

TOYOTA

TOYOTA MOTOR NORTH AMERICA, INC.

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June 11, 2008

Mr. Jeffrey Quandt, Chief
Vehicle Control Division (NVS-213, Rm W48-312)
NHTSA, Office of Defects Investigation
1200 New Jersey Avenue, SE
Washington, DC 20590

Re: NVS-213dsy; PE08-025

Dear Mr. Quandt:

This letter is being sent in response to your April 25, 2008 letter regarding PE08-025. Enclosed you will find two copies of this response. Per our agreement, the remainder of our response to your letter will be submitted on June 25. Please note that Toyota considers certain information within the attachments to be confidential, and has requested confidential treatment for this material from the Office of Chief Counsel. We are including hard copies of this material in redacted format. Should you have any questions about this response, please contact Mr. Chris Santucci of my staff at (202) 775-1707.

Sincerely,


For

Chris Tinto
Vice President

TOYOTA MOTOR NORTH AMERICA, INC.

CT:cs
Enclosure

1. State 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. Date of manufacture;
 - c. The part number of the subject component trim panel originally manufactured with;
 - d. Date warranty coverage commenced; and
 - e. 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, titled "Production Data." See Enclosure 1, IR Letter Attachments, for a pre-formatted table which provides further details regarding this submission.

Response 1

The number of MY 2004 Toyota Sienna manufactured for sale or lease in the United States is 216,015.

In addition, the detailed information responsive to "a" through "e" is provided electronically on CD-ROM in Microsoft Access 2000 format entitled "Production Data (PE08-025).mdb" stored in the folder "Attachment-Response 1".

2. State the number of each of the following, received by Toyota, or of which Toyota is 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; and
 - 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 "e" 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

Using the methodology described in your question above, the number of reports which relate to, or may relate to, the alleged defect on the MY 2004 Toyota Sienna vehicles are provided electronically on CD-ROM in Microsoft Excel 2000 format entitled "Total Count for Reports.xls" stored in the folder "Attachment-Response 2".

As a result of our analysis, most of the consumer complaints are related a) or b) of the alleged defect, i.e., "allegations of a) excessive engine speed and or power output without the driver pressing on the accelerator pedal" or "b) the engine speed and or power output failing to decrease (subside) when the accelerator pedal was no longer being depressed by the driver." Only one consumer complaint appears to be related to alleged defect c) and d) (ID#: 200602021093). In addition, there are no Legal Related Claims caused by the interference between the throttle pedal and the subject component trim panel, as indicated by the attached photographs of each vehicle.

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. Whether the vehicle was inspected by Toyota as a result of the incident/allegation;
 - j. Whether Toyota determined that the subject component was the cause of the incident;
 - k. Whether a crash is alleged;
 - l. Whether property damage is alleged;
 - m. Number of alleged injuries, if any; and
 - n. Number of alleged fatalities, if any.

Provide this information in Microsoft Access 2000, or a compatible format, titled "Complaint Data." See Enclosure 1, IR Letter Attachments, for a pre-formatted table which provides further details regarding this submission.

Response 3

The information "a" through "n" for each item (complaint, report, claim, notice, or matter) is provided electronically on CD-ROM in Microsoft Access 2000 format entitled "Complaint Data (PE08-025).mdb" stored in the folder "Attachment-Response 3".

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 organizing the documents.

Response 4

A list of the consumer complaints, the copies of the field report, and the documents related to the legal related claims are all provided electronically on CD-ROM in Microsoft Excel 2000, Word 2000, PDF or JPEG format stored in the folder "Attachment-Response 4." (The list of consumer complaints is stored in the sub-folder "Consumer Complaint." The copies of the field report are stored in sub-folder "Field Report." The copies of the documents for the legal related claims are stored in the sub-folder "Legal Related Claims.")

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 or the subject component (including retention of the panel) 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, IR Letter Attachments, for a pre-formatted table which provides further details regarding this submission.

Response 5

The total counts of warranty claims and claims for good will services paid by Toyota for the subject vehicles that relate to, or may relate to the subject component (including retention of the panel) are provided electronically on CD-ROM in Microsoft Excel 2000 format entitled "Total Count for Claims.xls" stored in the folder "Attachment-Response 5". Please note that some claims do not indicate whether the clip is used for the driver side or passenger side. Also, one claim for goodwill services is duplicated with one field report.

The detailed information for each claim is also provided electronically on CD-ROM in Microsoft Access 2000 format entitled "Warranty Data (PE08-025).mdb" stored in the folder "Attachment-Response 5".

6. Describe in detail the search criteria used by Toyota to identify the claims identified 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 is the following:

Toyota searched the warranty database for those claims that replaced any of the parts identified in Microsoft Excel file entitled "Search Criteria, Operation & Problem Codes.xls" stored in the folder "Attachment-Response 6" on CD-ROM. Toyota then reviewed the claim comments to determine if the claims may relate to the subject component (including retention of the panel). In addition, a list of all labor operations, labor operation descriptions, problem codes and problem code descriptions identified in these warranty claims are also provided in the same Microsoft Excel file described above.

