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

cruise

January 8, 2024

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 SECURE FILE TRANSFER

Re: Request for Confidential Treatment of Certain Information Submitted by Cruise LLC to NHTSA on January 8, 2024, 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**" or the "**Agency**") on January 8, 2024.

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

On January 8, 2024, Cruise submitted certain confidential materials (the "**Confidential Information**") in response ("**Response**") to NHTSA's November 27, 2023, Information Request (ID23018-02) ("**IR**") issued in connection with NHTSA Preliminary Evaluation 23-018. 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" or "CONFIDENTIAL BUSINESS INFORMATION CONTAINED WITHIN BRACKETS" at the top of each page and by the legend "CBI" in the title of each electronic file.

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 and nonpublic copy of its Response containing the Confidential Information via secure electronic transfer. In accordance with NHTSA's 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 Response is contained in two folders:

- **Nonpublic Copy**: Cruise's electronic submission contains a folder labeled "CONFIDENTIAL – Cruise – PE23-018 Response (01.08.2024)." This folder contains the Confidential Information from Cruise's Response. As a result, in accordance with NHTSA's instructions, Cruise has labeled the pages that contain Confidential Information either "ENTIRE PAGE CONFIDENTIAL BUSINESS INFORMATION" or "CONFIDENTIAL BUSINESS INFORMATION

CONTAINED WITHIN BRACKETS," depending on whether the page is fully or partially confidential. If a page is partially confidential, Cruise has, as required by 49 C.F.R. § 512.6(c)(2), designated the Confidential Information with brackets.

- **Public Copy**: Cruise's electronic submission also contains a folder labeled "NON-CONFIDENTIAL – Cruise – PE23-018 Response (01.08.2024)." This folder contains only those materials that do not include Confidential Information.

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 automated driving systems, operational and internal procedures, as well as confidential and sensitive business matters.

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: Rachel Ross, Cruise LLC, Senior Counsel, Regulatory and Compliance, at rachel.ross@getcruise.com.

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.

Sincerely,

[redacted]

Louise Zhang
Interim Chief Safety Officer
Cruise LLC

Attachments
Attachment A: Supporting Certificate of Louise Zhang

Attachment A

Supporting Certificate of Louise Zhang
Cruise LLC

CERTIFICATE IN SUPPORT OF REQUEST FOR CONFIDENTIALITY

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

(1) I am the Interim Chief Safety Officer for Cruise LLC and am authorized 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 January 8, 2024) 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 Cruise personnel who have responsibility for 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 made available outside Cruise except to authorized Cruise 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 disclosure of the Confidential Information.

(7) I certify under penalty of perjury that the foregoing is true and correct. Executed on this 8th day of January, 2024.



Louise Zhang
Interim Chief Safety Officer
Cruise LLC