

# KING & SPALDING

OFFICE OF CHIEF COUNSEL  
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2017 SEP 29 P 4: 27

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1700 Pennsylvania Ave, NW  
Suite 200  
Washington, D.C. 20006-4707

Jacqueline Glassman  
202 626 9228  
jglassman@kslaw.com

September 29, 2017

Via Hand Delivery

Steven Wood, Esq.  
Acting Chief Counsel  
National Highway Traffic Safety Administration  
West Building, Room W41-326  
1200 New Jersey Avenue SE  
Washington, DC 20590

Re: EA16-001 – Request for Confidential Treatment

Dear Mr. Wood:

Environmental Solutions Group (“ESG”) submits this additional request for confidential treatment of certain information submitted in response to the Information Request associated with EA16-001. Per agreement with the agency, ESG provided a partial response on September 15, 2017 and is providing the remainder of its response today. ESG’s request submitted with its partial response on September 15, 2017, and the Certificate attached thereto, apply equally to the materially submitted today. ESG seeks confidential treatment of the material submitted today into perpetuity.

For the reasons set forth in our September 15, 2017 confidentiality request, and the additional reasons set forth below, ESG seeks confidential treatment for the material in today’s response and all documents produced with regard to the response. If disclosed, this information would cause competitive harm to ESG. The information provided in this response includes evaluations and analyses reflecting the composition and performance of various aspects of ESG’s product, as well the type and results of testing conducted by ESG to validate new designs. Competitors could gain valuable insight into ESG’s processes and designs without the need to invest in the research and development or reverse engineering to gain that information. This information is thus entitled to protection under the test announced in *National Parks & Conservation Ass’n v. Morton*, 498 F.2d 765 (D.C. Cir. 1974).

The information for which confidential treatment is sought has been appropriately marked on the confidential version of ESG’s response and a public version of the response has

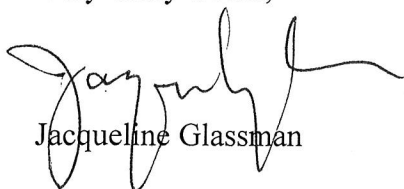
Page 2

Response to EA16-001

been provided. The requisite number of copies has been provided pursuant to NHTSA's regulations.

We would appreciate notification should you receive a request for disclosure of this information and a further opportunity to substantiate why the information is entitled to confidential treatment.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Jacqueline Glassman", with a stylized, flowing script.

Jacqueline Glassman

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1700 Pennsylvania Ave, NW  
Suite 200  
Washington, D.C. 20006-4707

Jacqueline Glassman  
202 626 9228  
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September 29, 2017

## Via Hand Delivery

Mr. Stephen A. Ridella  
Director, Office of Defects Investigation  
National Highway Traffic Safety Administration  
1200 New Jersey Avenue, S.E.  
Washington DC 20590

Cc: Kyle Bowker

Re: Information Request to Environmental Solutions Group with regard to EA 16-001

Dear Mr. Ridella:

Pursuant to our agreement with the agency, this response completes Environmental Solutions Group's ("ESG") response to the Information Request dated August 9, 2017 with regard to EA16-001 ("Information Request"). The information was collected and provided by the Heil Company, the ESG subsidiary that has manufactured the Subject Vehicles specified in the Information Request.

## Preliminary Objections

The preliminary objections set forth in ESG's partial response submitted on September 15, 2017 apply to this response as well.

## Response

ESG's response to Request 6 is as set forth below.

## **Request 6**

Describe all assessments, analyses, tests, test results, studies, surveys, simulations, investigations, inquiries and/or evaluations (collectively, "actions") that relate to, or may relate to, the integrity of the subject components or the fuel systems they

are part of, that have been conducted, are being conducted, are planned, or are being planned by, or for, ESG. For each such action, provide the following information:

- a. Action title or identifier;
- b. The actual or planned start date;
- c. The actual or expect end date;
- d. Brief summary of the subject and objective of the action;
- e. Engineering group(s), supplier(s) and/or third-party provider(s) responsible for designing and for conducting the action; and
- f. A brief summary of the findings and/or conclusions resulting from the action.

For each action identified, provide copies of all documents related to the action, regardless of whether the documents are in interim, draft, or final form. Organize the documents chronologically by action.

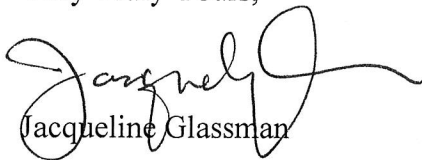
**Response to Request 6**

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Please contact me with any questions or if additional information is needed.

Very Truly Yours,

  
Jacqueline Glassman