

NVS-213
S. Yon

JAN 29 2007

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

Re: Request for Confidential Treatment/DP06-003/NVS-213dsy

Dear Mr. Tinto:

This responds to your December 8, 2006 request for confidential treatment for materials submitted by Toyota Motor North America, Inc. (Toyota) in response to the above agency investigation. The information in your submission is identified as the single marked portion of the information contained in the one-page document entitled "Attachment-Response 3-1". Toyota seeks confidential treatment for its submission until December 8, 2016.

Toyota contends this document contains extended warranty sales information that can be used by competitors to calculate Toyota's sales margins on extended warranties. Toyota asserts the release of this information would be likely to cause Toyota substantial competitive harm.

I agree with Toyota's contention that the release of this information regarding the numbers of purchases of extended service contract for model years 2002 through 2006 would be likely to cause substantial competitive harm.

Your request for confidential treatment of this data is granted.

Because this information was not submitted voluntarily, I have reviewed your submission under the competitive harm standard announced in *National Parks & Conservation Ass'n v. Morton*, 498 F.2d 765 (D.C. Cir. 1974) and its progeny. Under that test, information is confidential under Exemption 4 of the Freedom of Information Act, 5 U.S.C. § 552(b)(4), 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.

Subject to the conditions below, this grant of confidential treatment will remain in effect until December 8, 2016..

This information may be disclosed, however, 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

NHTSA:NCC-111(Transtecs)jj:1/25/07
NCC-113 Subj/Chron, jj, om, cyt **NCC06-007748**
Info: NVS-213 Scott Yon w/enclosure
Misc06/Toyota06-7748jj.doc