

TOYOTA
TOYOTA MOTOR NORTH AMERICA, INC.

WASHINGTON OFFICE
1850 M STREET, NW, SUITE 800, WASHINGTON, DC 20036

TEL: (202) 775-1707
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June 1, 2004

Mr. Jeffrey Quandt
Chief - Vehicle Controls Division
Office of Defects Investigation
National Highway Traffic Safety Administration
400 Seventh St., SW
Washington, DC 20590

RECEIVED
NVS-210
2004 JUN -1 P 12:08
OFFICE OF DEFECTS
INVESTIGATION

Re: NVS-213day; PE04-021

Dear Mr. Quandt:

This letter is being sent in response to your March 30, 2004 letter regarding PE04-021. Per our agreement with Scott Yon of your staff, Toyota is submitting its response to Questions 1 through 11 of your inquiry under this cover, with the response to Question 12 to be sent under separate cover. Please note that the information included as "Attachment 9", and "Attachment 10" is to remain confidential. A confidential version of this submission is also being submitted to the Chief Counsel's office.

Should you have any questions about this report, please contact Mr. Chris Santucci or Mr. Tsuyoshi Yokoi at (202) 775-1707.

Sincerely,



Chris Tinto
Director
TOYOTA MOTOR NORTH AMERICA, INC.

CTcs
Attachment
OFFICE OF DEFECTS
INVESTIGATION
2004 JUN -1 P 12:08

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NVS-210

TOYOTA
TOYOTA MOTOR NORTH AMERICA, INC.

WASHINGTON OFFICE
1880 M STREET, NW, SUITE 600, WASHINGTON, DC 20038

TEL: (202) 775-1707
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June 1, 2004

Mr. Otto Matheke, Attorney,
Office of Chief Counsel, NCC-110
National Highway Traffic Safety Administration,
400 Seventh Street, SW, Room 5219
Washington, D.C. 20590

OFFICE OF DEFENSE
INVESTIGATION

JUN JUN -1 P 12:06

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NVS-210

Subject: **NVS-213dsy; PE04-21**
Confidential Information

Dear Mr. Matheke:

In accordance with 49 CFR 512.4, enclosed is a Toyota's response to NHTSA's March 30, 2004 letter concerning PE04-021, a defect investigation into certain model year Toyota Camry, Camry Solara, and Lexus ES vehicles.

Toyota claims that the information contained in "Attachment 9" and "Attachment 10" herein contains confidential information, specifically the specifications and design changes related to the electronic throttle control system.

Release of this confidential material would aid Toyota's competitors in learning details of Toyota's specification for the electronic throttle control system, closely guarded information in the motor vehicle industry. Disclosure of this information would be likely to result in the competitive harm. Therefore, Toyota requests that this material be treated permanently as confidential. Such information has historically been so recognized by the agency, and confidential treatment has been granted.

If this request and supporting affidavit are found to be insufficient to establish Toyota's entitlement to confidential treatment, we ask that, pursuant to 49 CFR 512.4(j)(2), you afford the applicant the opportunity to supplement this request.

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NVS-210

Office of Chief Counsel

June 1, 2004

Page 2

If you have any questions about these materials, please contact Mr. Chris Santucci or Mr. Tsuyoshi Yokoi at (202) 775-1707.

Sincerely,

TOYOTA MOTOR NORTH AMERICA, INC.

A handwritten signature in black ink, appearing to read "Chris Tinto", is written over a horizontal line. The signature is stylized and cursive.

Chris Tinto
Director

CT:cs
Enclosure

**CERTIFICATE IN SUPPORT OF
REQUEST FOR CONFIDENTIALITY**

I, Chris Tinto, pursuant to the provisions of 49 CFR 512, state as follows:

- (1) I am Chris Tinto, Director, Toyota Motor North America, Inc., and I am authorized by Toyota Motor Corporation (Japan) to execute this certificate on its behalf;
- (2) I certify that the information contained in "Attachment 9" and "Attachment 10" in the response to NHTSA's March 30, 2004 letter [NVS-213day; PE04-021] is confidential and proprietary data and is being submitted with the claim that it is entitled to confidential treatment under 5 U.S.C. 552(b)(4) (as incorporated by reference in and modified by the statute under which the information is being submitted);
- (3) I hereby request that the information contained in "Attachment 9" and "Attachment 10" be protected permanently;
- (4) This certification is based on the information provided by the responsible Toyota Motor Corporation and affiliate personnel who have authority in the normal course of business to release the information for which a claim of confidentiality has been made to ascertain whether such information has ever been released outside Toyota Motor Corporation;
- (5) Based upon that information, to the best of my knowledge, information and belief, the information for which Toyota Motor Corporation and their affiliates have claimed confidential treatment has never been released or become available outside Toyota Motor Corporation or their affiliates;
- (6) I make no representations beyond those contained in this certificate and, in particular, I make no representations as to whether this information may become available outside Toyota Motor Corporation and their affiliates because of unauthorized or inadvertent disclosure (except as stated in paragraph 5); and
- (7) I certify under penalty of perjury that the foregoing is true and correct. Executed on this, the 1st day of June 2004.

