

AUG -3 2004

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

Re: Confidentiality Determination/Toyota Presentation, June 24, 2004
NVS-213dsy; PE04-21

Dear Mr. Tinto:

This is in response to your letter dated July 8, 2004, in which you request confidential treatment for the materials submitted by Toyota Motor North America, Inc. (Toyota) and enclosed with your letter. The materials were provided by Toyota for a meeting with representatives of the National Highway Traffic Safety Administration (NHTSA) regarding a defect investigation into certain Toyota Camry, Camry Solara, and Lexus ES vehicles. You request that the materials be granted permanent confidential treatment.

Your letter and accompanying certificate indicate that the information provided is "confidential and proprietary" and that Toyota does not, and has not, released this information to the public.

I have decided to grant your request.

The information provided by Toyota was submitted voluntarily, in the course of an agency defect investigation. Accordingly, I have reviewed your request under the principles set forth in *Critical Mass Energy Project v. Nuclear Regulatory Comm'n*, 975 F.2d 871 (D.C.Cir.1992).

Under the test set forth in *Critical Mass*, financial or commercial information provided to the government on a voluntary basis is "confidential" for purposes of Exemption 4 if it is the kind of information that would customarily not be released to the public by the submitter. Your letter indicates that the data contained in your response is data that

Toyota would not customarily release to the public. Accordingly, I am according confidential treatment to the information contained in your submission.

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,

151

Otto G. Matheke, III
Senior Attorney

NHTSA:NCC30:Matheke:61834:07/26/04
NCC-30:Subj/Chron NCC04-004701
NVS-211: Jon White w/enclose.
U:\ncc30\conf\misc04\vol\Toyota4701ygm.doc