



February 15, 2024

Ms. Sophie Shulman  
Deputy Administrator  
National Highway Traffic Safety Administration  
NHTSA West Building W41-227  
1200 New Jersey Avenue, SE  
Washington, D.C. 20590

*VIA EMAIL*  
USG 5984-1  
GM\_NHTSA Technical  
Deep Dive Presentations

**Subject: Request for Confidential Treatment of Certain Information Submitted by General Motors LLC to the National Highway Traffic Safety Administration on February 15, 2024.**

Dear Ms. Shulman:

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 February 15, 2024.

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

On February 15, 2024, GM transferred certain confidential materials (the “**Confidential Information**”) electronically via CBI Portal to Dan Rabinovitz at the NHTSA Office of Chief Counsel and electronically via SLFTS transfer<sup>1</sup> to Sharon Yukevich at the NHTSA Office of Defects Investigation. Ms. Yukevich requested that GM submit this information to NHTSA during a meeting on February 8, 2024. GM’s submission relates to GM\_NHTSA February Technical Deep Dive Presentations.

The Confidential Information contains the following files:

1. NHTSA TDD MY23-24 Colorado\_Canyon-AEB Events\_2024-02-07
2. NHTSA TDD N23-243252 GMT900 ARC DCADH Abnormal Deployment 07Feb2024
3. NHTSA TDD PE23-022 2016-2019 Volt BECM Investigation Summary 02-07-2024.pptx

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<sup>1</sup> GM submits this material electronically pursuant to NHTSA’s modified part 512 submission procedures published at <https://www.nhtsa.gov/coronavirus/submission-confidential-business-information>.

**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*, 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 NHTSA, it is GM's expectation that NHTSA 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. Applicable class determinations (49 C.F.R. § 512.8(d))**

The Confidential Information is not subject to a Class Determination.

**E. 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.

**F. 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](mailto:tim.cochran@gm.com)), General Motors LLC, Cole Engineering Center, 29427 Louis Chevrolet Rd., Warren, MI 48093, 586-441-8004.

Letter to Ms. Shulman  
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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,



Timothy Cochran  
Senior Manager  
External Investigations

cc: Sharon Yukevich

**Reference**

USG5984-1 Supporting Certificate of Timothy Cochran