

NVS-213
A. Noel

DEC 22

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/EA06-014/NVS-213aan

Dear Mr. Tinto:

This responds to your November 16, 2006, letter requesting confidential treatment for information submitted by Toyota Motor North America, Inc. (Toyota) in response to an agency information request in the above-referenced investigation. Toyota identifies this information as a single marked portion in the one-page document entitled "Attachment-Response 8-1". Toyota requests confidential treatment for ten (10) years.

Toyota contends the information in the one page document contains extended warranty sale information, that, if released, would be likely to cause Toyota substantial competitive harm.

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 8-1", contains detailed information on extended warranty sales information that is not customarily released to the public. The release of this information would be likely to cause substantial competitive harm.

Subject to the condition below, this grant of confidential treatment will remain in effect for ten (10) years.

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

NHTSA:NCC-111(Transtecs)jj:12/07/06
NCC-113 Subj/Chron, jj, om, cyt **NCC06-007384**
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