



Kia Motors America, Inc.

Corporate Headquarters

111 Peters Canyon Road, Irvine, CA 92606-1790 USA

T 1 949 468 4800 F 1 949 468 4905

VIA FEDERAL EXPRESS

November 16, 2018

Otto Matheke, Senior Counsel
Office of the Chief Counsel (NCC-100)
National Highway Traffic Safety Administration
West Building, W41-326
1200 New Jersey Avenue, S.E.
Washington, D.C. 20590

Re: Request for Confidential Treatment of Information Submitted in Response to
DP18-003 (Non-Crash Fires (MY) 2010-2015 Kia Soul

Dear Mr. Matheke:

On behalf of Kia Motors America, Inc. and Kia Motors Corporation (Collectively "Kia"), Kia Motors America, Inc. ("KMA") hereby requests that certain documents submitted in its response to DP18-003 dated November 16, 2018 be treated as confidential. Two (2) confidential copies are being submitted as Kia is seeking confidential treatment of the documents in their entirety. In accordance with 49 C.F.R. 512.3(c), confidential business information includes trade secrets or commercial or financial information that is privileged or confidential as described in the Freedom of Information Act. See 5 U.S.C. 522(b)(4). Commercial information is considered confidential if it has not been publicly disclosed and if its release is likely to cause substantial harm to Kia's competitive position. 49 C.F.R. 512.3.

The documents for which KMA is seeking confidentiality were prepared by Kia and contain design, specifications and evaluations that it claims is confidential business information. Specifically, Kia submitted the following:

- The summary chart and evaluation/investigation documents submitted in response to Request No. 8 of Kia's response to DP18-003, dated November 16, 2018 (Tab 10) and
- The summary chart listing the modifications made in response to Request No. 9 of Kia's response to DP18-003, dated November 16, 2018 (Tab 11).

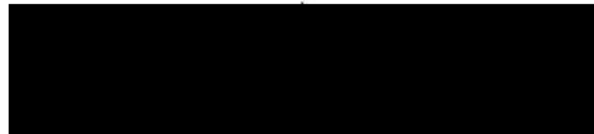
These documents were prepared by Kia and contain both trade secrets and/ or confidential information that, if made public, would cause substantial harm to Kia's competitive position in the market, which, if disseminated, would allow Kia's competitors the benefit of knowing its design, specifications and evaluations.

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KMA is also seeking confidential treatment of settlement agreements that are being produced in response Request No. 4. The settlement agreements constitute confidential business information as the agreements have never been publicly disclosed and relate to litigation which KMA and/or Kia has been involved in. Furthermore, the settlement agreements contain financial information and settlement terms that, if disclosed, would encourage consumers and their attorneys to initiate litigation and/or attempt to reach settlement agreements that are more "lucrative" than the agreements submitted. As such, confidential treatment of the settlement agreements is necessary in order to prevent harm to KMA's competitive position. In addition, public disclosure of Kia's settlement agreements would discourage the disclosure of similar documents by automobile manufacturers and impair NHTSA's ability to ensure and promote motor vehicle safety.

If you have any questions or if you need anything further, please do not hesitate to contact me.

Sincerely,



J.S. (Jurassic) Park
Vice President, Product Litigation &
Regulatory Compliance

Cc: Paul Simmons, Michael Lee

CERTIFICATE IN SUPPORT OF REQUEST FOR CONFIDENTIALITY

I, J.S. (Jurassic) Park, pursuant to the provisions of 49 CFR Part 512, state as follows:

(1) I am the Vice President of Product Liability and Regulatory Compliance for Kia Motors America, Inc. ("KMA") and I am authorized by KMA and Kia Motors Corporation ("KMC") to execute this certificate on their behalf;

(2) I certify that the documents being submitted by KMA and KMC (hereinafter collectively referred to as "Kia"), as part of its response to DP18-003 dated November 16, 2018 are 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 statute under which the information is being submitted).

(3) I hereby request that the information contained in the following documents is to be protected on a permanent basis:

- The settlement agreements being submitted in response to Request No. 4 of Kia's response to DP18-003, dated November 16, 2018;
- The summary chart and evaluation/investigation documents submitted in response to Request No. 8 of Kia's response to DP18-003, dated November 16, 2018 (Tab 10); and
- The summary chart listing the modifications made in response to Request No. 9 of Kia's response to DP18-003, dated November 16, 2018 (Tab 11).

(4) This certification is based on the information provided by the responsible Kia 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 Kia;

(5) Based upon that information, to the best of my knowledge, information and belief, the information for which Kia has claimed confidential treatment has never been released or become available outside Kia; except for disclosures to manufacturers, customers and suppliers of the companies, who were provided the information with the understanding that such information must be maintained in confidence;

(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 Kia 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 16th day of November, 2018.

Kia Motors America, Inc.

By 

J.S. (Jurassic) Park, Vice President,
Product Liability & Regulatory Compliance