

Gay P. Kent, Director
Product Investigations
General Motors Company
Mail Code: 480-210-G11
30001 Van Dyke Road
Warren, MI 48090

DEC 23 2009

Re: Request for Confidential Treatment/PE09-028

Dear Ms. Kent:

This responds to your October 23, 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 "NO90152 Supplement 2, PE09-028, ATT_1_GM_Conf Reply Date: 10/23/2009" (Attachment "1" of GM's submission). GM seeks permanent confidential treatment.

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.

The documents for which GM seeks confidential treatment are described as a Saturn "L" Series "MRA Review" presentation dated October 16, 2009, and an MRA field return analysis report regarding the 2001 through 2005 Model Year Saturn L-Series MRA issue.

Among other things, 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 assertions that the information in GM's submission 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

