



July 20, 2021

Ms. Ann Carlson
Chief Counsel
National Highway Traffic Safety Administration
NHTSA West Building W41-227
1200 New Jersey Avenue, SE
Washington, D.C. 20590

VIA EMAIL

USG 5047

NHTSA/GM
TDD Meeting

Subject: Request for Confidential Treatment of Certain Information Submitted by General Motors LLC to the National Highway Traffic Safety Administration on July 20, 2021

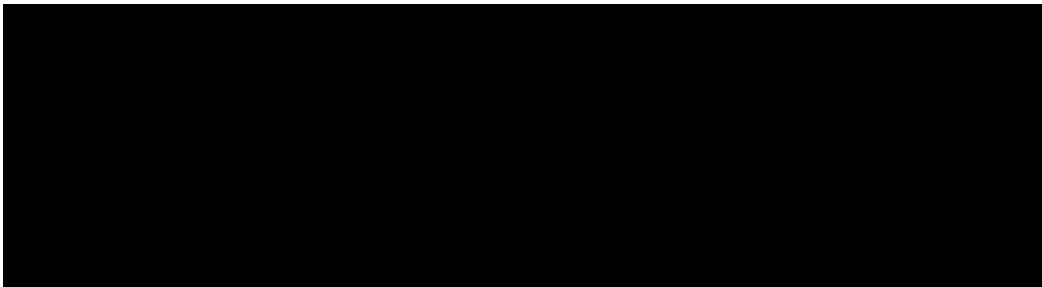
Dear Ms. Carlson:

This letter requests confidential treatment under 49 C.F.R. part 512 and Exemption 4 of the Freedom of Information Act (5 U.S.C. § 552(b)(4)) (“FOIA”) for certain confidential materials submitted by General Motors LLC (“GM”) to the National Highway Traffic Safety Administration (“NHTSA”) on July 20, 2021.

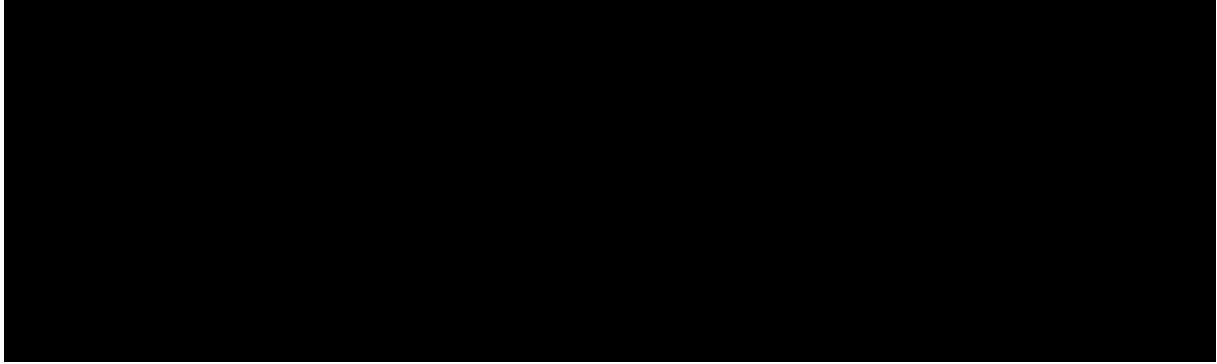
A. Description of the Confidential Information (49 C.F.R. § 512.8(a))

On July 20, 2021, GM transferred certain confidential materials (the “Confidential Information”) electronically via NHTSA’s Secure Transfer Link¹ to Daniel Rabinovitz at the NHTSA Office of Chief Counsel and Sharon Yukevich at the NHTSA Office of Defect Investigations. Greg Fisher requested that GM submit this information to NHTSA during a meeting on July 14, 2021. GM’s submission relates to presentations shared at the GM-NHTSA Technical Deep Dive meeting on July 14, 2021.

The Confidential Information contains the following files:



¹ GM submits this material electronically pursuant to NHTSA’s modified part 512 submission procedures published at <https://www.nhtsa.gov/coronavirus/submission-confidential-business-information>.



