



May 27, 2021

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

VIA EMAIL
PE21-010

Subject: Request for Confidential Treatment of Certain Information Submitted by General Motors LLC to the National Highway Traffic Safety Administration on May 27, 2021

Dear Ms. Carlson:

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 May 27, 2021.

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

On May 27, 2021, GM transferred electronic copies of GM’s response to NHTSA’s April 14, 2021 information request (“IR”) relating to Preliminary Evaluation 21-010. GM sent these files electronically via P2P transfer to Daniel Rabinovitz at the NHTSA Office of Chief Counsel and Chris Lash at the Office of Defects Investigation.

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

1. **Folder 1 - G233619_1_GM (Public copy):** The folder labeled G233619_1_GM contains a redacted public PDF copy of GM’s response to the IR. GM has redacted or removed certain GM confidential business information (the “Confidential Information”) from the documents in this folder.

2. **Folder 2 - G233619_2_GM_CONF (Nonpublic copy):** The folder labeled G233619_2_GM_CONF contains a complete, nonpublic PDF copy of GM’s response to the IR. The pages that contain Confidential Information are stamped either “Entire Page GM Confidential Business Information,” “Entire Page Supplier Confidential Business Information” or both. Files provided in native format have CONF in the filename. GM’s response to NHTSA’s interrogatories in the IR is contained in this folder in the file titled “G233619 PE21-010 Response Letter.pdf.” GM is requesting confidential treatment for this document, and each page is stamped “GM Confidential Business Information.”

general motors

29427 Louis Chevrolet Rd. / Warren, MI 48093 / www.gm.com

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 4 suppliers: Autoliv Inc., Aptiv, BCS Automotive Interface Solutions and Furukawa. This material discloses the analysis and evaluation methodology performed by Autoliv ASP Inc., Aptiv, BCS Automotive Interface Solutions and Furukawa for GM 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 Autoliv ASP Inc., Aptiv, BCS Automotive Interface Solutions and Furukawa.

E. Applicable class determinations (49 C.F.R. § 512.8(d))

Certain portions of the Confidential Information may also be subject to a Class Determination.

F. 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.

G. 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.

Sincerely,

A large black rectangular redaction box covering the signature of Tim Cochran.

External Investigations

cc: Tanya Topka
Chris Lash
Kevin Miller

Attachments

Attachment A: Supporting Certificate of Timothy Cochran
Attachment B: Supporting Certificate of Autoliv ASP Inc.
Attachment C: Supporting Certificate of Aptiv
Attachment D: Supporting Certificate of BCS Automotive Interface Solutions
Attachment E: Supporting Certificate of Furukawa

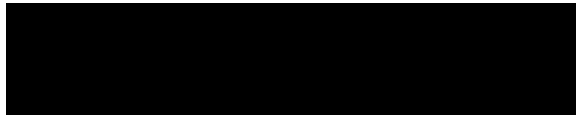
Attachment A

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 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 Ms. Ann Carlson dated May 27, 2021) 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 May 27, 2021.

A solid black rectangular box used to redact the signature of Timothy Cochran.

Timothy Cochran
Senior Manager
GM External Investigations

Attachment B

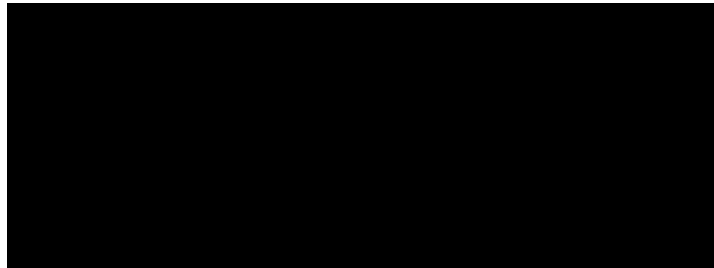
Supporting Certificate of Autoliv ASP, Inc.

