



GENERAL MOTORS LLC
Global Vehicle Safety

October 23, 2020

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

VIA EMAIL
USG 4988
GM/NHTSA Monthly
F2F Meeting

Re: Request for Confidential Treatment of Certain Information Submitted by General Motors LLC to the National Highway Traffic Safety Administration on October 23, 2020

Dear Mr. Morrison:

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 October 23, 2020.

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

On October 23, 2020, GM transferred certain confidential materials (the “**Confidential Information**”) electronically via person-to-person transfer¹ to Daniel Rabinovitz at the NHTSA Office of Chief Counsel and Chris Lash at the NHTSA ODI GM Division. Greg Magno requested that GM submit this information to NHTSA during a meeting on October 21, 2020. GM’s submission relates to presentations shared at the monthly face-to-face meeting and review of investigations.

The Confidential Information contains the following files:

1. HPHA Inflator_NHTSA Update 21Oct2020
2. N20-231173 MY19 Bolt EV Potential SMB Fire_Redacted
3. N20-231272 2021 Chevrolet Tahoe Front Seat Attachment Bolts Loose
4. N20-231344_18-20MY GF6 and GF9 trans - start stop accumulator missing bolts
5. N20-232000 SRX Toe Link
6. N20-231834 APPS water intrusion potential unintended acceleration
7. NHTSA MY16 GMT610 BCM Park Brake

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 Joyson Safety Systems ("JSS"). The material in slides 5-8 of document HPHA Inflator_NHTSA Update 21Oct2020.pdf discloses the analysis and evaluation methodology performed by JSS 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 a third-party certification signed by JSS.

The document N20-231173 MY19 Bolt EV Potential SMB Fire_Redacted.pdf has been redacted to remove a portion of the Tier 1 supplier confidential information. Once the third-party certificate is provided to GM for this portion of the document, it will be sent in a supplementary USG.

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, General Motors LLC, Cole Engineering Center, 29755 Louis Chevrolet Rd., Warren, MI 48090, [REDACTED].

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,

[REDACTED]

Tim Cochran,
Senior Manager, External Investigations

cc: Greg Magno
cc: Chris Lash

Attachments

Attachment A: Supporting Certificate of Tim Cochran
Attachment B: Supporting Certificate of JSS

Attachment A

Supporting Certificate of Tim Cochran

CERTIFICATE IN SUPPORT OF REQUEST FOR CONFIDENTIALITY

I, Tim 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 Mr. Jonathan C. Morrison dated October 23, 2020) 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 October 23, 2020.



Tim Cochran,
Senior Manager, External Investigations

Attachment B

Supporting Certificate of John Musiol

CERTIFICATE IN SUPPORT OF REQUEST FOR CONFIDENTIALITY

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

- (1) I am the Director of Product Integrity of Joyson Safety Systems and am authorized to execute this certificate on its behalf.
- (2) I certify that the Confidential Information (as defined in GM's letter to Mr. Jonathan C. Morrison dated October 23, 2020) that was supplied to GM by Joyson (the "**Supplier 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 Joyson personnel who have responsibility for the documents that contain the Supplier Confidential Information.
- (4) Based on that information, to the best of my knowledge, information, and belief, the Supplier Confidential Information has never been released or made available outside of Joyson 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 Supplier Confidential Information.
- (6) I certify under penalty of perjury that the foregoing is true and correct. Executed on October 22, 2020.


John Musiol
Joyson Safety Systems