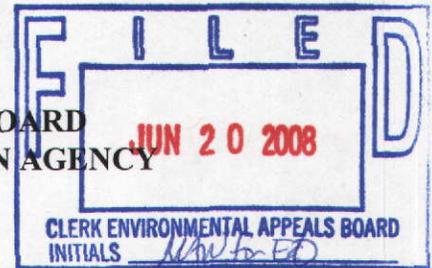


BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.



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

**ORDER GRANTING MOTION TO REDACT PORTIONS OF THE  
JUNE 12, 2008 REMAND ORDER AND DIRECTING DESTRUCTION  
OF ALL COPIES OF THE JUNE 12, 2008 REMAND ORDER**

On June 12, 2008, the Environmental Appeals Board (“Board”) issued two orders in the above-captioned case: (1) a Remand Order; and (2) an Order Establishing Review Period for Remand Order. The Board served the two orders on the parties and a very limited number of other entities, including the Administrative Law Judge (“ALJ”) and the Regional Hearing Clerk, following the appropriate procedures for handling material that might be protected as Confidential Business Information (“CBI”) under the Resource Conservation and Recovery Act. In the latter order, the Board offered General Motors Corporation (“GM”) a period of time, until June 23, 2008, to review the Remand Order and notify the Board of any CBI that, in GM’s view, is contained in the Remand Order.

On June 18, 2008, GM filed a Motion to Redact Portions of the June 12, 2008 EAB Decision for CBI and Notice of Factual Error. GM claimed through this motion that certain information contained in one footnote of the Remand Order is, in its opinion, CBI, and that there is a minor factual error in another footnote. Notably, the Board had drawn the information claimed as CBI by GM from the CBI-redacted (the “non-CBI”) version of the transcript of the

hearing before the ALJ.<sup>1</sup> On June 19, 2008, in response to GM's motion, counsel for the Board held a telephone conference call with counsel for GM and counsel for Region 5 of the U.S. Environmental Protection Agency, and GM continued to request that the information at issue be treated as CBI.

Because the Board wishes to ensure the safety and preservation of material GM claims to be CBI, and because the information at issue is not essential to the Board's resolution of this matter, the Board will take steps to remove the information now claimed by GM as CBI. The Board will also correct one minor factual matter that GM requested be corrected. During the June 19, 2008 conference call, counsel for the Board advised GM and Region 5 as to how the Board expected to modify the two footnotes in the June 12, 2008 Remand Order, and neither GM nor the Region objected to those modifications.

The Board will reissue the Remand Order on June 20, 2008, with these minor revisions. The reissued June 20, 2008 Remand Order will replace and supersede the June 12, 2008 Remand Order. The June 12, 2008 Remand Order is hereby withdrawn and will no longer have any force or effect.

The Board hereby directs all entities served with the June 12, 2008 Remand Order to promptly destroy those copies of the Remand Order. The Board also directs all persons who made or possess photocopies, electronic copies, or other copies or portions of copies of the

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<sup>1</sup> The administrative record for this case contains a CBI version of the hearing transcript as well as a non-CBI version of the transcript. In its Remand Order, the Board took care to reference only materials included in the non-CBI version of the transcript. *See* Remand Order at 10 n.6 (EAB June 12, 2008).

June 12, 2008 Remand Order, whether redacted or unredacted, to take all necessary steps to assure the destruction of all such copies.

To the extent that GM wishes any actions be taken by EPA to redact or otherwise protect information in the non-CBI version of the hearing transcript, GM should direct any such requests to the ALJ.

So ordered.

**ENVIRONMENTAL APPEALS BOARD**

Dated: June 20, 2008

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

## CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **Order Granting Motion to Redact Portions of the June 12, 2008 Remand Order and Directing Destruction of All Copies of the June 12, 2008 Remand Order** 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:

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*(continued on next page)*

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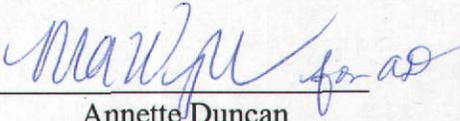
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Date: JUN 20 2008

  
Annette Duncan  
Secretary