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May 23, 2024

CONFIDENTIAL BUSINESS INFORMATION

VIA ELECTRONIC FILE TRANSFER

Alexander Ansley, Chief
Recall Management Division
Office of Defects Investigation
U.S. Department of Transportation
National Highway Traffic Safety Administration

Re: AQ23-002

Dear Mr. Ansley and Mr. Lee,

Please find enclosed herewith the response on behalf of Mando Corporation, Mando America Corporation, Mando Pyeongtaek Plant, Mando Corporation Mexico, and HL Mando America Corporation (collectively, "Mando") to the information request sent by the National Highway Traffic Safety Administration ("NHTSA") on April 23, 2024 regarding AQ23-002.

Mando provides this response based on its current knowledge and belief. Pursuant to 49 C.F.R. Part 512, the entire response is provided subject to the confidentiality claim set forth herein. Because the entire response is claimed as confidential business information, Mando is not providing a non-confidential version of the response.

On May 16, 2024, Mando requested and received a 30-day extension in order for it to determine whether additional information should be provided in response to NHTSA's Request 4. Our responses with respect to Requests 1, 2, and 3 are complete.

Please contact me if you have any questions regarding Mando's response or its claim of confidential business information, or if we can provide any further information.

Sincerely,


Rachel Levick

Confidential Business Information Claim

Mando Corporation, Mando America Corporation, Mando Pyeongtaek Plant, Mando Corporation Mexico, and HL Mando America Corporation (collectively, "Mando") claim that the information provided in its response to the Request is entitled to confidential treatment under 5 U.S.C. 552(b) because it constitutes confidential business information as described in 5 U.S.C. 552(b)(4), and should be withheld from public disclosure. *See* 49 C.F.R. § 512.2(a). In support of its claim of confidentiality, Mando provides the following specific reasons why this information meets the definition of confidential business information in accordance with 49 C.F.R. Part 512, Subpart B.

In particular, pursuant to the requirements of 49 C.F.R. § 512.8, Mando provides the following substantiation for its confidentiality claim:

a) Describe the information for which confidentiality is being requested.

Mando asserts a claim of business confidentiality with respect to Mando's business information, including the detailed information regarding its proprietary technology, software, and design documentation provided in this response. This information should be maintained as confidential permanently.

b) Identify the confidentiality standard(s) under which the confidentiality request should be evaluated, in accordance with § 512.15.

The information provided by Mando should be maintained as confidential because the information contains trade secrets, public disclosure of the information would cause substantial harm to the competitive position of Mando, and the information contains confidential commercial and financial information.

c) Justify the basis for the claim of confidentiality under the confidentiality standard(s) identified pursuant to paragraph (b) of this section by describing:

1. Why the information qualifies as a trade secret, if the basis for confidentiality is that the information is a trade secret.

The information contained in Mando's response constitutes valuable intellectual property and trade secrets and is identified as confidential in the provided response. Such information has actual or potential independent economic value by not being known or publicly available. Mando has taken reasonable efforts to maintain the confidentiality of such information, and such information has value to others who cannot legitimately obtain the information. For example, other equipment manufacturers could take advantage of the proprietary trade secrets in developing competing products, or could use the identity of Mando's suppliers and customers in order to compete with Mando in terms of acquiring and distributing vehicle equipment. This information will continue to retain its economic value while the market for the subject components and related products exists.

- 2. What the harmful effects of disclosure would be and why the effects should be viewed as substantial, if the claim for confidentiality is based upon substantial competitive harm.**

The information should be maintained as confidential because its disclosure would harm Mando's competitive position. Disclosure of this information would expose sensitive details and information concerning the development and function of Mando's proprietary products, including the subject components. Information regarding part design is highly sensitive commercial and proprietary information. Disclosure would permit Mando's competitors to exploit this sensitive commercial and proprietary information, for example, by attempting to emulate or replicate the functioning of such parts and systems. Sharing this sensitive commercial and proprietary information would deprive Mando of the value of its investment and thus provide Mando's competitors with an unfair competitive advantage in a highly competitive industry. Competitors would find significant value in reviewing aspects of Mando's confidential and trade secret product information and design. Disclosure of the claimed information, and the trade secrets contained therein, would result in a material adverse impact on Mando's competitive position.

