



GENERAL MOTORS LLC
Global Vehicle Safety

October 30, 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-B
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 30, 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 30, 2020.

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

On October 30, 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. N19-228459 C1xx Steering Gear

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.

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>.

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 Nexteer ("Nexteer"). The material on the slide discloses the analysis and evaluation methodology performed by Nexteer 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 Nexteer.

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].

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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,



Renee Jurkiw,
Lead External Investigator

cc: Greg Magno
cc: Chris Lash

Attachments

Attachment A: Supporting Certificate of Renee Jurkiw
Attachment B: Supporting Certificate of Nexteer

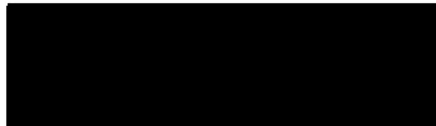
Attachment A

Supporting Certificate of Renee Jurkiw

CERTIFICATE IN SUPPORT OF REQUEST FOR CONFIDENTIALITY

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

- (1) I am the Lead External Investigator 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 30, 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 30, 2020.



Renee Jurkiw,
Lead External Investigator

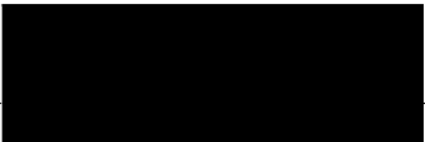
Attachment B

Supporting Certificate of Nexteer Automotive

CERTIFICATE IN SUPPORT OF REQUEST FOR CONFIDENTIALITY

I, Bradley J. Sizelove, pursuant to the provisions of 49 C.F.R. § 512, state as follows:

- (1) I am the Executive Director, Global EPS Engineering of Nexteer Automotive 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 30, 2020, file: N19-228459 C1xx Steering Gear.pptx, pages 2-3) that was supplied to GM by Nexteer Automotive (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 Nexteer Automotive 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 Nexteer Automotive 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 29, 2020.



Bradley J. Sizelove
Executive Director – Global EPS Engineering
Nexteer Automotive