

MAR 13 2008

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

Re: Request for Confidential Treatment/EA06-020

Dear Mr. Tinto:

This responds to your October 17, 2007 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 "Attachment-Response 6-1". In particular, Toyota requests confidential treatment for the marked portion of "Attachment-Response 6-1" that contains information on certain extended warranties. Toyota asserts that this information can be used by competitors to calculate Toyota's sales margins on extended warranties. Toyota contends the release of this information would be likely to cause Toyota competitive harm. Toyota requests confidential treatment for ten (10) years.

I have decided to grant your request.

Toyota submitted this data in response to a formal NHTSA request for information. Thus, because Toyota was required to submit this information, 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 release of the marked information in "Attachment-Response 6-1" would be likely to cause substantial harm to Toyota's competitive position. Subject to the conditions below, this grant of confidential treatment will remain in effect for ten (10) years, until October 17, 2017.

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