Executed on this, the 1st day of June 2004.


Chris Tinto
Director
TOYOTA MOTOR NORTH AMERICA, INC.

As per our discussion with NHTSA Office of Defect Investigation Mr. Scott Yon, please note that data provided in this submission ("i.e. subject vehicles") is limited to vehicles with the electronic throttle control system. Therefore since the 2002 and 2003MY Toyota Solara vehicles with a V6 engine have been equipped with the mechanical throttle system (i.e. cable type), these vehicles were excluded from this submission.

1. State, by model and model year, the number of subject vehicles Toyota has manufactured for sale or lease in the United States. Separately, for each subject vehicle manufactured to date by Toyota, state the following:
 - a. Vehicle identification number (VIN);
 - b. Type of pedal system vehicle was manufactured with (fixed or adjustable);
 - c. Type of transmission vehicle was manufactured with (auto or manual);
 - d. Date of manufacture;
 - e. Date warranty coverage commenced; and
 - f. The State in the United States where the vehicle was originally sold or leased (or delivered for sale or lease).

Provide the table in Microsoft Access 2000, or a compatible format, entitled "PRODUCTION DATA." See Enclosure 1, PE04-021 Attachments, for a pre-formatted table which provides further details regarding this submission. Please adhere to the format defined in this file.

Response 1

The number of subject vehicles Toyota has manufactured for sale or lease in the United States by model and model year is provided in Attachment 1.

In addition, detailed information for each subject vehicle is provided electronically on CD-ROM, in Microsoft Access 2000 format entitled "PRODUCTION DATA(PE04-021).mdb".

2. State the number of each of the following, received by Toyota, or of which Toyota are otherwise aware, which relate to, or may relate to, the alleged defect in the subject vehicles:
 - a. Consumer complaints, including those from fleet operators;
 - b. Field reports, including dealer field reports;
 - c. Reports involving a crash, injury, or fatality, based on claims against the manufacturer involving a death or injury, notices received by the manufacturer alleging or proving that a death or injury was caused by a possible defect in a subject vehicle, property damage claims, consumer complaints, or field reports;
 - d. Property damage claims;
 - e. Third-party arbitration proceedings where Toyota is or was a party to the arbitration; and
 - f. Lawsuits, both pending and closed, in which Toyota is or was a defendant or codefendant.

For subparts "a" through "d," state the total number of each item (e.g., consumer complaints, field reports, etc.) separately. Multiple incidents involving the same vehicle are to be counted separately. Multiple reports of the same incident are also to be counted separately (i.e., a

consumer complaint and a field report involving the same incident in which a crash occurred are to be counted as a crash report, a field report and a consumer complaint).

In addition, for items "c" through "f," provide a summary description of the alleged problem and causal and contributing factors and Toyota's assessment of the problem, with a summary of the significant underlying facts and evidence. For items "c" and "f", identify the parties to the action, as well as the caption, court, docket number, and date on which the complaint or other document initiating the action was filed.

Response 2

- a. There are 124 consumer complaints (7 written, 2 e-mail, and 115 verbal complaints) that may relate to the alleged defect. Since some customers contacted Toyota more than once when complaining about the same incident, the total number of unique incidents in the consumer complaint list is 114. This includes 6 incidents which are duplicated with NHTSA's VOQs attached to the inquiry letter.

Based on the available information, such as the content of the allegation or a result of vehicle inspection at a dealer, Toyota did not include consumer complaints alleging one of the following that clearly do not relate to the alleged defect. However, please note that complaints in which the vehicle condition and the circumstances are not clearly specified are included in this response even though they may not relate to the alleged defect.

