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1/28/11

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

Re: Request for Confidential Treatment/ Toyota response to NHTSA's October 28, 2010 Information Request in TQ10-001

Dear Mr. Sloane:

This responds to your November 2, 2010 letter requesting confidential treatment for Toyota Motor North America ("Toyota") materials submitted in response to an Office of Defects Investigation information request ("IR") in the above-referenced investigation.

You request confidential treatment for a document and its English translation submitted in response to Request 48 of the October 28, 2010 IR. These documents, Attachment-Response 48_CONF_J.pdf and Attachment-Response 48_CONF_T.pdf, were provided on a CD-ROM enclosed with your request. Your letter states that the document sets forth design-related information and a supporting analysis. Toyota requests that the materials be afforded confidential treatment indefinitely.

I am granting your request.

Toyota submitted this information in response to an agency information request. Since Toyota was required to submit this information, I reviewed your claim 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 competitive 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 have reviewed your submission, including the materials that you claim are entitled to confidential treatment and the arguments that you assert in support of your claim. Examination of this material indicates that release of the information contained within it would be likely to cause Toyota to suffer significant competitive harm. Therefore, this information is entitled to confidential treatment pursuant to Exemption 4 of the Freedom of Information Act, 5 U.S.C. § 552(b)(4). The documents will be afforded permanent confidential treatment.

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). 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.

Sincerely,

Otto G. Matheke, III
Senior Attorney

NHTSA: NCC-111 OMatheke:65263:cyt:1/28/11
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