

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

SEP 29 2009

Re: Request for Confidential Treatment in PE09-019

Dear Mr. Tinto:

This responds to your June 26, 2009 request for confidential treatment for Toyota Motor North America, Inc. (Toyota) information submitted in response to the information request in the above-referenced investigation. The information is contained on a single page entitled "Attachment-Response 6-1." You request that the materials be granted confidential treatment for a period of ten years.

Toyota seeks confidential treatment for extended warranty sales information. You state that disclosure of this information can be used by competitors to calculate Toyota's sales margins on extended warranties, which if released, could cause competitive harm.

I have decided to grant your request.

Toyota was required to submit these data in response to an agency information request. Accordingly, I reviewed the claims 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.

I am granting your request for "Attachment-Response 6-1" because this document contains detailed information related to sales of Toyota's extended warranty program that if disclosed would be likely to cause Toyota to suffer substantial competitive harm. Accordingly, this information will be withheld under Exemption 4 of the FOIA.

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

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

