

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 August 7, 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 "NO90152 Complete, PE09-028, ATT_2_GM_Conf Reply Date: 08/07/2009" (Attachment "2" of GM's submission). Three GM suppliers, Continental Automotive U.S., Inc. (Continental), Ticona LLC (Ticona), and TI Group Automotive Systems, LLC (TI Automotive) have provided certifications outlining their respective views that the materials included in GM's submission are confidential. Continental and Ticona's submissions are contained on a CD-ROM entitled "NO90152 Complete, PE09-028, ATT_3_Continental_Conf Reply Date: 08/07/2009" (Attachment "3" of GM's submission). TI Automotive's submission is contained on a CD-ROM entitled "NO90152 Complete, PE09-028, ATT_5_TI Automotive Conf Reply Date: 08/07/2009" (Attachment "5" of GM's submission). Your suppliers' respective certifications are incorporated into your request. 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.

The documents in the folder labeled "Action_8-3" set forth GM's Weibull analysis of warranty claims based upon rates of exposure for the part at issue in this investigation. Among other things, GM contends that knowledge of how GM evaluates and analyzes product performance would give a competitor valuable information that it would otherwise have to spend its time and money to develop, and therefore, would deprive GM of the competitive advantage of its efforts without any compensation.

The materials contained within Continental's, Ticona, and TI Automotive's respective submissions set forth design drawings, memoranda, meeting minutes, e-mails, test documents, materials reports, and product development and evaluation reports. GM contends that this information contains, among other things, proprietary test procedures (as well as photographs of test set-ups) and test results; manufacturing process information; detailed design and materials information. Some of the information and e-mails are in German, for which English translations have been provided. 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 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

