

GM671B
EA05-017

GM CONFIDENTIALITY LETTER



GENERAL MOTORS NORTH AMERICA
Structure & Safety Integration

October 25, 2006

2006 OCT 30 P 12:45

Anthony Cooke, Esq.
Chief Counsel
National Highway Traffic
Safety Administration
Room 5219
400 Seventh Street, S.W.
Washington, D.C. 20590

CHIEF COUNSEL

GM-671B

NVS-214phk
EA05-017

Dear Mr. Cooke:

Enclosed with this letter are three copies of General Motors' (GM) October 25, 2006 response to NHTSA's information request (IR), dated September 18, 2006, regarding allegations of steering knuckle fracture at the lower ball joint stud hole for MY 2003 through 2006 Hummer H2 SUV and H2 SUT vehicles. Two copies include the confidential documents and the third does not.

GM requests that the document stamped (page 5) "GM Confidential" included in Attachment 2 Disc GM Confidential be afforded confidential treatment without a time limitation by NHTSA. This information is not customarily made public by General Motors and contains trade secrets and commercial information which is privileged or confidential under 5 U.S.C. Section 552(b)(4), 49 CFR Part 512 and 49 U.S.C. Section 30167(a).

GM requests confidential treatment of the information in this document because it includes trade secrets, the disclosure of which would cause substantial competitive harm. GM submits that the competitive harm would be substantial because the design and manufacture of vehicles and vehicle components are the core of its business and because global competition in that business is intense.

The document in response to question 9 in the folder/file labeled "Response to Q9 GM Confidential/Torque and Load measurements_bj.pdf" discloses GM's results of product performance testing and analysis. The development of test procedures and analysis of vehicle components involves time, effort, and skill. Knowledge of how GM tests and analyzes a product would give a competitor valuable information that it would otherwise have to spend its time and money to develop and therefore would deprive GM of the competitive advantage of its efforts without any compensation.

General Motors treats the above material as confidential proprietary information available only to authorized General Motors and supplier personnel and not otherwise available to the public. The document is maintained under a record-keeping system which is intended to control dissemination of this material within General Motors, and to assure that it is not disseminated outside the Corporation, except as described in the attached certification made pursuant to 49 CFR Part 512.4(e).

This GM Confidential document was granted confidential treatment by the NHTSA in the past as part of GM671A Confidentiality Request letter submission on March 31, 2006.

Product Investigations

Mail Code: 480-210-G11 • 30001 Van Dyke Road • Warren, MI 48090
GM671B Confidentiality Request.doc



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The document subject to this request for confidentiality is being provided and has been clearly stamped "GM CONFIDENTIAL" on a Disc label. If a request for disclosure of any or all of this information is received by the NHTSA, General Motors requests notification of receipt of each such request and, if necessary, an opportunity to further explain the reasons why such material is trade secret and commercial information which should not be disclosed under the applicable statutes and regulations.

A letter from Grede that requests confidential treatment for documents can be found in Attachment 4 CD Supplier Confidential.

If you require further information about this request, please do not hesitate to call me.

Sincerely,

A handwritten signature in black ink, appearing to read "Gay P. Kent". The signature is stylized and includes a small "FOR" written below the main signature.

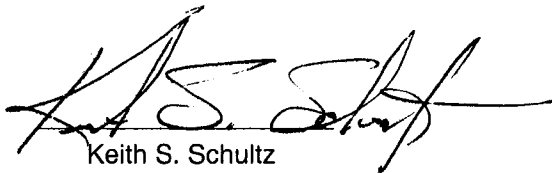
Gay P. Kent
Director,
Product Investigations

Attachment

CERTIFICATE IN SUPPORT OF REQUEST FOR CONFIDENTIALITY

I, Keith S. Schultz, pursuant to the provisions of 49 CFR Part 512, state as follows:

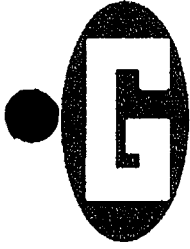
- (1) I am Manager in Product Investigations of General Motors Corporation and am authorized to execute this certificate on its behalf.
- (2) I certify that the information contained in the documents identified in the letter dated October 25, 2006 is confidential and proprietary data and is being submitted with the claim that it is entitled to confidential treatment under 5 U.S.C. 552(b)(4) and 49 C.F.R. Part 512.
- (3) I hereby request that the information be protected without a time limitation.
- (4) This certification is based on the information provided by the responsible GM personnel who have responsibility for the documents being provided to NHTSA for which a claim of confidentiality has been made.
- (5) Based on that information, to the best of my knowledge, information and belief, the information for which GM has claimed confidential treatment has never been released or made available outside GM and supplier or customer personnel.
- (6) I make no representations beyond those contained in this certificate and, in particular, I make no representations as to whether this information may become available outside GM because of unauthorized or inadvertent disclosure.
- (7) I certify under penalty of perjury that the foregoing is true and correct. Executed on this the 25th day of October 2006.



