



October 22, 2025

Peter Simshauser
Chief Counsel
National Highway Traffic Safety Administration
1200 New Jersey Avenue, S.E.
Washington D.C. 20590

Re: Rivian Automotive, LLC
Confidential Treatment
Request – Direct control of
Amazon EDVs for field
actions

Dear Mr. Simshauser:

This request for confidential treatment is submitted by Rivian Automotive, LLC ("Rivian"). Pursuant to 5 U.S.C. § 552 and 49 C.F.R. Part 512, Rivian seeks confidential treatment for its material regarding "Direct control of Amazon EDVs for field actions" submitted on October 22, 2025 ("Response").

As a general matter, Exemption 4 of the Freedom of Information Act ("FOIA") was enacted to prevent disclosures that would "eliminate much of the time and effort that would otherwise be required to bring to market a product competitive with the [submitter's] product." *Public Citizen Health Research Grp. v. FDA*, 185 F.3d 898, 905 (D.C. Cir. 1999). "Because competition in business turns on the relative costs and opportunities faced by members of the same industry, there is a potential windfall for competitors to whom valuable information is released under FOIA. If these competitors are charged only minimal FOIA retrieval costs for the information, rather than the considerable costs of private reproduction, they may be getting quite a bargain. Such bargains could easily have competitive consequences not contemplated as part of FOIA's principal aim of promoting openness in government." *Worthington Compressors, Inc. v. Costle*, 662 F.2d 45, 51 (D.C. Cir. 1981).

Rivian 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 Response is consistent with these principles. First, the information provided by Rivian is customarily and actually treated as private. Rivian does not release or otherwise provide this information or any information like it to the public. 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 Rivian has provided as confidential.

The confidential information that Rivian has submitted contains information that has never been released by Rivian or will become available outside of Rivian. Maintaining the confidential nature of all of this information is necessary for Rivian 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.

The information contained in the Response materials has not been publicly disclosed and Rivian has taken measures to ensure that the information contained 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 Rivian, 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.

Rivian seeks confidential treatment of the entirety of the information provided to the agency and also requests that the information be treated as confidential for an indefinite period of time. A copy of the Response with appropriate markings is provided as well as a public facing document.

Please contact me if you have any questions.



Senior Legal Director, Regulatory Affairs and Policy

Enclosures