

ZTV

FEB 25 1999

CONFIDENTIAL

Erika Z. Jones
Mayer, Brown & Platt
2000 Pennsylvania Avenue, N.W.
Washington, D.C. 20006-1882

RE: Confidentiality determination

Dear Ms. Jones:

This is in response to your letter dated November 5, 1998, in which you requested confidential treatment on behalf of Red River Manufacturing, Inc. for certain information marked as tabs A, B, C, D and E attached to your letter. This information includes diagrams relating to Federal Motor Vehicle Safety Standard No. 224. I have examined the material and decided to grant it confidential treatment under Exemption 4 of the Freedom of Information Act, 5 U.S.C. §552(b)(4).

The information may be disclosed under 49 C.F.R. §512.8, based upon newly discovered or changed facts, and you must inform the agency of any changed circumstances that may affect the protection of the information (49 C.F.R. §512.4(I)). Prior to the release of information under 49 C.F.R. 9512.8 or §512.9, you would be notified in accordance with the procedure established by our regulations.

Sincerely,

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Heidi L. Coleman
Assistant Chief Counsel
for General Law

MAYER, BROWN & PLATT

2000 PENNSYLVANIA AVENUE, N.W.

WASHINGTON, D C. 20006-1882

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A
B
C
D
E

November 5, 1998

VIA HAND DELIVERY

Heidi Coleman, Esq.
Office of the Chief Counsel
National Highway Traffic Safety Administration
Room 5219
400 Seventh Street, S.W.
Washington, D.C. 20590

NOV 5 12:00 PM '98

Re: Request for Confidential Treatment of Information: Red River
Manufacturing, Inc.

Dear Ms. Coleman:

Pursuant to 49 C.F.R. Part 5 12, Red River Manufacturing, Inc. ("Red River") requests that the National Highway Traffic Safety Administration grant confidential treatment to the following documents and photographs, which are attached hereto and are submitted in connection with a recent meeting involving agency personnel and Red River's personnel and counsel. Because Red River is seeking confidential treatment of the attached documents and photographs in their entirety, Red River is not supplying proposed public versions of them.

1. Two diagrams (Tabs A and B) of specifications relating to clearances for retractable rear impact under-ride guards: Red River requests that both diagrams be accorded confidential treatment in their entirety. The diagrams contain confidential trade secrets in the form of specifications relevant to designs of prototypes of retractable rear impact under-ride guards. See 49 C.F.R. Part 512.4(b)(3)(i) (trade secrets included in types of information which can be accorded confidential treatment). Release of these diagrams would provide a competitor with access to Red River's trade secrets, permitting the competitor to take advantage --- to Red River's detriment --- of the considerable time and expense that Red River has devoted to developing a retractable rear impact under-ride guard that would comply with Federal Motor Vehicle Safety Standard No. 223, *Rear Impact Protection*.

Heidi Coleman, Esq.
November 5, 1998
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2. Three photographs (Tabs C, D and E) of a prototype of a rear impact underride guard affixed to a Red River trailer: Red River requests that the photographs be accorded confidential treatment in their entirety. The photographs depict confidential trade secrets in the form of a prototype of a retractable rear impact underride guard. Release of these diagrams would provide a competitor with access to Red River's trade secrets, permitting the competitor to take advantage --- to Red River's detriment ---- of the considerable time and expense that Red River has devoted to developing a retractable rear impact underride guard that would comply with Federal Motor Vehicle Safety Standard No. 223, *Rear Impact Protection*.

Sincerely,



Erika Z. Jones

Enclosures

cc: L. Robert Shelton, III (w/o encls.)