Keith S. Schultz
Manager,
Product Investigations

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SUPPLIER CONFIDENTIAL LETTER



GREDE FOUNDRIES, INC.
Casting Integrity

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NVS-24phk

October 17, 2006

EA05-017 Update

Reference: Request for Consideration of Confidentiality Determination /EA05-017 Update

Dear Mr. Cooke:

This is in response to NHTSA's information request (IR) to General Motors dated September 18, 2006, regarding allegations of steering knuckle fracture for MY 2003 through 2006 Hummer H2 SUV and H2 SUT subject vehicles and Grede Foundries questions for GM671B (EA05-017 Update).

The purpose of this letter is to request consideration for confidential treatment of the Grede attachments in **Appendix**.

Grede has supplied General Motors with the information attached to this request.

The materials, for which Grede is requesting confidential treatment in the attached **Appendix** are clearly marked as "Confidential" on each page. Because of the nature of these materials, Grede requests confidentiality for each entire page without a time limit. This information is not customarily made public by Grede and contains both trade secrets and commercial information, which is privileged or confidential under 5 U. S. C. Section 552 (b) (4), 49 CFR Part 512 and 49 U. S. C. Section 30167(a). A certificate in Support of the Request for Confidentiality is attached to this letter.

The **Appendix** contains examples of PPM Part Number Information charts which Grede considers to be trade secrets that can be used by a competitor to duplicate parts that otherwise would require substantial engineering or reverse engineering efforts. These materials also have commercial value that can only be obtained independently at considerable cost. This information can be used by competitors to identify quality and performance problems or differences, thereby enabling them to improve their own products, without the expenditures associated with the evaluation of products, all at the expense of Grede Foundries, Inc. The commercial information contained in the **Appendix** would likely result in substantial competitive harm if disclosed.

Grede treats the above material as confidential proprietary information available only to authorized Grede personnel and to the customer for which they were made, and are not otherwise available to the public. These documents are maintained under a record-keeping system which is intended to control dissemination of this material within Grede, and to assure that it is not disseminated outside the Corporation, except as described in the attached certification made pursuant to 49 CFR Part 512.4.

Documents, such as the types contained in the **Appendix**, have normally been granted confidential treatment by the NHSTA in the past, to the best of our knowledge. The materials in this **Appendix** are of a type for which a class determination of confidentiality has been made under 49 CFR Part 512, Appendix B.

The documents subject to this request for confidentiality have been clearly stamped "Confidential". If a request for disclosure of any part of this information is received by NHSTA, Grede requests notification of receipt for each such request and, if necessary, an opportunity to further explain the reasons why such materials are trade secret and commercial information, and which therefore should not be disclosed under the applicable statutes and regulations.

If you require further information about this request, please do not hesitate to call me at 414-257-3600.

Sincerely,



Vito J. Parente
Director of Sales

Appendix

- 1) PPM Part Number Information Charts (2 charts)

CERTIFICATE IN SUPPORT OF REQUEST FOR CONFIDENTIALITY

I, Vito J. Parente, pursuant to the provisions of 49 CFR Part 512, state as follows:

- (1) I am Director of Sales, and I am authorized by Grede Foundries, Inc. (Grede) to execute this certificate on its behalf;
- (2) I certify that the information contained in the **Appendix** is confidential and proprietary data and is being submitted with the claim that it is entitled to confidential treatment under 5 U.S.C. 552(b)(4) (as incorporated by reference in and modified by the statute under which the information is being submitted);
- (3) I hereby request that the information contained in the **Appendix** be protected for three years beyond their use in production;
- (4) This certification is based on the information provided by the responsible Grede personnel who have authority in the normal course of business to release the information for which a claim of confidentiality has been made to ascertain whether such information has ever been released outside Grede;
- (5) Based upon that information, to the best of my knowledge, information and belief, the information for which Grede has claimed confidential treatment has never been released or become available outside Grede, except as hereinafter specified: the customer, Eagle Picher or Delphi or General Motors;
- (6) I make no representations beyond those contained in this certificate and, in particular, I make no representations as to whether this information may become available outside Grede because of unauthorized or inadvertent disclosure (except as stated in paragraph 5); and
- (7) I certify under penalty of perjury that the foregoing is true and correct. Executed on this the 17th of October 2006.



Vito J. Parente
Director of Sales

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ATTACHMENT "1"

GM NON-CONFIDENTIAL MATERIAL

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ATTACHMENT "2"
GM CONFIDENTIAL MATERIAL

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ATTACHMENT "3"
Supplier Material

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ATTACHMENT "4"

SUPPLIER CONFIDENTIAL MATERIAL