- (1) an incident alleging uncontrollable acceleration that occurred for a long duration
 - (2) an incident in which the customer alleged that they could not control a vehicle by applying the brake
 - (3) an incident alleging unintended acceleration occurred when moving the shift lever to the reverse or the drive position
 - (4) incidents involving dissatisfaction with drivability, such as shift shock or engine response
 - (5) no explanation of circumstances (customer complained about unintended acceleration, but did not actually experience subject defect, or just stated their concern)
- b. There are no field reports that may relate to the alleged defect.
- c. In the consumer complaints, 45 incidents have been reported where a vehicle crash was alleged and 6 of these incidents alleged an injury had occurred. In addition, Toyota has received 3 legal related claims (i.e. PL claims) that may relate to the alleged defect. All 3 of these incidents involved a vehicle crash and one of the incidents also alleged an injury occurred. Two of these incidents are duplicated in the consumer complaint list. There are no reports alleging fatality.
- d. Toyota has received 3 property damage claims that may relate to the alleged defect. These 3 claims are duplicated with the claims involving a vehicle crash.
- e. There are no third party arbitration proceedings.
- f. There are no lawsuits in which Toyota is or was a defendant or codefendant.
3. Separately, for each item (complaint, report, claim, notice, or matter) within the scope of your response to Request No. 2, state the following information:
- a. Toyota's file number or other identifier used;

- b. The category of the item, as identified in Request No. 2 (i.e., consumer complaint, field report, etc.);
- c. Vehicle owner or fleet name (and fleet contact person), address, and telephone number;
- d. Vehicle's VIN;
- e. Vehicle's make, model and model year;
- f. Vehicle's mileage at time of incident;
- g. Incident date;
- h. Report or claim date;
- i. The incident type (alleged defect statement, type A, B, or both) alleged in the report;
- j. Any retrieved diagnostic trouble code(s) related to the subject component (P codes);
- k. Whether a subject component was determined to be the cause of the alleged incident;
- l. Whether a subject component(s) was replaced during a service visit which was related to the report;
- m. Whether Toyota inspected the vehicle in relation to the report;
- n. Whether a crash is alleged;
- o. Whether property damage is alleged;
- p. Number of alleged injuries, if any;
- q. Number of alleged fatalities, if any; and
- r. Summary description (request No. 2 items 'c' through 'f' only).

Provide this information in Microsoft Access 2000, or a compatible format, entitled "COMPLAINT DATA." See Enclosure 1, PE04-021 Attachments, for a pre-formatted table which provides further details regarding this submission. Please adhere to the format defined in this file.

Response 3

The information for each item (complaint, report, claim, notice, or matter) is provided electronically on CD-ROM, in Microsoft Access 2000 format entitled "COMPLAINT DATA(PE04-021).mdb".

- 4. Produce copies of all documents related to each item within the scope of Request No. 2. Organize the documents separately by category (i.e., consumer complaints, field reports, etc.) and describe the method Toyota used for further organizing the documents within each category.

Response 4

Copies of all consumer complaints stored in the database are provided electronically on CD-ROM, in Microsoft Excel 2000 format, and submitted as Attachment 2. In addition, copies of the written/ e-mail consumer complaint, that is listed in Attachment 2 with the following ID#, and the legal related claims are submitted as Attachment 3. These documents are organized by category and within each category by order of reported date.

Written complaint : 200301071160, 200312170492, 200401290690, 200306131246
 200301101020, 200308130329, 200402040570
 E-mail complaint : 200301311231, 200403181118

5. State, by model and model year, a total count for all of the following categories of claims, collectively, that have been paid by Toyota to date that relate to, or may relate to, the alleged defect in the subject vehicles: warranty claims; extended warranty claims; claims for good will services that were provided; field, zone, or similar adjustments and reimbursements; and warranty claims or repairs made in accordance with a procedure specified in a technical service bulletin or customer satisfaction campaign.

Separately, for each such claim, state the following information:

- a. Toyota's claim number;
- b. Vehicle owner or fleet name (and fleet contact person) and telephone number;
- c. VIN;
- d. Repair date;
- e. Vehicle mileage at time of repair;
- f. Repairing dealer's or facility's name, telephone number, city and state or ZIP code;
- g. Labor operation number;
- h. Problem code;
- i. Replacement part number(s) and description(s);
- j. Concern stated by customer; and
- k. Comment, if any, by dealer/technician relating to claim and/or repair.

Provide this information in Microsoft Access 2000, or a compatible format, entitled "WARRANTY DATA." See Enclosure 1, PE04-021 Attachments, for a pre-formatted table which provides further details regarding this submission. Please adhere to the format defined in this file.

