



Kia America, Inc.
Corporate Headquarters
111 Peters Canyon Road, Irvine, CA 92606-1790 USA

VIA ELECTRONIC SUBMISSION

April 23, 2024

John Donaldson, Acting Chief Counsel
Office of the Chief Counsel (NCC-100)
National Highway Traffic Safety Administration
West Building, W41-326
1200 New Jersey Avenue, S.E.
Washington, D.C. 20590

Re: Request for Confidential Treatment of Information Submitted (PE23-019)

Dear Mr. Donaldson:

On behalf of Kia America, Inc., and Kia Corporation (collectively “Kia”), Kia America, Inc., (“KUS”) hereby requests that the documents voluntarily submitted by Kia in response to certain follow-up questions from ODI engineer, Joseph Teitelman regarding PE23-019 be treated as confidential. Pursuant to NHTSA’s guidelines, Kia is submitting its request and associated documents via electronic submission. Kia is seeking confidential treatment of the documents in their entirety. In accordance with 49 C.F.R. 512.3(c), confidential business information includes trade secrets or commercial or financial information that is privileged or confidential as described in the Freedom of Information Act. See 5 U.S.C. 522(b)(4). Commercial information is considered confidential if it has not been publicly disclosed and if its release is likely to cause substantial harm to Kia’s competitive position. 49 C.F.R. 512.3.

The documents for which Kia is seeking confidentiality were prepared by Kia or on its behalf and contain Kia evaluation and design information that it claims is confidential business information. These documents include the following:

- PowerPoint Presentation titled “PE23-019 Follow Up Technical Discussion”, dated April 23, 2024; and
- Engineering Change Notice previously submitted in Response to PE23-019 (TAB K.1)

The documents above contain the type of information that are not customarily disclosed to the public as it reveals proprietary and confidential business information that, if made public, would allow Kia’s competitors the benefit of knowing design and internal evaluation information.

John Donaldson, Acting Chief Counsel
Office of Chief Counsel
April 23, 2024

If you have any questions or if you need anything further, please do not hesitate to contact me.

Sincerely,

/s/ Jurassic Park

J.S. (Jurassic) Park
Vice President, Chief Safety Officer

CERTIFICATE IN SUPPORT OF REQUEST FOR CONFIDENTIALITY

I, J.S. (Jurassic) Park, pursuant to the provisions of 49 CFR Part 512, state as follows:

(1) I am the Vice President, Chief Safety Officer for Kia North America (“Kia NA”) and I am authorized by Kia America, Inc. (“KUS”) and Kia Corporation (“Kia HQ”) to execute this certificate on their behalf;

(2) I certify that the documents being submitted by KUS and Kia HQ (hereinafter collectively referred to as “Kia”), is confidential and proprietary data and is being submitted with the claim that they are entitled to confidential treatment under 5 U.S.C. 552(b)(4) (as incorporated by reference in and modified by statute under which the information is being submitted);

(3) I hereby request that the documents voluntarily submitted by Kia in response to certain follow-up questions from ODI engineer, Joseph Teitelman regarding PE23-019 be treated as confidential and be protected on a permanent basis:

- PowerPoint Presentation titled “PE23-019 Follow Up Technical Discussion”, dated April 23, 2024; and
- Engineering Change Notice previously submitted in Response to PE23-019 (TAB K.1)

(4) This certification is based on the information provided by the responsible Kia personnel who have authority in the normal course of business to release the information for which a claim of confidentiality has been made to ascertain whether such information has ever been released outside Kia;

(5) Based upon that information, to the best of my knowledge, information and belief, the information for which Kia has claimed confidential treatment has never been released or become available outside Kia; except for disclosures to manufacturers, customers and suppliers of the companies, who were provided the information with the understanding that such information must be maintained in confidence;

(6) I make no representations beyond those contained in this certificate and, in particular, I make no representations as to whether this information may become available outside Kia because of unauthorized or inadvertent disclosure (except as stated in paragraph 5); and

continued on next page . . .

(7) I certify under penalty of perjury that the foregoing is true and correct. Executed on this 23rd day of April 2024.

Kia North America

By: /s/Jurassic Park
J.S. (Jurassic) Park, Vice President,
Chief Safety Officer