

JAN 26 2005

Mr. Donald Parshall
Attorney
Delphi Legal Staff
MC 480-410-254
5825 Delphi Drive
Troy, MI 48098-2815

Re: Confidentiality Determination on Request PE 04-072

Dear Mr. Parshall:

This is in response to your letter to Ms. Jacqueline Glassman dated December 13, 2004, requesting confidential treatment for materials submitted by General Motors North America (GM) and enclosed with the letter. Delphi is a supplier of vehicle components to GM, including the multifunction switch on the 2001 Chevrolet Astro and GMC Safari Vans. The letter and enclosed materials were sent in response to NHTSA's information request concerning the multifunction switch in particular GM vehicles.

Delphi asserts that the information at issue is considered by Delphi to be confidential. This proprietary information is available only to authorized Delphi personnel and otherwise not available to the public.

The materials are contained in a CD identified as "Delphi Confidential PE04-072 GM667 Attachment 2" which Delphi states contains trade secrets, disclosure of which would cause substantial competitive harm. You further state in your letter that the information can be used by competitors to improve their own products, without the expenditures normally associated with such evaluation.

Because this information was not submitted voluntarily but in response to an information request, I have reviewed your submission under the competitive harm standard set forth in *National Parks & Conservation Ass'n v. Morton*, 498 F.2d 765 (D.C. Cir. 1974).

I have decided to grant your request.

I have examined the materials for which you seek confidential treatment. The materials were submitted in response to a defect investigation information request and contain data relating to Delphi's internal operations. Furthermore, the information was

developed at considerable cost to Delphi, and if revealed would enable Delphi's competitors to analyze Delphi's safety, engineering standards and product evaluation methods to their own advantage, without the expenditures associated with conducting these evaluations independently.

As you requested, this material will remain confidential for a period of three years.

This grant of confidential treatment is subject to certain conditions. The information may be disclosed under 49 CFR § 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 CFR § 512.10). If necessary, you will be notified prior to the release of any information under the procedures established by our regulations. (49 CFR § 512.22 (b)).

Sincerely,

Original Signed By

Otto G. Matheke, III
Senior Attorney

