

AUG - 4 2005

Mr. Chris Tinto
Toyota Motor North America, Inc.
Washington Office
1850 M Street, N.W., Suite 600
Washington, D.C. 20036

Re: Confidentiality Determination/NVS-212pco/PE05-008

Dear Mr. Tinto:

This is in response to your letter of April 29, 2005 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 Preliminary Evaluation (PE)05-008. Specifically, Toyota seeks confidential treatment for portions of Attachments 9-1 and 10-1 and for certain engineering drawings referenced in Response No. 8 to its submission to ODI. Toyota requests that these materials be treated as confidential permanently.

Toyota contends that the documents described above contain detailed engineering information on the process the company used in the development and manufacture of the Sienna minivan. The company believes that this information is proprietary, reflecting both its significant technological and intellectual investment, and would not be available to competitors without making similar efforts. Toyota asserts that the disclosure of these materials would aid its competitors in learning the details of Toyota's specifications, performance requirements, and control strategies as they relate to seat belt 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 detailed engineering specifications for the seat belt system used in Sienna 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 portions of Attachments 9-1 and 10-1 that you have identified as confidential will be withheld under Exemption 4 of the FOIA. The accompanying engineering drawings are being accorded confidential treatment under the appropriate class determination found in Appendix B of 49 CFR Part 512. However, this granting 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. Matheke, III
Senior Attorney

