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**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

NOV 18 2010

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

Re: TQ10-001 Request for Confidential Treatment in October 8, 2010 Submission

Dear Mr. Sloane:

This responds to your October 8, 2010 letter on behalf of Toyota Motor Corporation ("TMC") and its subsidiaries and affiliates ("Toyota") requesting confidential treatment for information submitted in response to an Information Request ("IR") issued by the Office of Defects Investigation on September 10, 2010. The information is contained on 2 CD roms marked "confidential." At that time, Toyota requested an extension of time to submit a request for confidential treatment.

On October 20, 2010, you submitted your formal request for confidential treatment and explained that Toyota provisionally marked certain sections of its October 8, 2010 submission as confidential in the expectation of filing a formal request for confidential treatment. On behalf of Toyota you state that review of the October 8, 2010 submission has resulted in a determination that Toyota is not seeking confidential treatment for all of the information it had previously marked as confidential. Accordingly, you have provided an Excel spreadsheet (TQ10-001 20101008 Supplemental Prod Confidentiality Index.xls) that sets forth those documents or portions of documents for which Toyota now requests confidential treatment. Toyota requests that the information listed as confidential on the foregoing spreadsheet be accorded confidential treatment permanently.

Toyota's request for confidential treatment addresses tests and test procedures. It also includes designs, engineering drawings, design modifications, design guidelines and production activity. You state that the information encompassed by your request includes internal analyses, and information on Toyota's approach to formulating remedies for product issues.

Toyota states that the information for which it seeks confidential treatment is subject to the substantial-competitive-harm standard set forth in *Nat'l Parks & Conservation Ass'n v. Morton*, 498 F.2d 765, 770 (D.C. Cir. 1974) and that release of the information described above would be likely to cause it to suffer substantial competitive harm. Your request also contends that certain engineering drawings and specifications in the submission are subject to the Class Determination set forth in paragraph 1 of Appendix B of Part 512.

Toyota was required to submit these data in response to an agency information request. Accordingly, 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 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.

With the exception of the materials described below, I am granting your request for confidential treatment. I am denying your request for Bates pages TOY-TQ001-90002356 ("Rules for Install and Shipping"), TOY-TQ001-90002358 and 59 ("Fit Up Issue/Results"), and TOY-TQ001-90002331 through 38 ("CAD presentation").

Bates page TOY-TQ001-90002356 (almost entirely redacted on relevancy grounds) contains a bar graph entitled "Field Action (Recall/SCS)." It is unclear what the graph portrays. Toyota has not described the information and has not given adequate justification for its claim that the release of this graph would be likely to cause the company substantial competitive harm. Accordingly, this request is denied.

Bates pages TOY-TQ001-90002358 and 59 are substantially similar to Bates page TOY-TQ001-90002359 for which Toyota does not request confidential treatment. Toyota has not shown how the two Bates pages for which it requests confidential treatment are any different than the page for which it does not. Accordingly this request is denied.

Bates pages TOY-TQ001-90002331 through 38 amount to a generic PowerPoint on product development. Toyota does not adequately justify its claim that release of this presentation would be likely to cause the company to suffer substantial competitive harm. Accordingly, this request is denied.

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

This partial 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)). Furthermore, this information may be disclosed if such disclosure would be in the public interest, pursuant to the procedures established in 49 C.F.R. § 512.23.

If you disagree with the partial denial of your request noted above, you may request reconsideration. If you seek reconsideration, your request must be addressed to NHTSA's Chief Counsel and filed within 20 working days after the receipt of this letter (49 CFR 512.19(a)). Any such request should contain additional justification supporting your claims for confidential treatment consistent with 49 CFR Part 512 and applicable case law.

Sincerely,

**Original Signed By**

Otto G. Matheke, III  
Senior Attorney

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