

APR 29 2008

Christopher Tinto  
Vice President  
Toyota Motor North America, Inc.  
601 Thirteenth Street, N.W., Suite 910 South  
Washington, DC 20005

Re: Reconsideration of Confidentiality Determination/PE06-055

Dear Mr. Tinto:

This responds to your July 31, 2007 request for reconsideration of the agency's June 29, 2007 partial denial of a request for confidential treatment for Toyota Motor North America, Inc. (Toyota) information provided to the agency in the above referenced investigation. By letter dated June 29, 2007, Mr. Otto Matheke denied confidential treatment to information in Attachment 8-1 that originated from JTEKT Corporation because Toyota failed to submit a third-party certificate. You have now supplied the required certificate from JTEKT Corporation and seek permanent confidential treatment.

I am granting your request.

Toyota was required to submit this data in response to an agency information request. Because Toyota was required to submit this information, your claim was reviewed under the test set forth in *National Parks & Conservation Ass'n v. Morton*, 498 F.2d 765 (D.C. Cir. 1974) and its progeny. Under the *National Parks* decision, information concerning a commercial or financial matter may be withheld under Exemption 4 of the Freedom of Information Act (FOIA) if disclosure of the information would be likely to cause substantial competitive harm to the competitive position of the submitter, or is likely to impair the Government's ability to obtain necessary information in the future. *Id.* at 770.

Attachment 8-1 consists of two reports that provide detailed analyses of investigations of returned parts. This data is sensitive business information, which if released, would be likely to cause substantial competitive harm to Toyota. Accordingly, I am granting confidential treatment to the information contained in Attachment 8-1.

Subject to the following conditions, this grant of confidential treatment will remain in effect indefinitely. 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)).

My decision is administratively final.

Sincerely yours,

**Original Signed By**

Anthony M. Cooke  
Chief Counsel

