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November 19, 2021

VIA ELECTRONIC MAIL

Ann Carlson
 Chief Counsel
 National Highway Traffic Safety Administration
 1200 New Jersey Avenue, SE
 Washington, DC 20590

**Re: Request for Confidential Treatment for Information and Documents Submitted
 in Response to NHTSA Request for Information Related to PE20-016**

Dear Ms. Carlson:

Pursuant to 49 C.F.R. Part 512 and Exemption 4 of the Freedom of Information Act (FOIA), 5 U.S.C. § 552(b)(4), LG Electronics U.S.A. Inc. ("LGEUS") requests confidential treatment for materials submitted in response to the Agency's information request in PE20-016. Pursuant to Part 512 and instructions provided by NHTSA, this request attaches an unredacted, confidential version of LGE's response to the information request, and a public version of the response with confidential information redacted. The materials designated as confidential are marked "CONFIDENTIAL BUSINESS INFORMATION" and confidential material is enclosed in brackets in accordance with 49 C.F.R. § 512.6(b). LGE requests that the materials it has designated as confidential be protected from disclosure pursuant to 49 C.F.R. § 512.15(b), as modified by the Supreme Court's decision in *Food Marketing Institute v. Argus Leader Media*, 139 S. Ct. 2356 (2019) ("*Argus Leader*").

The information for which LGE seeks confidential treatment is customarily and actually treated as private and is closely held by the company, which does not release or otherwise provide this information or information like it to the public. The materials designated as confidential in LGE's submission contain sensitive commercial information regarding the company's handling of product issues, quality improvements, and design modifications, as well as LGE's internal processes for inspecting and analyzing its products. Additionally, the confidential materials include sensitive internal information concerning LGE's manufacturing and transport processes. LGE customarily keeps this information confidential and does not normally release the information to the public, as it reveals competitive and commercially sensitive information. See *Argus Leader*, 139 S. Ct. at 2366; see also *Critical Mass Energy Project v. NRC*, 975 F.2d 871, 879 (D.C. Cir. 1992) ("*Critical Mass*"). Protection of this information will promote cooperation between NHTSA and industry, particularly suppliers, to identify and investigate potential safety risks and "supply the government with information vital to its work." *Argus Leader*, 139 S. Ct. at 2366; see also *Critical Mass*, 975 F.2d at 879. Finally, release of the confidential information

would cause substantial harm to LGE's competitive position, as competitors could gain access to internal LGE plans, procedures, analyses, and strategies, and use them for their own competitive advantage. Disclosure of the information could also reveal strategic strengths and weaknesses of the company.

This request for confidentiality pertains to the following portions of LGE's PE20-016 information request response and supporting documents:

1. Information regarding the contractual relationships, roles, and responsibilities of LGE and its affiliated companies, including as described in the Introduction to LGE's response.
2. Information regarding LGE's customers, customer contact information, manufacturing locations, part numbers, and sales numbers described in the response to Request No. 1.
3. Information concerning quality control and assurance policies for the subject LGE components described in the responses to Request Nos. 2, 3, and 4.
4. Information concerning the manufacturing, storage, and transport processes for the subject LGE components described in the responses to Request Nos. 5 and 6.
5. Information concerning tests and assessments described in the responses to Request Nos. 7, 8, 11, and 12.
6. Information concerning product modifications and reported issues described in the responses to Request Nos. 9 and 10.
7. Attachment 1 - LGE-LGES Roles and Responsibilities
8. Attachment 2 - Part Sales
9. Attachment 3 - Error Proofing Process
10. Attachment 4 - Manufacturing Processes for Subject Component
11. Attachment 5 - Processes and Equipment to Minimize Risk of Alleged Defect
12. Attachment 6 - Component Storage and Transport Information
13. Attachment 7 - MCE Test Flow

LGE requests that the above-described materials be afforded confidential treatment on an ongoing basis.

Please contact me with any questions or requests for additional information.

Sincerely,



R. Latane Montague
Partner
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Enclosures: Confidential version of PE20-016 information request response
Redacted version of PE20-016 information request response
LGE certificate in support of confidentiality