[redacted] INFORMATION REDACTED PURSUANT TO THE FREEDOM OF INFORMATION ACT (FOIA), 5 U.S.C. 552(B)(6)

cruise

October 27, 2023

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

CONFIDENTIAL
VIA EMAIL &
SECURE FILE
TRANSFER

Re: Request for Confidential Treatment of Certain Information Submitted by Cruise LLC to NHTSA on October 27, 2023, in Connection with Response to PE23-018

Dear Chief Counsel 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 Cruise LLC ("**Cruise**") to the National Highway Traffic Safety Administration ("**NHTSA**") on October 27, 2023.

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

On October 27, 2023, Cruise submitted certain confidential materials (the "**Confidential Information**") in response to Preliminary Evaluation ("**PE**") 23-018 ("**Response**"). Cruise submitted the Confidential Information electronically via secure file transfer to Thomas Haugh for the NHTSA Office of Chief Counsel. The Confidential Information is certain information contained in Cruise's Response indicated by the legend "ENTIRE PAGE CONFIDENTIAL BUSINESS INFORMATION" at the top of each page and by the legend "CBI" in the title of each electronic file. Cruise requests confidential treatment of the entirety of the Response and associated electronic file production.

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

Per NHTSA's instructions pursuant to PE23-018 regarding the submission of confidential business information, Cruise submitted a public submission letter and nonpublic copy of its Response containing the Confidential Information via secure electronic transfer. In accordance with those instructions, Cruise does not plan to send NHTSA a hard copy or disc (containing an electronic copy of Cruise's Response) unless requested to do so by NHTSA.

Cruise's electronic submission contains a folder named "CONFIDENTIAL – Cruise – PE23-018 Response." This folder contains the Confidential Information from Cruise's Response. Cruise requests confidential treatment for all information contained in this folder. As a result, in accordance with NHTSA's instructions, Cruise has labeled each page with the legend "ENTIRE PAGE CONFIDENTIAL BUSINESS INFORMATION" and each electronic file with the legend "CBI."

C. Basis for confidential treatment (49 C.F.R. §§ 512.8(b) and 512.8(c))

Cruise'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. The Confidential Information qualifies as "confidential" under FOIA Exemption 4 because Cruise 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). Disclosure of the Confidential Information would also likely cause competitive harm to Cruise because the autonomous vehicle industry is highly competitive, and the Confidential Information would reveal highly confidential design elements of Cruise sensor, perception, prediction, and other systems.

Cruise treats the Confidential Information as confidential and proprietary and makes it available only on an as-needed basis to authorized Cruise personnel. Cruise utilizes numerous systems and processes that limit access to and prevent unauthorized disclosure of the Confidential Information, including: (i) password-protected electronic record-keeping systems; (ii) security systems that limit physical access to Cruise 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. It is Cruise's expectation that the Agency will keep the Confidential Information confidential, in accordance with *Food Marketing Institute*.

D. Duration of confidential treatment (49 C.F.R. § 512.8(e))

Because Cruise does not anticipate ever customarily disclosing this kind of information to the public, Cruise 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: Alicia Fenrick, Cruise LLC, 333 Brannan St., San Francisco, CA 94107, alicia.fenrick@getcruise.com, 415-696-8846.

If NHTSA receives a request to disclose the Confidential Information, Cruise 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.

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Sincerely,

[redacted]

Vice President, Deputy General Counsel
Enterprise Safety, Regulatory, and Compliance

Attachments
Attachment A: Supporting Certificate of Matthew Wood

[redacted]

Attachment A

Supporting Certificate of Matthew Wood

[redacted]

CERTIFICATE IN SUPPORT OF REQUEST FOR CONFIDENTIALITY

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

(1) I am the Director of Systems Integrity and I am authorized by Cruise LLC ("Cruise") to execute this certificate on its behalf;

(2) I certify that the Confidential Information (as defined in Cruise's letter to Ms. Ann Carlson, dated October 27, 2023) 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 my personal knowledge or on information provided to me by responsible Cruise personnel who have authority in the normal course of business over information like 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 become available outside Cruise.

(6) I make no representations beyond those contained in this certificate and, in particular, I make no representations regarding unauthorized or inadvertent disclosure of the Confidential Information.

(7) I certify under penalty of perjury that the foregoing is true and correct. Executed on this 27th day of October, 2023.

[redacted]

Matthew Wood
Director of Systems Integrity