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SEP - 3 2010

Adam C. Sloane
Mayer Brown LLP
1999 K Street, N.W.
Washington, D.C. 20006-1101

Re: Toyota Request for Reconsideration /TQ10-001 March 25, 2010 request for confidential treatment.

Dear Mr. Sloane:

This responds to your June 7, 2010 reconsideration request on behalf of Toyota Motor Corporation and its subsidiaries and affiliates (“Toyota”) responding to a May 6, 2010 partial denial of a request for confidential treatment. Toyota originally submitted the information at issue on March 18, 2010 in response to an information request (IR) issued in the above referenced investigation. After requesting an extension of time to submit its request for confidential treatment, Toyota forwarded that request on March 25, 2010. The request asked the Agency to grant permanent confidential treatment to the information encompassed by Toyota’s request.

You now ask that the Agency reconsider Mr. Matheke’s May 6, 2010 denial of confidential treatment for portions of a document described as a “Market Impact Summary” that, among other things, contains a table and graphs with collections of various warranty data. Specifically, you contend that these tables contain unique compilations of information collected and analyzed by Toyota for evaluating its products. Your request emphasizes that the competitive value of this data lies not in each individual element, but is found in the particular assemblage of the different data and metrics.

In your view, release of these compilations of data would provide competitors with insights into Toyota’s product evaluation and remediation processes, the company’s operational strengths and Toyota’s particular methodologies. Your letter also states that release of this information would assist Toyota’s competitors in benchmarking, refining and improving their own product evaluation programs. On behalf of Toyota, you assert that the disclosure of this information could facilitate efforts by competitors to benchmark, refine, and improve their own product evaluation efforts, without incurring the time and expense typically associated with independent product evaluation efforts. You conclude that disclosure of the materials would provide a window into Toyota’s operational capacities, which is the kind of information that has been deemed exempt from disclosure under

I have decided to deny your request in part and grant it in part.

Toyota was required to submit these data in response to an agency information request. Accordingly, your claims for confidential treatment were reviewed under the test set forth in *National Parks & Conservation Ass'n v. Morton*, 498 F.2d 765 (D.C. Cir. 1974) and its progeny. Under the *National Parks* decision, information concerning a commercial or financial matter may be withheld under Exemption 4 of the Freedom of Information Act if disclosure of the information would be likely to cause substantial harm to the competitive position of the submitter, or would be likely to impair the Government's ability to obtain necessary information in the future. *Id.* at 770.

Under NHTSA regulations, manufacturers are required to justify their claims for confidentiality. They must state what the harmful effects of disclosure would be and why the effects should be viewed as substantial. *See* 49 CFR § 512.8; 49 CFR § 512.4(c).

Your reconsideration request seeks confidential treatment for a table, 4 graphs and some claim classification data within a document entitled "Market Impact Summary." The table, found on page 1 (Bates page F00956-ATX-00546002), contains 7 rows. These rows contain the following entries: 1) Units in Operation, 2) Identified VINs, 3) Warranty Count/Cost, 4) Failed Parts Recovered, 5) TAS Cases, 6) Field Reports, and 7) Go and See. Other than the column containing the foregoing entries describing rows, the remaining three columns are "Quantity," "Cost/Other" and "Page." The claims classification data, found on page 4 (also marked as Bates page F00956-ATX-00546002), depict claims by repair month, claims by build month, claims by mileage, and claims by model.

With the exception of the cost data found in row 3 of column 3 in the table on page one (discussed below), Toyota has not demonstrated that the materials on page one and page four of the "Market Impact Summary" are entitled to confidential treatment. Individually, as well as collectively, the analyses and methodologies shown in these documents are not novel or unique. With one exception (TAS Cases), they represent standard industry analyses that are commonly employed by automobile manufacturers to evaluate quality and customer satisfaction concerns. Moreover, Toyota's ability to collect this data and present it in a single document is also not noteworthy – it is representative of similar arrays of data used by other vehicle manufacturers. Only one category within the table on page one – "TAS Cases" – is not immediately recognizable as a standard industry benchmark. However, this category has not been adequately described or explained in Toyota's original request or this request for reconsideration. Because Toyota has not explained what a "TAS Case" is or demonstrated that disclosure of this categorization or the number of events within it would be likely to cause it to suffer substantial competitive harm, your request for confidential treatment for this information is denied.

The data on page four of the "Market Impact Summary" is also wholly unremarkable individually and collectively. The categorization of warranty claims and field reports by repair date, build date, mileage and model are basic methodologies for evaluating such data. The metrics presented in the graphs also represent industry standard benchmarks employed for many years by all major vehicle manufacturers. Revealing Toyota's use of these standard measures of performance would not be likely to inform any of its competitors. I find that release of the information on page four would not be likely to cause Toyota to suffer substantial competitive harm.


As noted above, I am granting your request for confidential treatment for the warranty cost information in column 3 of row 3 in the graph on page one. Revealing this warranty cost data would be likely to cause Toyota to suffer competitive harm. Release of the cost data, in conjunction with other data included in the "Market Impact Summary," would provide competitors with a snapshot of Toyota's warranty costs per claim.

This partial grant of confidential treatment is subject to certain conditions. The information may be disclosed under 49 C.F.R. § 512.22 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. § 512.10). If necessary, you will be notified prior to the release of any information under the procedures established by our regulations (49 C.F.R. § 512.22(b)).

My decision is administratively final. The documents identified above for which confidential treatment has been denied are subject to public disclosure within twenty (20) working days after receipt of this letter.

Sincerely yours,

Stephen P. Wood

 O. Kevin Vincent
Chief Counsel

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