CERTIFICATE IN SUPPORT OF REQUEST FOR CONFIDENTIALITY

I, Maryann Pierce Perttunen, pursuant to the provisions of 49 C.F.R. § 512, state as follows:

- (1) I am the Vice President Legal of Autoliv ASP, Inc and am authorized to execute this certificate on its behalf.
- (2) I certify that the Confidential Information (as defined in GM's letter to Ms. Ann Carlson dated May 27, 2021) that was supplied to GM by Autoliv (documents marked Q8_FCONF_000000133/Q8_FCONF_000000326, and Q9_FCONF-000000450 - Q9_FCONF-000000480, collectively 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 Autoliv 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 Autoliv 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 May 24, 2021.



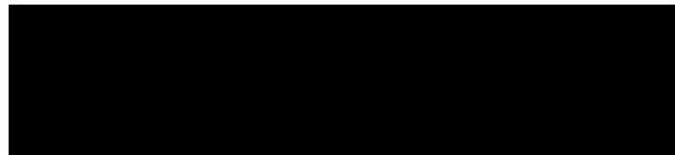
Attachment C

Supporting Certificate of Aptiv

CERTIFICATE IN SUPPORT OF REQUEST FOR CONFIDENTIALITY

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

- (7) I am the CS Global Chief Validation Engineer of Aptiv and am authorized to execute this certificate on its behalf.
- (8) I certify that the Confidential Information (as defined in GM's letter to Ms. Ann Carlson dated May 27, 2021 that was supplied to GM by Aptiv (the "**Supplier Confidential Information**") is confidential and proprietary data under 5 U.S.C. 552(b)(4) and 49 C.F.R. § 512.
- (9) This certification is based on information provided to me by the Aptiv personnel who have responsibility for the documents that contain the Supplier Confidential Information.
- (10) 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 Aptiv and GM except as required by law.
- (11) 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.
- (12) I certify under penalty of perjury that the foregoing is true and correct. Executed on May 24, 2021.



Gary Martin
Aptiv

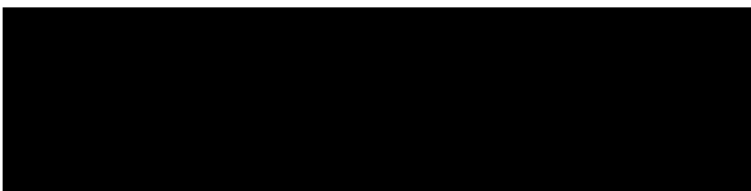
Attachment D

Supporting Certificate of BCS-AIS

CERTIFICATE IN SUPPORT OF REQUEST FOR CONFIDENTIALITY

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

- (1) I am the Vice President & General Manager, Americas of BCS Automotive Interface Solutions, 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 Ms. Ann Carlson dated May 27, 2021) that was supplied to GM by BCS-AIS (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 BCS-AIS 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 BCS-AIS 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 May 20, 2021.


Andy Dale

BCS Automotive Interface Solutions, LLC

Attachment E

Supporting Certificate of Furukawa

CERTIFICATE IN SUPPORT OF REQUEST FOR CONFIDENTIALITY

I, [Timothy Chirdon], pursuant to the provisions of 49 C.F.R. § 512, state as follows:

- (19) I am the [General Manager of Product Engineering] of Furukawa and am authorized to execute this certificate on its behalf.
- (20) I certify that the Confidential Information (as defined in GM's letter to Ms. Ann Carlson dated May 27, 2021) that was supplied to GM by Furukawa (the "**Supplier Confidential Information**") is confidential and proprietary data under 5 U.S.C. 552(b)(4) and 49 C.F.R. § 512.
- (21) This certification is based on information provided to me by the Furukawa personnel who have responsibility for the documents that contain the Supplier Confidential Information.
- (22) 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 Furukawa and GM except as required by law.
- (23) 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.
- (24) I certify under penalty of perjury that the foregoing is true and correct. Executed on May 20, 2021.


Timothy Chirdon
American Furukawa Inc.