

JAN 23 2004

Mr. Christopher Tinto
Toyota Motor North America, Inc.
1850 M Street NW
Suite 600
Washington, DC 20036

RE: Confidentiality Determination / EA03-004

Dear Mr. Tinto:

This is in response to your letter of October 22, 2003 requesting confidential treatment for information provided to the agency by Toyota Motor North America, Inc. (Toyota) in response to an information request requiring submission of data regarding the above investigation. The information was provided in an attachment to your letter that contains component drawings, internal engineering specifications and manufacturing process information for a certain Toyota vehicle. Toyota asserts that disclosure of this information would result in substantial competitive harm and place the company at a competitive disadvantage. You have requested that certain information related to future vehicles be accorded confidential treatment for an unspecified period of time.

The information provided by Toyota was requested pursuant to 49 USC § 30166, which authorizes the agency to conduct investigations and require manufacturers to submit reports. Therefore, because the information was not submitted voluntarily, I have reviewed your submission under the competitive harm standard set forth in *National Parks & Conservation Ass'n v. Morton*, 498 F.2d 765 (D.C. Cir. 1974).

Examination of the information submitted indicates that the information for which Toyota requests confidential treatment contains data and drawings that outline the internal engineering standards, design choices and component designs for the wheel studs and related parts on the Toyota Sienna. In addition, drawings of the wheel used on the Sienna are also provided. I have determined that this data, if released, would result in competitive harm to Toyota. Moreover, the drawings provided with your submission are entitled to confidential treatment pursuant to the class determination in Appendix B of Part 512.

Subject to the conditions below, this grant of confidential treatment will remain in effect for an indefinite period of time.

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,

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Otto G. Matheke, III
Staff Attorney

