



GENERAL MOTORS LLC  
Global Vehicle Safety

March 20, 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 4927  
NHTSA-GM WebEx

**Re: Request for Confidential Treatment of Certain Information Submitted by General Motors LLC to the National Highway Traffic Safety Administration on March 20, 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 March 20, 2020.

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

On March 20, 2020, GM transferred certain confidential materials (the “**Confidential Information**”) relating to GM’s safety-related engineering, investigation and evaluation process electronically via P2P transfer to Chris Lash at the Office of Defects Investigation.

The Confidential Information contains the following PDF files:

1. 2014 Cruze\_BrandywineMD Inspection summary
2. Bolt Loss of Propulsion
3. Brake drag & MIL – brake oil contamination
4. N18-218825 2016-18MY Malibu LaCrosse Regal Insignia - Loss of Continuity within APP Sensor Circuit Rev1 NHTSA Review 2020-03-18
5. N19-226538 2014-19MY Corvette - Dents-Cracks in Wheel(s) Rev1 NHTSA 2020-03-18
6. N19-226769 NHTSA Review 2020-03-18
7. N19-227509\_2019 Chevrolet Silverado MD - Fuel Tank Filler Loose
8. N19-228597\_2020\_T1\_Silverado\_HD\_wheel\_fell\_off\_NHTSA\_3-18-20
9. N19-228886 DM 227923 PE18-012 2014-18 K2XX Brake Assist Post NHTSA 2020-03-18
10. Rear wheels lockup at low speeds 2019-2020 Silverado
11. T1XX Brake Completion Rate
12. Wheel Speed Sensor Inoperative

Greg Magno requested that GM submit this information to NHTSA on March 18, 2020.

**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*, No. 18-481, slip op. (U.S. June 24, 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 the Supreme Court's recent decision in *Food Marketing Institute*.

**D. 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.

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

Please direct all inquiries and responses to this request to: Timothy Cochran, General Motors LLC, GM Vehicle Engineering Center, 29427 Louis Chevrolet Rd., Warren, MI 48090, (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,

Letter to Jonathan C. Morrison  
USG 4927 Confidentiality Request  
March 20, 2020  
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Timothy Cochran, Senior Manager  
External Investigations

cc: Mr. Greg Magno  
Mr. Chris Lash

**Attachments**

Attachment A: Supporting Certificate of Timothy Cochran

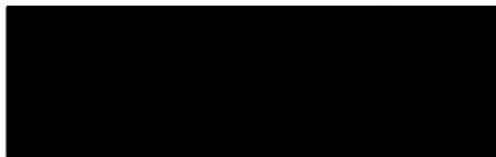
## **Attachment A**

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 of 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 March 20, 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 and authorized GM suppliers (who are obligated to maintain the confidentiality of the Confidential Information) except as required by law.
- (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 March 20, 2020.



Timothy Cochran  
Senior Manager  
GM External Investigations