

SEP 30 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/PE08-016

Dear Mr. Schultz:

This responds to your May 21, 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 "NO80111, PE08-016, ATT_2_GM_CONF Reply Date: 5/22/2008. 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 information in the responses to Questions 8-1, 8-2, 8-3 and 10 contained in the CD-ROM entitled "ATT_1_GM_CONF" contains engineering specifications, engineering methodologies, test procedures, development data and design data. You contend that competitors could use GM's engineering specifications, methodologies, test procedures, development techniques and design data without the expense of developing their own designs and expertise. I concur with GM's assertion that release of the information described above would be likely to cause substantial competitive harm.

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

Otto G. Matheke, III
Senior Attorney

