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OCT 15 2010

Adam C. Sloane
Mayer Brown LLP
1919 K Street, N.W.
Washington, D.C. 20006

Re: Request for Confidentiality in Timeliness Query 10-001

Dear Mr. Sloane:

This responds to your September 14, 2010 request for confidential treatment for materials submitted by Toyota Motor North America (Toyota) to assist the National Highway Traffic Safety Administration in connection with the above referenced timeliness query. Specifically, you request confidential treatment for engineering change information and the internal process for implementing design and engineering changes. You request confidential treatment indefinitely.

Your request is granted.

Toyota was required to submit this information in response to an agency information request. Therefore, I reviewed the claims for confidential treatment 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 (FOIA) 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.

I am granting your request for confidential treatment. The information submitted by Toyota, includes engineering design drawings and changes, including instructions and descriptions of the design change process that, if disclosed, would be likely to cause Toyota to suffer substantial competitive harm. Accordingly, this information will be withheld under Exemption 4 of the FOIA.

Subject to the conditions below, this grant of confidential treatment will remain in effect indefinitely.

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

Sincerely,

Original Signed By

Otto G. Matheke, III
Senior Attorney

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