

JUN - 8 2009

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/PE08-061

Dear Ms. Kent:

This responds to your February 4, 2009 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 "N08215A Complete PE08-061 Reply Date: 02/04/2009". 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 folder "ATT_2_GM_CONF," which consists of 4 documents, contains GM's evaluation and analyses of product performance and design. You contend that competitors could use this information to improve their own products and processes. 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 letter grants permanent confidential treatment.

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

