

NUS-213
S. Yon

FEB 12 2007

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

Re: Request for Confidential Treatment/DP06-003

Dear Mr. Tinto:

This responds to your December 20, 2006, letter requesting confidential treatment for information submitted by Toyota Motor North America, Inc. (Toyota) in response to the above agency information request. Toyota identifies its submission as marked portions contained in "Attachment-Response 6" and requests confidential treatment indefinitely.

Toyota contends this information contains confidential and proprietary information regarding the electronic throttle control system of the subject vehicle. Toyota asserts that this information would aid competitors in learning details and specifications about the electronic throttle control system and, if released, would be likely to cause substantial competitive harm to Toyota.

I have decided to grant your request.

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.

The marked information in "Attachment-Response 6" contains details of Toyota's specifications, performance requirements and test methodologies for the electronic throttle control system. This information is reflective of Toyota's significant technological and intellectual investment and would not be available to others without similar efforts. The release of this information would be likely to cause Toyota competitive harm.

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

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,



Otto G. Matheke, III
Senior Attorney

NHTSA:NCC-111dwc:2/2/07:pll
NCC-113 Subj/Chron, dc **NCC06-007897**
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