

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

September 23, 2024

Adam Raviv
Chief Counsel
National Highway Traffic Safety Administration
1200 New Jersey Avenue, S.E.
Washington, D.C. 20590
VIA SECURE FILE TRANSFER

Re: Request for Confidential Treatment - PE24-015 - Zook's Response to Information Request (Additional Information)

Dear Mr. Raviv,

On behalf of Zook, Inc., and pursuant to 5 U.S.C. § 552 and 49 C.F.R. Part 512, this submission to the National Highway Traffic Safety Administration ("NHTSA") seeks confidential treatment for the attached file, relating to Information Request ID PE24015-1 (the "Attached Materials"). The Attached Materials have been marked "Confidential Business Information (CBI)" as required by 49 C.F.R. § 512.6.

The information in the Attached Materials is entitled to confidential treatment under 5 U.S.C. § 552(b)(4), as modified pursuant to 49 U.S.C. § 32910, and NHTSA regulations at 49 C.F.R. § 512 because release of this information would cause substantial competitive harm to Zook. *See Public Citizen Health Research Grp. v. FDA*, 185 F.3d 898, 905 (D.C. Cir. 1999). The Attached Materials outline specific business and technical information regarding Zook's test vehicles, its automated driving system and associated software, and Zook's methods for evaluating performance and any resulting issues. If released, such information would cause substantial competitive harm to Zook by revealing to competitors information about Zook's proprietary operations and technology not otherwise available outside of Zook.

Zook is seeking confidential treatment under the test announced in *Food Mktg. Inst. v. Argus Leader Media*, 139 S. Ct. 2356 (2019), finding that confidential protection under FOIA Exemption 4 requires two conditions: (1) that the information is kept private or closely held by the person providing it; and (2) that the person receiving it provides some assurance that the information will be kept secret. In this case, granting confidential treatment for the Attached Materials is consistent with these principles.

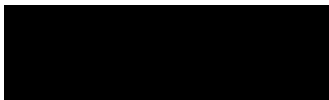
First, the information provided by Zook is customarily and actually treated as private. Zook does not release or otherwise provide this information or any information like it to the public. The information contained in the

Attached Materials has not been publicly disclosed and Zoox has taken measures to ensure that this information is not disclosed or otherwise made available to any persons outside of the company, or its parents, suppliers, or affiliates. Insofar as is known by Zoox, this information is not known outside of the company, except for these related parties. The information may have been disclosed, only as necessary for the purposes of obtaining advice and assistance from counsel and other confidential advisers. However, such disclosures do not compromise the confidential nature of the information.

Second, consistent with the agency's longstanding practice of maintaining confidential treatment of this type of internal and sensitive business information, this constitutes assurance that NHTSA will continue to treat the information that Zoox has provided as confidential. The Attached Materials contain detailed, proprietary information about the perception, prediction, planning, and control capabilities of Zoox's automated driving system, as well as our internal methods for capturing and reviewing vehicle data. Maintaining the confidential nature of all of this information is necessary for Zoox to remain competitive in the industry. All of this information is used for internal operations and analysis only and it is precisely the type of information for which the agency has traditionally granted confidential treatment.

Zoox seeks confidential treatment of the Attached Materials in its entirety and requests that the information be treated as confidential for an indefinite period of time. Please contact me if you have any questions, or in the event that NHTSA receives a request for disclosure or otherwise seeks to disclose the information.

Sincerely,



John Maddox
Senior Director
Safety Strategy and Operations

Enclosures

**CERTIFICATE IN SUPPORT OF
REQUEST FOR CONFIDENTIALITY**

I, John Maddox, pursuant to the provisions of 49 CFR Part 512, state as follows:

(1) I am the Senior Director of Safety Policy and Strategy for Zoox, Inc., and I am authorized by Zoox to execute this certificate on its behalf;

(2) I certify that the information contained in the Attached Materials 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 the Attached Materials be protected indefinitely.

(4) This certification is based on the information provided by the responsible Zoox personnel who have the 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 of Zoox;

(5) Based upon that information, to the best of my knowledge, information and belief, the information for which Zoox has claimed confidential treatment has never been released or become available outside of the company;

(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 of Zoox because of unauthorized or inadvertent disclosure; and

(7) I certify under penalty of perjury that the foregoing is true and correct.

Executed on the 23rd day of September 2024



John Maddox