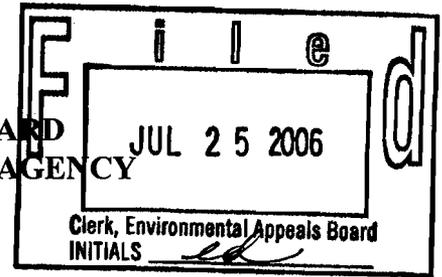


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



_____))
In re:))
))
General Motors Automotive – North America) RCRA (3008) Appeal No. 06-02
))
Docket No. RCRA-05-2004-0001))
_____))

ORDER ESTABLISHING REVIEW PERIOD

On July 24, 2006, the Environmental Appeals Board (“Board”) received copies of a filing submitted by Region V of the U.S. Environmental Protection Agency in the above-captioned case, which is a Resource Conservation and Recovery Act enforcement appeal filed by General Motors Corporation (“GM”). The copies of the Region’s filing are captioned “Complainant’s Response Brief, Confidential Business Information Redacted.” Region V simultaneously submitted copies of another filing in sealed envelopes that are stamped “Confidential Business Information.” The copies of this second filing are captioned “Complainant’s Response Brief, Business Confidentiality Asserted.”

The Board has recently established a practice of publishing on the Internet (in the Board’s Docket file, available at http://yosemite.epa.gov/oa/EAB_Web_Docket.nsf/) most pleadings, briefs, motions, and orders filed in the various active cases on its docket, as well as any connected decision by an administrative law judge or regional judicial officer. Once so published, these materials are accessible to the general public and are intended to be reviewed and used by members of the public at their discretion. Given the public nature of the materials published on the Internet, the Board is taking steps to ensure, in the process of selecting

documents for Internet posting, that no confidential business information (“CBI”) is inadvertently included in the materials on the docket website.

In the instant case, EPA Region V has represented to the Board that the brief entitled “Complainant’s Response Brief, Confidential Business Information Redacted” is free of any CBI. At this juncture, the Board has no reason to question Region V’s representation in this regard. However, out of an abundance of caution, and to ensure the safety and preservation of GM’s CBI, the Board hereby offers a ten-day review period to GM to allow the company to examine the Region’s brief and determine whether, in GM’s view, CBI is or is not present in the document.

Accordingly, GM hereby has until **Tuesday, August 8, 2006**, to review EPA Region V’s “Complainant’s Response Brief, Confidential Business Information Redacted” and determine whether the document contains CBI. GM may opt to notify the Board by the close of this time period that the document in question is free of CBI, or GM may choose to do nothing. In either of these two cases, the Board will publish the Region’s redacted response brief on the Internet on or after Wednesday, August 9, 2006. Alternatively, if GM believes that CBI is in fact included in the document notwithstanding the Region’s representation, GM must notify the Board of this fact by **Tuesday, August 8, 2006**.

So ordered.

Dated: July 25, 2006

ENVIRONMENTAL APPEALS BOARD

By: Kathie A. Stein
Kathie A. Stein
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **Order Establishing Review Period** in the matter of General Motors Automotive – North America, RCRA (3008) Appeal No. 06-02, were sent to the following persons in the manner indicated:

By Facsimile and First Class Mail:

Robert J. Martineau, Jr., Esq.
Edward M. Callaway, Esq.
Michelle B. Walker, Esq.
Waller Lansden Dortch & Davis, L.L.P.
511 Union Street, Suite 2700
Nashville, Tennessee 37219-8966
telephone: (615) 244-6380
facsimile: (615) 244-6804

Michelle T. Fisher, Esq.
General Motors Corporation
300 Renaissance Center
Post Office Box 300
Detroit, Michigan 48265-3000
telephone: (586) 575-4053
facsimile: (586) 575-2207

John Kyle III, Esq.
Michael T. Scanlon, Esq.
Barnes & Thornburg, L.L.P.
11 South Meridian Street
Indianapolis, Indiana 46204
telephone: (317) 236-1313
facsimile: (317) 231-7433

By Facsimile and EPA Pouch Mail:

Karen L. Peaceman, Esq.
James Cha, Esq.
Richard J. Clarizio, Esq.
Office of Regional Counsel
U.S. Environmental Protection Agency, Region V
77 West Jackson Boulevard
Chicago, Illinois 60604-3590
telephone: (312) 353-5751
facsimile: (312) 886-7160

Date: JUL 25 2006


Annette Duncan
Secretary