- 3. What significant NHTSA interests will be impaired by disclosure of the information and why disclosure is likely to impair such interests, if the claim for confidentiality is based upon impairment to government interests.**

Disclosure of the information identified as CBI will significantly impair NHTSA's interest in ensuring the ongoing cooperation of vehicle and vehicle equipment manufacturers in future investigations. If Mando's confidential and proprietary information is disclosed publicly despite its confidentiality claim, other vehicle and vehicle equipment manufacturers may be less willing to comply fully with future NHTSA requests that implicate similarly commercially sensitive information.

- 4. What measures have been taken by the submitter to ensure that the information is not customarily disclosed or otherwise made available to the public, if the basis for confidentiality is that the information is voluntarily submitted.**

Mando has taken measures to ensure that the claimed information has not been disclosed or otherwise made available to any persons outside of Mando and its related affiliates. Mando has not publicly released this information. To Mando's knowledge, the information is not contained in any publicly available materials, and there is no means by which the public could obtain access to this information.

The information has been shared with certain third parties that are bound to confidentiality. All third parties that have received the identified records of

Mando (after their initial creation) are subject to confidentiality agreements or (in the case of counsel) rules of professional conduct that protect the proprietary and confidential nature of the trade secrets contained therein.

With respect to the employees of Mando, Mando policies restrict employees from disclosing confidential trade secrets to unauthorized parties. Moreover, Mando employs security measures within its IT systems to protect against intrusion by unauthorized parties. Mando will continue to take these measures to protect its confidential trade secrets.

5. The information is otherwise entitled to protection, pursuant to 5 U.S.C. 552(b).

Section 552(b)(4) states that agencies are not required to make public “trade secrets and commercial or financial information obtained from a person and privileged or confidential.” The information designated in this submission as confidential consists of trade secrets and commercial and financial information that is confidential and should not be disclosed.

d) Indicate if any items of information fall within any of the class determinations included in appendix B to this Part.

The information submitted by Mando and identified as confidential includes blueprints and engineering drawings containing process and production data where the subject could not be manufactured without the blueprints or engineering drawings except after significant reverse engineering.

e) Indicate the time period during which confidential treatment is sought.

The information submitted by Mando and identified as CBI should be maintained as confidential permanently.

f) State the name, address, and telephone number of the person to whom NHTSA’s response and any inquiries should be directed.

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Certificate in Support of Request for Confidentiality

I, Jiwon Kim, pursuant to the provisions of 49 CFR part 512, state as follows:

- 1) I am Jiwon Kim, General Counsel, and I am authorized by Mando Corporation, Mando America Corporation, Mando Pyeongtaek Plant, Mando Corporation Mexico, and HL Mando America Corporation (collectively, "Mando") to execute this certificate on its behalf;
- 2) I certify that the information contained in Mando's Response 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) (as incorporated by reference in and modified by the statute under which the information is being submitted);
- 3) I hereby request that the information contained in Mando's Response be protected permanently;
- 4) This certification is based on the information provided by the responsible Mando 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 Mando;
- 5) Based upon that information, to the best of my knowledge, information and belief, the information for which Mando has claimed confidential treatment has never been released or become available outside Mando, except as hereinafter specified. The information has been shared with certain third parties that are bound to confidentiality. All consultants and/or other third parties that have received the identified records of Mando (after their initial creation) are subject to confidentiality agreements or (in the case of counsel) rules of professional conduct that protect the proprietary and confidential nature of the trade secrets contained therein.
- 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 Mando because of unauthorized or inadvertent disclosure except as stated in paragraph 5; and
- 7) I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on this the 23rd day of May, 2024.



Jiwon Kim
General Counsel
HL Mando Corporation