

NIS-213
P. Kerrett

JAN 3 2007

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

Re: Confidentiality Determination/EA05-017 (Hummer H2 steering knuckle fractures -- GM Presentation Materials)

Dear Ms. Kent:

This responds to your December 18, 2006 letter requesting confidential treatment for follow-up information provided by General Motors North America (GM) related to a December 15, 2006 meeting with the agency's Office of Defects Investigation involving alleged steering knuckle fractures occurring in model year (MY) 2003-2005 Hummer H2 vehicles. The information was provided on a single CD-ROM (identified as "ODI Meeting 12/15/2006 Attachment 1") containing a directory with ten (10) files identified by GM as confidential. The files consist of internal analyses and engineering studies related to steering knuckle and ball joint performance as well as metallurgical specifications. You note that GM has provided this information voluntarily and request that to the extent that the agency grants GM's request, that NHTSA not apply any time limits to this protection. I am construing this letter as a request for confidentiality on an indefinite basis.

Your letter indicates that the submitted information is considered confidential and proprietary and that it is not released to the public. You contend that the information, if disclosed, would be likely to cause GM to suffer substantial competitive harm because disclosure would permit a competitor to obtain this information without committing similar resources and effort.

I have decided to grant your request.

The submitted information was not provided in response to an agency information request but was submitted voluntarily by GM. Accordingly, I have examined your submission using the standard set forth in *Critical Mass v. NRC*, 975 F.2d 871 (D.C. Cir. 1992) for voluntarily submitted information.

GM's submission consists of a series of PDF and Excel files, each of which are identified and described below:

- Barksdale case.pdf (field incident assessment methodology);
- Chronology Conclusion.pdf (risk assessment methodology);
- Final Rate Discussion.pdf (rate comparison information);
- Final Summary of Incidents_121406.pdf (field incident risk assessment methodology);
- Front Suspension Ball Joints July 8 1982.pdf (knuckle and ball joint design guideline);
- Knuckle Design Review (rev 12-11-06).pdf (knuckle design comparison);
- Metallurgy with the SAE 45-12 slides.pdf (metallurgy risk assessment methodology);
- Rate Table Complaint Only.xls (rate comparison tables and data);
- Rate Table VOQ Warranty Complaint.xls (knuckle and ball joint design guideline); and
- Tapered Ball Stud Meeting Synopsis March 30 1988.pdf (knuckle and ball joint design guideline).

I have reviewed your submission, including the materials that you claim are entitled to confidential treatment and the arguments that you assert in support of your claim. As described above, the submitted materials consist of ball joint and knuckle engineering specifications and practices that are not customarily disclosed by GM. I have concluded that this voluntarily submitted information is entitled to confidential treatment pursuant to Exemption 4 of the Freedom of Information Act, 5 U.S.C. § 552(b)(4). Accordingly, the files listed above will be withheld for an indefinite period of time.

Subject to the conditions below, this grant of confidential treatment will remain in effect on an indefinite basis.

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

NHTSA:NCC-113:Kido:61834:12/28/06
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GENERAL MOTORS NORTH AMERICA
Structure & Safety Integration

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GM Reply Date: December 18, 2006

CHIEF
COUNSEL

GM-671B ODI Meeting 12/15/2006

NHTSA # EA05-017

NHTSA Office of Chief Counsel

Confidential

Complete #2

Subject Vehicle: MY 2003 through 2005 Hummer H2 SUV and H2 SUT vehicles.

Subject Component: Steering Knuckle fracture.

Tab (1).....GM Confidentiality Letter

Tab (2)..... Attachment 1 GM Confidential Material (1) CD