

NVS-214
P. Kirvett
11/14/06

Gay P. Kent, Director
Product Investigations
General Motors North America
Structure & Safety Integration
Mail Code 480-111-E18
30200 Mound Road
Warren, MI 48090-9010

NOV 3

Re: Confidentiality Determination/GM Hummer H2 -- EA05-017

Dear Ms. Kent:

This is in response to your October 25, 2006 letter requesting confidential treatment for materials submitted by General Motors Corporation (GM) and one of its suppliers -- Grede Foundries, Inc. (Grede) -- in response to an information request in connection with the above investigation, which concerns steering knuckle fractures in model years (MY) 2003-2004 Hummer H2 vehicles. Specifically, your request seeks confidential treatment for a portion of a file contained on a CD-ROM (Attachment 2 -- page 5 of "Torque and Load measurements_bj.pdf") and for two one-page files located on a separate CD-ROM (Attachment 4 -- "Oct Conf 15110011 Return information.pdf" and "Oct Conf 15110012 Return information.pdf"). Both GM and Grede seek confidential treatment for these files without a time limitation.

GM asserts that its information reveals proprietary product performance testing and analysis that, if disclosed, would provide competitors with commercially valuable information that would otherwise require them to expend resources and time to develop. Similarly, Grede asserts that the information on the two files are considered trade secrets and commercially valuable proprietary information that a competitor could not otherwise duplicate without expending substantial engineering or reverse engineering efforts. Grede also notes that the information in its files can only be obtained independently at considerable cost. Both GM and Grede state that the information in their respective files is not otherwise available to the public.

I am granting GM's and Grede's requests.

I have reviewed GM's and Grede's requests for confidential treatment under the test announced in *National Parks & Conservation Ass'n v. Morton*, 498 F.2d 765 (D.C. Cir. 1974), and its progeny. Under *National Parks*, information is confidential 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 information at issue consists of information contained in three (3) files. The portion of the file from GM (page 5 of "Torque and Load measurements_bj.pdf") shows the results of multiple load testing that GM conducted by applying loads on the stud ball to examine the impact on the MY 2003 Hummer H2 steering knuckle. The information contained in Grede's files -- "Oct Conf 15110011 Return information.pdf" and "Oct Conf 15110012 Return information.pdf" -- relates to two specific part numbers and reveals the number of each that were shipped to one of its customers and the numbers of each that were returned and scrapped. This information is not publicly available and its disclosure would be likely to cause both companies substantial competitive harm. Accordingly, the information described above will be withheld for an indefinite period of time.

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

cc: Vito J. Parente
Director of Sales
Grede Foundries, Inc.
P.O. Box 26499
Milwaukee, WI 53226-0499

NHTSA:NCC111:MKido:cyt:11/02/06:65263
NCC-113:subj/chron, mk, om, cyt **NHTSA 06-006949**
NVS-214:.P. Kivett
U:\confidentiality\misc06\GM06-006949.mk.doc