

MAR 11 2004

Chris Tinto  
Director  
Toyota Motor North America, Inc.  
Washington Office  
1850 M Street, NW, Suite 600  
Washington, DC 20036

Re: Confidentiality Determination/EA03-004

Dear Mr. Tinto:

This is in response to your letter dated October 22, 2003, in which you request confidential treatment for the materials submitted by Toyota Motor North America, Inc. (Toyota) and enclosed with your letter. The materials contain responses to a National Highway Traffic Safety Administration (NHTSA) information request pertaining to the above-captioned matter. You request that the materials be granted confidential treatment for an unspecified period of time.

The materials for which you request confidential treatment are described in your letter as the technical information relating to wheel attachment hardware used on Toyota vehicles enclosed in Attachment 6. Toyota indicates release of the information contained in the submission would provide competitors with detailed insights into the specifications of the subject components developed and used by Toyota. Your letter also indicates that the aforementioned information, if disclosed, would result in substantial competitive harm to Toyota and loss of privilege on the materials.

I have decided to grant Toyota confidential treatment for these materials.

The information submitted 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).

I have decided to grant confidential protection for the information Toyota claims is entitled to confidential treatment. The materials at issue depict Toyota's specifications, design standards

and manufacturing processes for the subject components. Release of this information would, as your letter suggests, provide Toyota's competitors with substantial insight into Toyota's design choices and material standards. This information, if revealed, could cause competitive harm to Toyota.

As requested, this grant of confidential treatment will remain in effect indefinitely. However, it is also subject to the various provisions of Part 512 that specify the circumstances under which otherwise confidential information can be disclosed.

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,



Otto G. Matheke, III  
Staff Attorney

