

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

JAN 16 2009

Re: Request for Confidential Treatment/PE08-041

Dear Mr. Tinto:

This responds to your September 16, 2008 letter requesting confidential treatment for information submitted by Toyota Motor North America, Inc. (Toyota) in response to an agency information request in connection with the above agency investigation regarding allegations of increased steering effort in the MY 2004 Toyota Sienna.

Toyota requests confidential treatment for extended warranty sales information. This information appears in the red-marked portions of "Attachment-Response 6-1" of your submission. Toyota requests this information be protected from public release for a period of 10 years (until September 16, 2018).

I am granting your request.

Toyota submitted this data in response to an agency information request. Thus, because Toyota was required to submit this information, I reviewed your claim for confidential treatment under the test set forth in *National Parks & Conservation Ass'n v. Morton*, 498 F.2d 765 (D.C. Cir. 1974) and its progeny. Under the *National Parks* decision, information concerning a commercial or financial matter may be withheld under Exemption 4 of the Freedom of Information Act if disclosure of the information would be likely to cause substantial competitive harm to the competitive position of the submitter, or is likely to impair the Government's ability to obtain necessary information in the future. *Id.* at 770.

Upon review of your submission, the red-marked portions of Attachment-Response 6-1 contains extended warranty sales information that can be used by competitors to calculate Toyota's sales margins on extended warranties. Disclosure of this information would be likely to cause substantial competitive harm to the competitive position of Toyota. Therefore, I am

granting confidential treatment to that information contained in your submission. Subject to the conditions below, this grant of confidential treatment will remain in effect for a period of 10 years (until September 16, 2018).

This grant of confidential treatment is subject to certain conditions. The information may be disclosed under 49 C.F.R. § 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 C.F.R. § 512.10). If necessary, you will be notified prior to the release of any information under the procedures established by our regulations (49 C.F.R. § 512.22(b)).

Sincerely,

Original Signed By

Otto G. Matheke, III
Senior Attorney

