the supplemental vacuum boost system in the subject vehicles.
- Page 11 briefly describes the operation of the supplemental vacuum boost system.

Pages 3, 4, 9, 10, and 11 contain data that is publicly available through NHTSA's website, GM service publications, trade publications or other sources. As this information is public, your request for confidential treatment is denied for these four pages.

This partial 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)).

If you disagree with the partial denial of your request noted above, you may request reconsideration. If you seek reconsideration, your request must be addressed to NHTSA's Chief Counsel and filed within 20 working days after the receipt of this letter (49 CFR 512.19(a)). Any such request should contain additional justification supporting your claims for confidential treatment consistent with 49 CFR Part 512 and applicable case law.

Sincerely,

**Original Signed By**  
Otto G. Matheke, III  
Senior Attorney

