

JUL 8 2010

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

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

Re: Request for Confidential Treatment/ PE10-008

Dear Mr. Santucci:

This responds to your June 23, 2010 letter requesting confidential treatment for Toyota Motor North America, Inc. (“Toyota”) materials submitted in response to an Office of Defects Investigation information request in the above investigation. You request that certain documents on two copies of a CD-ROM disc enclosed with your submission be afforded confidential treatment indefinitely.

I am denying your request.

I have reviewed your request to determine if it conforms to the requirements of 49 CFR Part 512. The materials you have submitted are not marked as confidential. Section 512.6(c) of Part 512 requires that if information is submitted in an electronic format such as a CD-ROM, the “exterior of the medium (e.g., the disk itself) shall be permanently labeled with the submitter’s name, the subject of the information, and the words CONFIDENTIAL BUSINESS INFORMATION.” These markings are necessary for NHTSA to track and identify information submitted by manufacturers, and to ensure that confidential business information is handled in an appropriate matter. Toyota submitted two discs containing confidential information; neither of these discs was marked with the required information. In view of the failure to properly mark the information claimed as confidential, the substance of your claim relating to these materials was not reviewed. The agency also cannot assume responsibility for the confidentiality of materials not marked confidential.

If you disagree with this determination, you may request reconsideration. If you seek reconsideration, your request must be addressed to NHTSA's Chief Counsel and filed within 20 working days after the receipt of this letter (49 CFR 512.19(a)). Any such request should contain sufficient justification supporting your claims for confidential treatment consistent with 49 CFR Part 512 and applicable case law.

Sincerely,

Original Signed By

Otto G. Matheke, III
Senior Attorney

