

JAN 26 2006

Mr. Chris Tinto
Toyota Motor North America, Inc.
Washington Office
601 Thirteenth Street, Suite 910 South
Washington, D.C. 20005

Re: Confidentiality Determination/NVS-213dsy/DP05-002

Dear Mr. Tinto:

This responds to your November 15, 2005 letter requesting confidential treatment for certain materials Toyota Motor North America, Inc. (Toyota) submitted in response to an information request from the agency's Office of Defects Investigation (ODI) regarding Defect Petition (DP) 05-002. Specifically, Toyota seeks confidential treatment for the information contained in Attachments 6, 7, and 8 to its submission to ODI. Toyota requests that these materials be treated as confidential permanently.

Toyota contends that the documents described above contain specifications and design changes related to the electronic throttle control system, antilock braking system, and the accelerator and brake control pedals for certain model year Toyota Camry, Camry Solara, and Lexus ES vehicles. The company contends that this information is proprietary and asserts that the disclosure of these materials would aid its competitors in learning the details of Toyota's specifications of the aforementioned systems, which Toyota argues is closely guarded information in the motor vehicle industry.

I am granting your request.

Because this 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). Under that test, information is confidential under Exemption 4 of the Freedom of Information Act (FOIA) if its disclosure would be likely to cause substantial competitive harm to the submitter or to impair the government's ability to collect the information in the future.

I have examined the materials for which you seek confidential treatment. These items contain specific details concerning design modifications for the electronic throttle control system, antilock braking system, and the accelerator and brake control pedals for certain model

year Toyota Camry, Camry Solara, and Lexus ES vehicles that, if disclosed, would reveal commercially valuable design information to Toyota's competitors and be likely to cause Toyota to suffer substantial competitive harm. Accordingly, the information contained in Attachments 6, 7 and 8 will be withheld under Exemption 4 of the FOIA.

However, 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,

/s/

Otto G. Matheka, III
Senior Attorney