B. Production format (49 C.F.R. §§ 512.5 and 512.6)

GM's production is in PDF format. Each page of the production is stamped "GM Confidential Business Information." GM is requesting confidential treatment for its entire submission. For this reason, GM is not submitting a redacted public copy.

C. Basis for confidential treatment (49 C.F.R. §§ 512.8(b) and 512.8(c))

GM's request for confidential treatment is governed by FOIA Exemption 4, which shields from mandatory disclosure "confidential" commercial or financial information. 5 U.S.C. § 552(b)(4); *see also* 49 C.F.R. § 512.15(d). The Confidential Information qualifies as "confidential" under FOIA Exemption 4 because GM does not customarily release or otherwise provide the Confidential Information or information like the Confidential Information to the public. *See Food Mktg. Inst. v. Argus Leader Media*, 139 S. Ct. 2356 (2019).

GM treats the Confidential Information as confidential and proprietary, and makes it available only on an as-needed basis to authorized GM and supplier personnel. GM utilizes numerous systems and processes that limit access to and prevent unauthorized disclosures of the Confidential Information, including: (i) password-protected electronic record-keeping systems; (ii) security systems that limit physical access to GM electronic and hard-copy record-storage facilities; and (iii) information-security training that emphasizes the importance of preventing unauthorized disclosures of information like the Confidential Information. Based on past experience with the Agency, it is GM's expectation that the Agency will keep the Confidential Information confidential, in accordance with *Food Marketing Institute*.

The documents in GM's submission may also contain personally identifiable information ("PII") (e.g., vehicle registration information or VIN, employee names, and customer/employee contact information) that is exempt from public disclosure under FOIA exemptions three and six. 5 U.S.C. § 552(b)(3); *id.* at § 552(b)(6). Consistent with long-standing practice, GM is submitting these documents with unredacted PII with the understanding that NHTSA (or GM, if NHTSA prefers) will redact any PII before disclosing these documents to the public.

D. Information obtained from a third party (49 C.F.R. § 512.9)

Certain portions of the Confidential Information were created by and provided to GM by Autoliv and ZF. This material discloses the analysis and evaluation methodology performed by Autoliv and ZF for GM at GM's direction; it is highly sensitive information that, like the other

Confidential Information in the presentation, GM does not customarily provide to the public. As required by 49 CFR § 512.9, GM has enclosed third-party certifications signed by Autoliv and ZF.

E. Applicable class determinations (49 C.F.R. § 512.8(d))

The Confidential Information is not subject to a Class Determination.

F. Duration of confidential treatment (49 C.F.R. § 512.8(e))

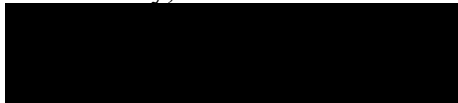
Because GM does not anticipate ever customarily disclosing this kind of information to the public, GM requests that NHTSA treat the Confidential Information as confidential without a time limitation.

G. Contact information (49 C.F.R. § 512.8(f))

Please direct all inquiries and responses to this request to: Tim Cochran (tim.cochran@gm.com), General Motors LLC, Cole Engineering Center, 29427 Louis Chevrolet Rd., Warren, MI 48093, 586-441-8004.

If NHTSA receives a request to disclose the Confidential Information, GM respectfully requests notification and an opportunity to provide, if necessary, additional support for its position that the Confidential Information is entitled to confidential treatment under FOIA.

Sincerely,



Timothy Cochran, Senior Manager
External Investigations

cc: Jeremy Gunderson
Tanya Topka
Sharon Yukevich

Attachments

Attachment A: Supporting Certificate of Timothy Cochran
Attachment B: Supporting Certificate of John Donnellon
Attachment C: Supporting Certificate of Maryann Pierce Perttunen

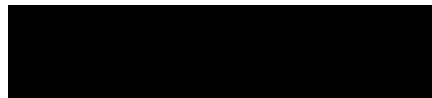
Attachment A

Supporting Certificate of Timothy Cochran

CERTIFICATE IN SUPPORT OF REQUEST FOR CONFIDENTIALITY

I, Timothy Cochran, pursuant to the provisions of 49 C.F.R. § 512, state as follows:

