

Robert Babcock, Director
Certification and Compliance Affairs
Hyundai-Kia America Technical Center Inc.
6800 Geddes Road
Superior Township, MI 48198

AUG 23 2013

Re: Request for Confidential Treatment / PE 12-027

Dear Mr. Babcock:

This responds to your December 4, 2012 letter requesting confidential treatment for information submitted by Hyundai-Kia America Technical Center, Inc. (Hyundai) in response to an information request (IR) issued by the National Highway Traffic Safety Administration's (NHTSA's) Office of Defects Investigation in PE 12-027. This information is contained on a CD-ROM entitled "HYUNDAI PE 12-027 ATTACHMENTS." Hyundai requests that the documents contained in Attachment E on this disc be granted confidential treatment indefinitely. Attachment E contains three test reports: Report No. SJQ-20110913-01 dated September 16, 2011, Report No. SJQ-20120307-01 dated March 7, 2012, and Report No. SJQ-20121010-01 dated October 10, 2012.

Your request is granted.

Hyundai was required to submit this information in response to an agency IR. Accordingly, I reviewed the remaining claims for confidential treatment on the confidential response disc under the test set forth in *National Parks & Conservation Ass'n v. Morton*, 498 F.2d 765 (D.C. Cir. 1974) and its progeny. Under the *National Parks* decision, information concerning a commercial or financial matter may be withheld under Exemption 4 of the Freedom of Information Act if disclosure of the information would be likely to cause substantial harm to the competitive position of the submitter, or would be likely to impair the Government's ability to obtain necessary information in the future. *Id.* at 770.

In your letter, you state that Reports No. SJQ-20110913-01, SJQ-20120307-01, and SJQ-20121010-01 contain engineering drawings with process and production data. Specifically, you claim that these reports depict design and engineering test specifications and manufacturing processes and procedures that are unique to Hyundai's vehicle design. You state that these materials could be used by competitors to gain insight into Hyundai's engineering and production policies and procedures, leading to greater understanding of Hyundai's proprietary practices. You claim that disclosure of this material could result in substantial competitive harm to Hyundai and that it has not been publicly disclosed.

I have reviewed your submissions, including the materials that you claim are entitled to confidential treatment and the arguments that you assert in support of your claims. While I have not reached a conclusion regarding each individual argument that you assert, I conclude that the materials for which you requested confidentiality are entitled to confidential treatment pursuant to Exemption 4 of the Freedom of Information Act, 5 U.S.C. §552(b)(4).

Subject to the conditions below, this grant of confidential treatment will remain in effect indefinitely.

This grant of confidential treatment is subject to certain conditions. The information may be disclosed under 49 C.F.R. § 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 C.F.R. § 512.10). If necessary, you will be notified prior to the release of any information under the procedures established by our regulations (49 C.F.R. § 512.22(b)). Furthermore, this information may be disclosed if such disclosure would be in the public interest, pursuant to the procedures established in 49 C.F.R. § 512.23.

Sincerely,

Original Signed By

Otto G. Matheke, III
Senior Attorney

