

DEC 16 2008

Chris Tinto, Vice President
Toyota Motor North America, Inc.
601 Thirteenth Street, NW
Suite 910 South
Washington, DC 20005

Re: Request for Confidential Treatment/PE08-041

Dear Mr. Tinto:

This responds to your September 30, 2008, request for confidential treatment for Toyota Motor North America (Toyota) materials submitted in response to an agency Information Request in the above investigation. The information is contained on a CD-ROM marked as "TOYOTA PE08-041 ATT_2 CONF BUS INFO". The CD-ROM contains one folder, "ATT_2(CONF BUS INFO)" that, in turn, contains two subfolders:

Attachment-Response 8(CONF BUS INFO); and
Attachment-Response 9(CONF BUS INFO).

Toyota seeks permanent confidential treatment for all the files within the Attachment-Response 8 and Attachment-Response 9 subfolders.

Toyota states that the information encompassed by its request is proprietary and reflective of the company's significant technological and intellectual investment, gives insight into the methodology Toyota uses to improve product designs and make decisions on field actions, and would not be available to others without similar efforts and experiences. Toyota contends that if released, this information would be likely to cause Toyota to suffer substantial competitive harm.

I am granting your request.

Your submission contains potentially identifying personal information for consumers. This potentially personally identifying information—for example, name, address, telephone number and the last six digits of any vehicle identification numbers ("VIN")—will be accorded confidential treatment pursuant to Exemption 6 of FOIA, 5 U.S.C. § 552(b)(6).

Toyota was required to submit the information at issue in response to an agency information request. Accordingly, I reviewed the claims for confidential treatment 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 would be likely to impair the Government's ability to obtain necessary information in the future. *Id.* at 770.

The submitted documents contain detailed manufacturing process and engineering change information, including quality control improvements and proprietary design changes, the release of which would be likely to cause Toyota to suffer substantial competitive harm. Accordingly, your request for confidential treatment of these documents is granted.

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

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,

Original Signed By

Otto G. Matheke, III
Senior Attorney

