

TOYOTA

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OFFICE OF
CHIEF COUNSEL

Toyota Motor Engineering &
Manufacturing North America, Inc.

Vehicle Safety & Compliance
Liaison Office
Mail Code: S-104
19001 South Western Avenue
Torrance, CA 90501

April 25, 2014

Mr. O. Kevin Vincent, Chief Counsel
Office of Chief Counsel, NCC-110
National Highway Traffic Safety Administration
Room W41-227
1200 New Jersey Ave., SE
Washington, D.C. 20590

Re: Toyota Request for Confidential Treatment of
Voluntarily-Submitted Information

Dear Mr. Vincent:

Toyota Motor Engineering & Manufacturing, North America (“Toyota”) is voluntarily submitting slides that were voluntarily presented to members of the National Highway Traffic Safety Administration (“NHTSA”) on April 17, 2014.

Because this material is the kind of confidential information that Toyota does not customarily disclose to the public, Toyota is submitting this information through your office with this request for confidential treatment, pursuant to 49 C.F.R. Part 512 and Exemption 4 of the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552(b)(4).

A. Description of the Information (49 C.F.R. § 512.8(a))

The information for which Toyota is requesting confidential treatment consists of 45 slides (Slides 4-21 and 24-50) that contain recall management status and improvement activities, and issue-specific quality analysis information, and certain design and engineering information regarding Camry HV products.

B. Confidentiality Standard (49 C.F.R. § 512.8(b))

The voluntary submission standard (49 C.F.R. § 512.15(d)) applies to this request.

C. Justification for Confidential Treatment (49 C.F.R. § 512.8(c))

Under Part 512 and the case law interpreting FOIA Exemption 4, information submitted voluntarily should be accorded confidential treatment if it is the type of information that is not customarily disclosed by the submitter to the public. See, e.g., *Center for Auto Safety v. NHTSA*, 244 F.3d 144, 147 (D.C. Cir. 2001); 49 C.F.R. § 512.15(d). Toyota does not customarily disclose design specification and engineering information of this type to the public, because such documents reveal proprietary information about Toyota's products.

The original presentation was voluntarily made to the agency. NHTSA did not invoke its authority to compel the submission of this information. Thus, this is a legally voluntary submission. See [REDACTED] (D.D.C. 2001).

Thus, because these slides are the kind of information that Toyota does not customarily disclose to the public, and contain information that could readily be turned to competitive advantage by Toyota's competitors, they should be withheld from disclosure.

D. Class Determination (49 C.F.R. § 512.8(d))

None of the information for which confidential treatment is being sought is subject to a class determination.

E. Duration for Which Confidential Treatment is Sought (49 C.F.R. § 512.8(e))

Because Toyota does not anticipate ever customarily disclosing this kind of information to the public, Toyota requests that the information be accorded confidential treatment indefinitely.

F. Contact Information (49 C.F.R. § 512.8(f))

NHTSA may contact the undersigned at the address on the letterhead of this letter.

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We are enclosing three copies. Two copies include information for which Toyota is seeking confidential treatment. For the public file, we are enclosing a copy of the non-confidential portions that are being submitted with this request.

If you receive a request for disclosure of this information before you have completed your review of our request, Toyota respectfully requests notification and an opportunity to provide further justification for the confidential treatment of this information, if warranted.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Saadat". The signature is written in a cursive, flowing style.

Abbas Saadat, Vice President
Toyota Motor Engineering & Manufacturing
North America, Inc.

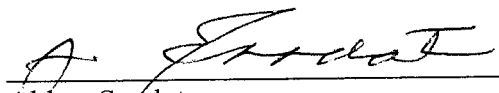
Enclosures

Certificate in Support of Request for Confidentiality

I, Abbas Saadat, pursuant to the provisions of 49 C.F.R. Part 512, state as follows:

- (1) I am Vice President, Toyota Motor Engineering & Manufacturing North America, Inc., and I am authorized by Toyota Motor Corporation. ("Toyota") to execute documents on its behalf;
- (2) I certify that the information described in the attached document is confidential and proprietary data and is being submitted with the claim that it is entitled to confidential treatment under 5 U.S.C. 552(b)(4);
- (3) I hereby request that the information contained in the pertinent documents be protected on a permanent basis;
- (4) This certification is based on the information provided by the responsible Toyota personnel who have authority in the normal course of business to release the information for which a claim of confidentiality has been made to ascertain whether such information has ever been released outside Toyota;
- (5) Based upon that information, to the best of my knowledge, information and belief, the information for which Toyota has claimed confidential treatment has never been released or become available outside Toyota, except for disclosures to suppliers and contractors who were provided the information with the understanding that such information must be maintained in strict confidence;
- (6) I make no representations beyond those contained in this certificate and, in particular, I make no representations as to whether this information may become available outside Toyota because of unauthorized or inadvertent disclosure (except as stated in paragraph 5); and
- (7) I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 25th day of April, 2014



Abbas Saadat
Vice President
Toyota Motor Engineering & Manufacturing
North America, Inc.