

DEC 23 2009

Dale A. Furney
Engineering Group Manager
Product Investigations
General Motors Company
Mail Code: 480-210-G11
30001 Van Dyke Road
Warren, MI 48090

Re: Request for Confidential Treatment/PE09-028

Dear Mr. Furney:

This responds to your September 18, 2009 request for confidential treatment for 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 "NO901152 Supplement 1, PE09-028, ATT_1_GM_Conf Reply Date: 09/18/2009." GM seeks confidential treatment without a time limitation.

I note first that your submission contains potentially identifying information for GM's customers. Potentially personally identifying information – names, addresses, telephone numbers, and the last six digits of any vehicle identification numbers for individual owners are accorded confidential treatment pursuant to Exemption 6 of the Freedom of Information Act (FOIA), 5 U.S.C. § 552(b).

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 folders "ATT_1_GM_CONF/MRA Analysis" and "ATT_1_GM_CONF/Warranty Analysis" describes GM's analysis of reports of MRA field returned parts, as well as GM's Weibull analysis of warranty claims based upon rates of exposure for the part at issue in this investigation. GM contends that it would suffer substantial competitive harm if this information were not afforded confidential treatment because the

design and manufacture of vehicles and vehicle components are the core of its business, and because global competition in that business is intense. 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 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