Response 5

The total counts of warranty claims, extended warranty claims, and claims for good will services paid by Toyota for the subject vehicles that may relate to the alleged defect are provided as Attachment 4.

The information for each claim is provided electronically on CD-ROM, in Microsoft Access 2000 format entitled "WARRANTY DATA(PE04-021).mdb".

6. Describe in detail the search criteria used by Toyota to identify the claims submitted in response to Request No. 5, including the labor operations, problem codes, part numbers and any other pertinent parameters used. Provide a list of all labor operations, labor operation descriptions, problem codes, and problem code descriptions applicable to the alleged defect in the subject vehicles. State, by make and model year, the terms of the new vehicle warranty coverage offered by Toyota on the subject vehicles (i.e., the number of months and mileage for which coverage is provided and the vehicle systems that are covered). Describe any extended warranty coverage option(s) that Toyota offered for the subject vehicles and state by option, model, and model year, the number of vehicles that are covered under each such extended warranty.

Response 6

The search criteria used by Toyota to identify the claims are provided electronically on CD-ROM, in Microsoft Excel 2000 format, and submitted as Attachment 5. In addition, a list of all labor operations, labor operation descriptions, problem codes and problem code descriptions are provided in Attachment 5.

***The terms that Toyota offers for new vehicle warranty coverage on the subject vehicles is as follows;

Accelerator pedal failure, except pedal position sensor malfunction

36 months or 36,000 miles for the Toyota vehicles and 48 months or 50,000 miles for the Lexus vehicles from the vehicle's date-of-use (DFU), whichever occurs first.

Other electronic throttle control system failure, including pedal position sensor malfunction

60 months or 60,000 miles for the Toyota vehicles and 72 months or 70,000 miles for the Lexus vehicles from the vehicle's date-of-first-use (DFU), whichever occurs first.

There are some extended warranty coverage options that Toyota offered for purchase with the subject vehicles. Detailed information about these options is provided electronically on CD-ROM, in PDF format, and submitted as Attachment 6. The number of vehicles that are covered under each such extended warranty option is provided as Attachment 7.

7. Produce copies of all service, warranty, and other documents that relate to, or may relate to, the alleged defect in the subject vehicles, that Toyota has issued to any dealers, regional or zone offices, field offices, fleet purchasers, or other entities. This includes, but is not limited to, bulletins, advisories, informational documents, training documents, or other documents or communications, with the exception of standard shop manuals. Also include the latest draft copy of any communication that Toyota is planning to issue within the next 120 days.

Response 7

Toyota has not issued any service or technical bulletins, advisories, or other communications to dealers, contractors, consultants, zone offices, vehicle owners, technicians, or field offices that relate to, or may relate to, the alleged defect in the subject vehicles.

However, Toyota has issued 9 service bulletins pertaining to the "subject components". Although Toyota believes that these bulletins do not relate to the alleged defect defined by NHTSA, Toyota provides these bulletins for your information as Attachment 8. Two of the 9 bulletins relate to the service campaign concerning throttle position sensor failure that Toyota conducted in the past, and one of the bulletins has been issued to reduce the possibility of the throttle sticking at the closed position in cold weather. The others were issued to improve the shift quality of the automatic transmission.

8. Describe all assessments, analyses, tests, test results, studies, surveys, simulations, investigations, inquiries and/or evaluations (collectively, "actions") that relate to, or may relate to, the alleged defect in the subject vehicles that have been conducted, are being conducted, are planned, or are being planned by, or for, Toyota. For each such action, provide the following information:

- a. Action title or identifier;
- b. The actual or planned start date;
- c. The actual or expected end date;
- d. Brief summary of the subject and objective of the action;
- e. Engineering group(s)/supplier(s) responsible for designing and for conducting the action; and
- f. A brief summary of the findings and/or conclusions resulting from the action.

For each action identified, provide copies of all documents related to the action, regardless of whether the documents are in interim, draft, or final form. Organize the documents chronologically by action.

Response 8

Toyota conducted investigations on two vehicles bought back from customers alleging unintended acceleration. Required information and copies of each investigation report are submitted as Attachment 9. Toyota continues its investigation on these two vehicles and will send an additional report as it becomes available.