The terms that Toyota offers for new vehicle warranty coverage on MY 2004 Sienna vehicles is as follows;

For the Center floor carpet cover LH and Instrument panel clip No.2

36 months or 36,000 miles from the vehicle's date-of-first-use, 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, entitled "Extended Warranty Option.pdf" stored in the folder "Attachment-Response 6."

The number of vehicles that are covered under each such extended warranty option, by option, model, and model year is provided as "Attachment-Response 6-1". Please note that this "Attachment-Response 6-1" contains trade secret and commercial information, therefore, Toyota believes that this document must be afforded confidential treatment. A request for confidential treatment of this document has been sent to the Office of Chief Counsel. A public version of this document is included with this response.

7. Produce copies of all service, warranty, and other documents that relate to, or may relate to the subject component or 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, regional or zone offices, field offices, fleet purchasers, or other entities that relate to, or may relate to, the subject component on the MY 2004 Toyota Sienna vehicles.

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 or the subject component 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 will respond to this inquiry on June 25, 2008.

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 number(s) (service and engineering) of the original component;
 - e. The part number(s) (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

Toyota will respond to this inquiry on June 25, 2008.

10. State by part number and month/year of sale (*including the cut-off date for sales, if applicable*) the number of each subject component that Toyota has sold that may be used in the subject vehicles. For each subject 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 10

The number of each subject component that Toyota has sold that may be used on the MY 2004 Toyota Sienna vehicles are provided electronically on CD-ROM in Microsoft Excel 2000 format entitled "Number of components sold in the US .xls" stored in the folder "Attachment-Response 10".

In addition, the supplier's name, address, and appropriate point of contact (name, title, and telephone number) for each subject component part number are also provided electronically in Microsoft Excel 2000 format entitled "Supplier Information .xls".

As for other vehicles which contain the identical component, Toyota is providing make, model, model year and the applicable dates of production electronically in Microsoft Excel 2000 format entitled "Other vehicles using identical parts.xls".

11. Provide the following information regarding Toyota's safety recall of certain MY 2004 through 2005 Toyota Highlander and Lexus RX 330 and MY 2006 Toyota Highlander Hybrid and Lexus RX400h vehicles (NHTSA Recall No. 06V-253, Toyota Special Service Campaign 60F):
 - a. Identify the part numbers and the supplier details of the recalled retaining clips and the replacement retaining clips and provide 20 exemplar samples of each;
 - b. Identify the part number and the supplier detail for the LH Floor Carpet Cover (trim panel) used in the recalled products and provide an exemplar sample;
 - c. Provide a listing of all vehicles inspected by, or for, Toyota during its investigation of the defect condition, and provide the following information for each: VIN, build date, warranty start date, inspection date, inspection mileage, any evidence of prior service that may have involved the removal of the carpet cover and/or retaining clips; the condition of the retaining clips when inspected, and any other relevant notes/comments;
 - d. State the number of incidents of trim panel interference with the accelerator pedal rod that were identified by Toyota prior to the announcement of the recall and provide a list of all such incidents with the following information for each vehicle: VIN, build date, warranty start date, incident date, repair date, repair mileage, crash (Y/N), number injuries/fatalities, description of the incident;
 - e. Provide copies of all documents used in the recall decision making process, including all presentations, reports, white papers, photographs and videos; and

- f. Compare the alleged defect in the subject vehicles with the condition addressed by 06V- 253, including (1) the trim panel retention design, (2) the potential for accelerator pedal interference from a trim panel cover with missing or loose retaining clips, (3) the approximate throttle position that would exist during a pedal-trim panel interference condition; and (4) the number of incidents of pedal interference.

Response 11

Toyota will respond to this inquiry on June 25, 2008.

12. Furnish Toyota's assessment of the alleged defect in the subject vehicle, including:

- a. The causal or contributory factor(s);
- b. The failure mechanism(s);
- c. The failure mode(s);
- d. The risk to motor vehicle safety that it poses;
- e. What warnings, if any, the operator and the other persons both inside and outside the vehicle would have that the alleged defect was occurring or subject component was malfunctioning; and
- f. The report included with this inquiry.

Response 12

Toyota will respond to this inquiry on June 25, 2008.

* * *

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	Dates
Response 1	Production Data 05/01/08
Response 2 - 4	Consumer Complaint 04/23/08
	Field Report 05/20/08
	Lawsuit 05/03/08
Response 5	Warranty claims 05/19/08
	Goodwill 04/28/08
	Extended warranty claims 04/28/08
Response 7	Dealer communications 05/14/08
Response 10	Part sales 05/29/08

CONFIDENTIAL BUSINESS INFORMATION

Attachment-Reponse 6-1

The Number of vehicles covered under extended warranty

Model	MY	Gold	Platinum	Powertrain	Total
Sienna	2004	CONFIDENTIAL			