

EXHIBIT A

8/24/2022

NHTSA
Executive Secretariat
1200 New Jersey Avenue, SE
West Building, 41-304
Washington, D.C. 20590
NHTSAFOIAPublicLiaison@dot.gov

Dear FOIA officers,

Pursuant to the U.S. Freedom of Information Act (5 U.S.C. § 552, as amended), I'm requesting copies of the following documents held by your department and component agencies:

- In 1981, NHTSA issued a Notice of Proposed Rulemaking regarding a new Federal Motor Vehicle Safety Standard that would have required a new type of rear underride guard for trucks and trailers with a Gross Vehicle Weight of over 10,000 pounds (46 FR 2136; January 1981). The agency received over 100 comments on this NPRM, which was not adopted.

I'm requesting copies of any NHTSA reports, memoranda or other documents explaining NHTSA's decision not to promulgate the rule; any NHTSA analysis of FARS data or other crash data used in the development of this NPRM and its subsequent withdrawal; copies of the 100+ comments; and any additional correspondence between NHTSA staff and outside parties.

Further, I'm requesting a copy of the NPRM.

- In 1991, NHTSA developed a Preliminary Regulatory Evaluation on "Combination Truck and Rear Underride Guards," (Docket No. 1-11; Notice 9).

I'm requesting any NHTSA data analyses, memoranda, correspondence or other records used in the preparation of this evaluation.

- In 1992, NHTSA issued a Supplemental Notice of Proposed Rulemaking regarding rear underride guards for trucks and trailers. Like the 1981 NPRM, the rule would've altered Federal Motor Vehicle Safety Standards (223, 224) for trucks and trailers.

I'm requesting copies of any NHTSA data analyses, memoranda, correspondence or other records used in the development of the SNPRM.

- From 1991 to 1994, NHTSA staff repeatedly corresponded with members of Congress on the underride issue. I'm requesting copies of all this correspondence.
- I'm requesting any NHTSA analyses, memoranda, reports or other documents that estimate the number of underride fatalities occurring in the U.S. This includes NHTSA analyses of FARS data; NASS-CDS data, CISS data, LTCCS data, TIFA data or other datasets. This request covers materials generated between Jan. 1, 1991 and Aug. 1, 2022.

To help you make a determination on fees, I'd like to inform you that I'm a member of the news media gathering material in my official capacity as a staff reporter for [ProPublica](#) and a correspondent for the PBS series [FRONTLINE](#).

If you believe that some of the material in question is exempt from disclosure and while other material can be disclosed, I ask that you segregate the potentially exempt material and promptly release the non-exempt material. I ask for a full written explanation behind any decision to rule materials exempt from disclosure.

Given the age of the records, I ask that you conduct searches of both electronic and physical filing systems. I prefer to receive records in electronic format, if possible.

I'm willing to cover costs up to \$250, but ask you to contact me at the phone number or email address below should costs go above that.

Thanks for your help with this matter. A copy of this request has been attached to this email in PDF format.

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