

# VOLKSWAGEN

GROUP OF AMERICA

VIA SECURE FILE LINK to Dan.Rabinovitz@dot.gov

Daniel Rabinovitz  
Office of the Chief Counsel  
National Highway Traffic Safety Administration  
1200 New Jersey Ave.  
Washington, DC 20590

Christopher Sandvig	Name
Director	Title
Group Customer Protection	Department
[REDACTED]	Phone
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May 1, 2024 Date

**Subject: Request for Confidentiality, 49 CFR Part 512 – Presentation slides from April 29<sup>th</sup>, 2024 meeting with NHTSA**

Dear Mr. Rabinovitz:

Volkswagen Group of America, Inc. (“Volkswagen”) is submitting information to NHTSA’s Office of Chief Counsel in response to a request from Ms. Sharon Yukevich, for a copy of Volkswagen’s presentation material that was shared with the agency on April 29, 2024, during a scheduled meeting between Volkswagen and members of ODI.

Volkswagen requests that the documents identified below be afforded confidential treatment and be protected from release to the public pursuant to 49 C.F.R. Part 512 and Exemption 4 of the Freedom of Information Act, 5 U.S.C. § 552(b)(4), (“FOIA Exemption 4”). The documents contain information that would cause substantial competitive harm and is not information customarily released to the public. 49 C.F.R. § 512.15(b), (e), 5 U.S.C. § 552(b)(4). Under applicable case law, information is protected under FOIA Exemption 4 if the information was provided under an assurance of privacy and the information is customarily held private or closely held by the submitter. *Food Marketing Institute v. Argus Leader Media*, 139 S. Ct. 2356, 2363 (2019). Volkswagen also notes that certain documents may contain personally identifiable information that should be withheld from public disclosure pursuant to FOIA Exemption 6. 5 U.S.C. § 552(b)(6).

Volkswagen is providing the below information under assurances that the information is private as NHTSA has provided no “express or implied indications” that it will publicly disclose the information. *Argus Leader*, 139 S. Ct. at 2363. From experience, Volkswagen understands that NHTSA’s practice is to treat information as confidential that is submitted in response to Information Requests from the Agency during the course of an investigation. This practice is particularly true in cases where the submitter treats the information as confidential, release of the information would cause substantial competitive harm to the submitter, and is information not customarily released. In this instance, Volkswagen treats this information as confidential, is the type of information customarily kept private, and has not been released to outside parties. Further, given the technical details, internal design, and testing standards and results, release of such documents to the public would cause substantial competitive harm to Volkswagen.

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The following document is the subject of this request:

- [REDACTED]

Volkswagen is requesting subject documents be granted confidential treatment for a period of ten (10) years. If a request for disclosure of any or all of this information is received by NHTSA, Volkswagen respectfully requests notification of each such request and, if necessary, an opportunity to further explain the reasons why such materials are entitled to protection from release under FOIA.

A Certificate in Support of this Request for Confidentiality is attached.

Please contact me at [REDACTED], if you would like to discuss any aspects of this submission.

Sincerely,

[REDACTED]

Christopher T. Sandvig  
Director  
Group Customer Protection  
Volkswagen Group of America

Enclosures:

1. Certificate in Support of Request for Confidentiality