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UTILITY TRAILER MANUFACTURING CO.
www.utilitytrailer.com

The First Name In Trailers

January 10, 2022

Via email only – daniel.rabinovitz@dot.gov

Daniel Rabinovitz, Esq.
Trial Attorney
Office of Chief Counsel
US Department of Transportation
National Highway Traffic Safety Administration
12000 New Jersey Avenue SE
Washington, DC 20590

Re: NEF-106ns / DP21-004 – Request for Confidentiality

Dear Mr. Rabinovitz:

Utility Trailer Manufacturing Company ["**UTMC**"] requests confidential treatment of certain information contained in its January 10, 2022, Response to the ODI's Information Requests, as well as documents submitted separately in support of that request.

I have attached to this letter the required Certificate in Support of Confidentiality.

UTMC seeks confidential treatment of the following information:

1. Production data for Utility van trailers, including market-share information. This information is a trade secret and would impair UTMC's competitive position (§§ 512.15(a), and 512.15(b)). UTMC, as well as its competitors, jealously guards its production estimates, goals, capabilities, and performance. Competitors with access to this information could be at a significant competitive advantage in making decisions how to allocate their resources among factories, product lines, and geographical areas. Similarly, historic production information can be used by competitors to determine capabilities, production efficiencies and inefficiencies, ability to react to market conditions, and likely future production goals.
2. ACT Data subscription-service data concerning trailer production information from 1996 through 2021. This information is a trade secret and UTMC is restricted from publicly distributing this information, which it purchases from its third-party consultant, ACT, through a subscription service. It is being provided to NHTSA voluntarily and is not customarily released to the public by UTMC or by ACT (without a subscription). (§§ 512.15(a), 512.15(b), and 512.(d))
3. Drawings, bills of material, engineering change notice, and sales bulletin for UTMC's side impact guard for both its refrigerated the dry-van trailer. This

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information is a trade secret and would impair UTMC's competitive position. (§§ 512.15(a), and 512.15(b)). Also, the Chief Counsel has determined that this information is presumptively likely to result in substantial competitive harm if disclosed to the public – Appendix B – Item (1).

4. Labor cost of installing underride guards on trailers. This information is a trade secret and would impair UTMC's competitive position. (§§ 512.15(a), and 512.15(b)). This is also financial information that is confidential and is protected under 5 U.S.C, 552(b)(4) – see § 512.15(e).

UTMC requests that the confidential information provided in response to the Information Requests be provided confidential treatment for 10 years.

Any response or inquiry from NHTSA related to this request should be directed to me as follows:

Paul G. McNamara
General Counsel, Utility Trailer Manufacturing Company
17295 E. Railroad Street
City of Industry, CA 91748
Paul.McNamara@utm.com
310-213-3713 – cell
626-854-7235 – office direct.

Thank you.

Sincerely,

DocuSigned by:
[redacted]
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General Counsel

Attach: Certificate in Support of Confidentiality

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CERTIFICATE IN SUPPORT OF REQUEST FOR CONFIDENTIALITY

I, Paul G. McNamara, pursuant to the provisions of 49 CFR part 512, state as follows:

(1) I am the General Counsel of Utility Trailer Manufacturing Company and am authorized by the company to sign this certificate on its behalf.

(2) I certify that the information contained in the following documents 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)

a. Request #1 – Utility Trailer Vehicle Production Data

b. Request #2 – Number of Utility Trailer Manufacturing Company vehicles in service; ACT Production Data for years 1996 – 2021 (obtained from ACT, a consultant, through a subscription service).

c. Request #3 – Utility Trailer Manufacturing Company's market share; printout of survey of total vehicle production purchased from ACT, a third-party consultant, through a subscription service..

d. Request #6 – Drawings, Bill of Materials, Engineering Change Notice, and Sales Bulletins regarding Utility Trailer Manufacturing Company's side-impact guard for both its dry-van and its refrigerated trailer.

e. Request #8(e) – Cost estimates for installing AngelWing on Utility Trailer Manufacturing Company trailers.

(3) I hereby request that the information contained in the materials listed in paragraph 2, above, be protected for a period of 10 years.

(4) This certification is based on the information provided by the responsible Utility Trailer Manufacturing Company 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 Utility Trailer Manufacturing Company.

(5) Based upon that information, to the best of my knowledge, information and belief, the information for which Utility Trailer Manufacturing Company has claimed confidential treatment has never been released or become available outside Utility Trailer Manufacturing Company, except

a. Request #3 – the print out of total vehicles produced is purchased through a subscription service by Utility Trailer Manufacturing Company from ACT, a third-party consultant. Utility Trailer Manufacturing Company is not permitted to disseminate this

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information. Utility Trailer Manufacturing Company is unaware whether the consultant has shared the data with other customers, presumably under the same restrictions

b. Request #6 – Sales Bulletins are provided to Utility's independent dealership network; those dealers are expected to keep the notice confidential and not share it outside of their 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 Utility Trailer Manufacturing Company because of unauthorized or inadvertent disclosure (except as stated in paragraph 5).

(7) I certify under penalty of perjury that the foregoing is true and correct. Executed on this the 10th day of January.

DocuSigned by:
[redacted]
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Paul G. McNamara