



APH - 4 2005

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 21, 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 attachment 12 to Toyota's response to an Office of Defects investigation information request be granted confidential treatment. You indicate that you request permanent confidential treatment for this information.

I have decided to grant your request.

The information at issue was submitted in response to a formal agency request. I have reviewed Toyota's claim for confidential treatment applying the test announced in *National Parks & Conservation Ass'n v. Morton*, 498 F.2d 765 (D.C. Cir. 1974). Under that test, information is confidential under Exemption 4 of the Freedom of Information Act (FOIA) if its disclosure is likely to cause substantial competitive harm to the submitter or to impair the government's ability to collect the information in the future.

Public release of the information in attachment 12, which contains design specifications of the front suspension system, is likely to cause substantial competitive harm to Toyota. That information is therefore entitled to confidential treatment.

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 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). 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,

151
Guerci for

Otto Matheke, III
Senior Attorney

