



August 13, 2024

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

USG 6022-1
GM-NHTSA August
Technical Deep Dive
Presentations

Subject: Request for Confidential Treatment of Certain Information Submitted by General Motors LLC to the National Highway Traffic Safety Administration on August 13, 2024.

Dear Mr. Raviv:

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 August 13, 2024.

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

On August 13, 2024, GM transferred certain confidential materials (the “**Confidential Information**”) electronically to the NHTSA CBI Portal and via SLFT to Sharon Yukevich. Ms. Yukevich requested that GM submit this information to NHTSA during a meeting on August 7, 2024. GM’s submission contains 9 files and relates to GM-NHTSA TDD meeting presentations.

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

GM is requesting confidential treatment for its entire submission. For this reason, the public copy of the production is a PDF placeholder for GM’s nonpublic submission. PDF files in GM’s nonpublic production have been stamped “Entire Page GM Confidential Business Information” in the header. As directed by the NHTSA Chief Counsel’s office on May 31, 2024, GM has marked any Excel files in the nonpublic production by modifying a row in the first sheet of the native file to contain the words “Entire File GM Confidential Business Information.” Other native files in the nonpublic production have been designated as Confidential Information by including “CONF” in the file name.

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

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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 NHTSA, and the agency's long-standing treatment of such information under FOIA and Part 512, it is GM's expectation that NHTSA 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. Applicable class determinations (49 C.F.R. § 512.8(d))

The Confidential Information is not subject to a Class Determination.

E. 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.

F. 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.



Timothy Cochran
Senior Manager
External Investigations

Letter to Mr. Raviv
USG 6022-1 Confidentiality Request
August 13, 2024

cc: Sharon Yukevich

Enclosure

USG 6022-1 Supporting Certificate of Timothy Cochran