

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

RE: Confidentiality Determination / PE04-040

Dear Mr. Tinto:

This is in response to your letter of June 23, 2004 requesting confidential treatment for information provided to the agency in response to an agency request for information regarding the design specifications of the front suspension system and front suspension ball joints of the 2002 Toyota Tundra. You have requested that the information in attachments 10-1, 10-2 and 11 to that response be granted confidential treatment. You indicate that you request permanent confidential treatment for this information.

I have decided to grant your request.

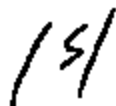
The information provided by Toyota was requested pursuant to 49 USC § 30166, which authorizes the agency to conduct investigations and require manufacturers to submit reports. Therefore, because the information was not submitted voluntarily, I have reviewed your submission under the competitive harm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

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. I have concluded that the public release of the information contained in attachments 10-1, 10-2 and 11, pertaining to inspection reports on parts received from field complaints, durability tests of lower ball joints, investigations of surface scratches on ball joints and modifications and changes in the design, material and installation of ball joints would cause substantial competitive harm to Toyota. That information is therefore entitled to confidential treatment pursuant to Exemption 4 of the Freedom of Information Act, 5 USC § 552(b)(4).

Pursuant to your request, this grant of confidential treatment is permanent.

This grant of confidential treatment is subject to certain conditions. The information may be disclosed under 49 USC § 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 USC § 512.10). Prior to the release of information under 49 CFR § 512.22 you would be notified in accordance with the procedures established by our regulations.

Sincerely,



Otto Matheke, III  
Senior Attorney

