



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

INFORMATION REDACTED
PURSUANT TO THE FREEDOM OF
INFORMATION ACT (FOIA), 5 U.S.C.
552(B)(6)

VIA FEDERAL EXPRESS

September 20, 2019

Jonathan Morrison, Chief 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 EA19-001 (ZF-TRW Airbag Control Unit)

Dear Mr. Morrison:

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 EA19-001 dated September 20, 2019 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 or on Kia’s behalf 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. 6 of Kia’s response to EA19-001, dated September 20, 2019 (Tab 1);
- The ACU data sheets and associated documents referenced in each of those charts submitted in response to Request No. 7 of Kia’s response to EA19-001, dated September 20, 2019 (Tabs 2-4);
- The ACU Ignition & Sensor Protection diagrams submitted in response to Request No. 7 of Kia’s response to EA19-001, dated September 20, 2019 (Tab 5);


Jonathan Morrison, Chief Counsel
Office of Chief Counsel
September 20, 2019
Page 2 of 2

- The summary chart and evaluation/investigation documents submitted in response to Request No. 8 of Kia's response to EA19-001, dated September 20, 2019 (Tab 6); and
- The wiring harness design drawings identified in the Tab 11 summary chart (Tabs 11.A-11.G)

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.

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: Stephen Ridella, Ph.D, Paul Simmons, Nathan Ong

CERTIFICATE IN SUPPORT OF REQUEST FOR CONFIDENTIALITY

I, J.S. (Jurassic) Park, pursuant to the provisions of 49 C.F.R. 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 information contained in documents being submitted by KMA and KMC (hereinafter collectively referred to as "Kia"), in response to Dr. Stephen Ridella's request pursuant to EA19-001 is confidential and proprietary 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 summary chart and evaluation/investigation documents submitted in response to Request No. 6 of Kia's response to EA19-001, dated September 20, 2019 (Tab 1);
- The ACU data sheets and associated documents referenced in each of those charts submitted in response to Request No. 7 of Kia's response to EA19-001, dated September 20, 2019 (Tabs 2-4);
- The ACU Ignition & Sensor Protection diagrams submitted in response to Request No. 7 of Kia's response to EA19-001, dated September 20, 2019 (Tab 5);
- The summary chart and evaluation/investigation documents submitted in response to Request No. 8 of Kia's response to EA19-001, dated September 20, 2019 (Tab 6); and
- The wiring harness design drawings identified in the Tab 11 summary chart (Tabs 11.A-11.G)


(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 20th day of September, 2019.

Kia Motors America, Inc.

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