- (1) I am the Senior Manager of External Investigations at General Motors LLC and am authorized to execute this certificate on its behalf.
- (2) I certify that the Confidential Information (as defined in GM's letter to Ms. Ann Carlson dated July 20, 2021) 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. § 512.
- (3) I hereby request that the Confidential Information be protected without a time limitation.
- (4) This certification is based on information provided to me by the GM personnel who have responsibility for the documents that contain the Confidential Information.
- (5) Based on that information, to the best of my knowledge, information, and belief, the Confidential Information has never been released or made available outside GM except to authorized GM contractors, suppliers, confidential advisors, and other third parties who are legally obligated to maintain the confidentiality of the Confidential Information.
- (6) I make no representations beyond those contained in this certificate and, in particular, I make no representations regarding unauthorized or inadvertent disclosures of the Confidential Information.
- (7) I certify under penalty of perjury that the foregoing is true and correct. Executed on July 20, 2021.



Timothy Cochran
Senior Manager
GM External Investigations

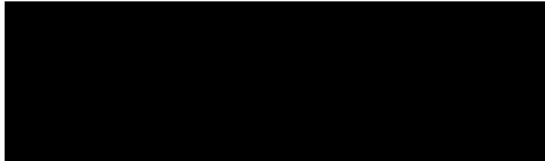
Attachment B

Supporting Certificate of John Donnellon

CERTIFICATE IN SUPPORT OF REQUEST FOR CONFIDENTIALITY

I, John Donnellon, pursuant to the provisions of 49 C.F.R. § 512, state as follows:

- (1) I am the Engineering Manager of ZF and am authorized to execute this certificate on its behalf.
- (2) I certify that the Confidential Information (as defined in GM's letter to Ms. Ann Carlson dated July 20, 2021) that was supplied to GM by ZF (the "**ZF Confidential Information**") is confidential and proprietary data under 5 U.S.C. 552(b)(4) and 49 C.F.R. § 512.
- (3) This certification is based on information provided to me by the ZF personnel who have responsibility for the documents that contain the ZF Confidential Information.
- (4) Based on that information, to the best of my knowledge, information, and belief, the ZF Confidential Information has never been released or made available outside of ZF and GM except as required by law.
- (5) I make no representations beyond those contained in this certificate and, in particular, I make no representations regarding the potential for unauthorized or inadvertent disclosures of the ZF Confidential Information.
- (6) I certify under penalty of perjury that the foregoing is true and correct. Executed on July 19, 2021.

A large black rectangular redaction box covering the signature area.

John Donnellon
ZF Passive Safety Systems

Attachment C

Supporting Certificate of Maryann Pierce Perttunen

CERTIFICATE IN SUPPORT OF REQUEST FOR CONFIDENTIALITY

I, Maryann Pierce Perttunen, pursuant to the provisions of 49 C.F.R. § 512, state as follows:

- (1) I am Vice President Legal for Autoliv ASP, Inc. (“Autoliv”) and I am authorized by Autoliv to execute this certificate on its behalf.
- (2) I certify that the Confidential Information (as defined in GM’s letter to Ms. Ann Carlson dated July 20, 2021) that was supplied to GM by Autoliv (the “**Autoliv Confidential Information**”) is confidential and proprietary data under 5 U.S.C. 552(b)(4) and 49 C.F.R. § 512.
- (3) This certification is based on information provided to me by the Autoliv personnel who have responsibility for the documents that contain the Autoliv Confidential Information.
- (4) Based on that information, to the best of my knowledge, information, and belief, the Autoliv Confidential Information has never been released or made available outside of Autoliv and GM except as required by law.
- (5) I make no representations beyond those contained in this certificate and, in particular, I make no representations regarding the potential for unauthorized or inadvertent disclosures of the Autoliv Confidential Information.
- (6) I certify under penalty of perjury that the foregoing is true and correct.

Executed on July 20, 2021.