9. Describe all modifications or changes made by, or on behalf of, Toyota in the design, material composition, manufacture, quality control, supply, or installation of the subject component, from the start of production to date, which relate to, or may relate to, the alleged defect in the subject vehicles. For each such modification or change, provide the following information:
 - a. The date or approximate date on which the modification or change was incorporated into vehicle production;
 - b. A detailed description of the modification or change;
 - c. The reason(s) for the modification or change;
 - d. The part numbers (service and engineering) of the original component;
 - e. The part number (service and engineering) of the modified component;
 - f. Whether the original unmodified component was withdrawn from production and/or sale, and if so, when;
 - g. When the modified component was made available as a service component; and
 - h. Whether the modified component can be interchanged with earlier production components.

Also, provide the above information for any modification or change that Toyota is aware of which may be incorporated into vehicle production within the next 120 days.

Response 9

All modifications or changes made by Toyota, or on behalf of Toyota in the design, material composition, manufacture, quality control or installation, which relate to the subject component are provided electronically on CD-ROM, in Microsoft Excel 2000 format, and submitted as Attachment 10. However Toyota believes that all these modifications or changes described in Attachment 10 do not relate to the alleged defect.

10. Produce samples of one of each of the following:

- a. An exemplar accelerator pedal assembly (with sensors); and
- b. An exemplar throttle body assembly (with sensors and throttle valve control motor).

Response 10

Exemplar accelerator pedal assembly (with sensors) and throttle body assembly (with sensors and motor) were sent to NHTSA on May 10th.

11. State the number of each of the following that Toyota has sold that may be used in the subject vehicles by component name, part number (both service and engineering/production), model and model year of the vehicle in which it is used and month/year of sale (*including the cut-off date for sales, if applicable*):

- a. Accelerator pedal assembly (or sensor if serviced separately from assembly);
- b. Throttle body assembly;
- c. Throttle valve position sensor (if serviced separately from the throttle body assembly); and
- d. Throttle valve control motor (if serviced separately from the throttle body assembly).

For each component part number, provide the supplier's name, address, and appropriate point of contact (name, title, and telephone number) Also identify by make, model and model year, any other vehicles of which Toyota is aware that contain the identical component, whether installed in production or in service, and state the applicable dates of production or service usage.

Response 11

The number of each the requested component that Toyota has sold that may be used in the subject vehicles by component name, part number, and month/year of sale is provided electronically on CD-ROM, in Microsoft Excel 2000 format, and submitted as Attachment 11. Please note that Toyota's part sales database does not have the data on the model and model year of the vehicle in which the sold component is used, therefore, the sales data in Attachment 11 includes the number of the component sold for use not only in the subject vehicles but also in the vehicles that contain the identical components installed in production or in service. The lists of any other vehicles that contain the identical components are also provided in Attachment 11.

The information on the supplier for each components parts number is also provided in Attachment 11.

Response 12

Per our agreement with Scott Yon of your staff, Toyota's response to question 12 is submitted under separate cover.

Regarding privileged documents that may be responsive to this information request, Toyota understands that it is acceptable to the Agency at this stage for Toyota to identify categories of privileged documents rather than any specific document within those categories. These categories include (a) communications between outside counsel and employees of Toyota's Law Department, other Toyota employees, or employees of parties represented by Toyota in litigation or claims; (b) communications between employees of Toyota's Law Department and other Toyota employees or employees of parties represented by Toyota in litigation or claims; (c) notes and other work product of outside counsel or employees of Toyota's Law Department, including work product of employees or consultants done for or at the request of outside counsel or Toyota's Law Department. For any privileged documents that are not covered by these categories, if any, Toyota will provide a privilege log identifying any such documents under separate cover. Toyota is not claiming a legal privilege for any documents provided with this response; however, Toyota does not waive the legal privilege or work product protection with respect to other documents that may have been prepared in connection with a specific litigation or claim. In addition, Toyota may assert the attorney client privilege or claim protection under the work-product doctrine for analyses or other documents that may be prepared in connection with litigation or claims in the future.

Toyota understands that NHTSA will protect any private information about persons that is contained in the Attachments to this response, based on privacy policy considerations. Such private information includes data such as names, addresses, phone or fax numbers, email addresses, license plate numbers, driver's license numbers and last 4 digits of the vehicle's VIN.

Data provided in this document is current as of the following dates:

Response 2 through 4:

Owner reports (April 13, 2004)

Crash, injury and property damage claims (April 16, 2004)

Response 5: Warranty, goodwill, extended warranty claims (April 14, 2004)

Response 7: Dealer communications (April 27, 2004)

Response 8: Investigation reports (May 31, 2004)

Response 9: Modifications or changes (May 7, 2004)

Response 11: Number of parts sales (April 27, 2004)