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April 19, 2010

BY HAND

Mr. O. Kevin Vincent
Chief Counsel
National Highway Traffic Safety Administration
1200 New Jersey Avenue, SE, Room W41-227
Washington, DC 20590

Re: RQ10-003: Request for Extension of Time for
Submission of Request for Confidential Treatment

Dear Mr. Vincent:

Today, Toyota Motor North America (“Toyota”) is submitting its response to the Information Request (“IR”) in the above-referenced matter. The submission contains more than 140,000 pages of information. While Toyota was preparing this submission, it also was submitting supplemental responses to the IRs issued in the TQ10-001 and TQ10-002 proceedings, submitting various documents to NHTSA on a voluntary basis, and preparing confidential treatment requests for those submissions.

As a result of the substantial resources and time that had to be devoted to these submissions, Toyota has been unable to complete a separate review of the information being submitted today to identify the documents that contain confidential business information and to prepare a request for confidential treatment pursuant to 49 C.F.R. Part 512 and Exemption 4 of the Freedom of Information Act (5 U.S.C. § 552(b)(4)). Accordingly, pursuant to 49 C.F.R. § 512.11, Toyota is requesting a seven-day extension of time, up to and including April 26, 2010, to submit a request for confidential treatment of the confidential business information in today’s submission.

Because Toyota has not yet had the opportunity to review today’s submission to determine the documents that have confidential business information, Toyota has labeled most of the documents as “Confidential Business Information.” However, Toyota has determined that the responses to certain questions in the RQ10-003 IR are unlikely to include confidential business information, and, therefore, Toyota has not marked the documents responsive to such requests as confidential. When Toyota submits its request for confidential treatment, Toyota will not seek confidential treatment for documents that have not been marked as confidential in today’s submission. Toyota notes, however, that some of the unmarked documents may contain personal identifying information that NHTSA may be under an obligation to withhold from public

Mr. O. Kevin Vincent
April 19, 2010
Page 2

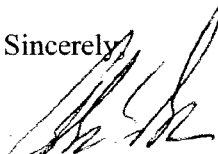
disclosure under the Privacy Act (5 U.S.C. § 552a) and Exemption 6 of the Freedom of Information Act (5 U.S.C. § 552(b)(6)).¹

* * *

Toyota has produced its response to the RQ10-003 IR while continuing to supplement its responses to the TQ10-001 and TQ10-002 IRs, making various voluntary submissions to NHTSA, and preparing confidential treatment requests for information already submitted to the agency. These efforts, as well as the sheer volume of today's RQ10-003 submission, have made it impossible for Toyota to conduct a separate review of today's submission to identify and designate the documents containing confidential business information and to prepare a request for confidential treatment for inclusion with today's submission.

For the foregoing reasons, Toyota respectfully requests a seven-day extension of time, up to and including April 26, 2010, for the submission of a request for confidential treatment of portions of today's submission.

Sincerely,



Adam C. Sloane

Enclosures

cc: Kathleen C. DeMeter

¹ With regard to the documents that Toyota has marked as containing confidential business information, it bears noting that most of them have a "Confidential Business Information" legend on the bottom, rather than the top, of each page. This is a result of the document management system used for the production, which permits the insertion of footers, but not headers.

TOYOTA

TOYOTA MOTOR NORTH AMERICA, INC.

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April 19, 2010

Ms. Kathleen C. DeMeter
Director, Office of Defects Investigation
Enforcement
National Highway Traffic Safety Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

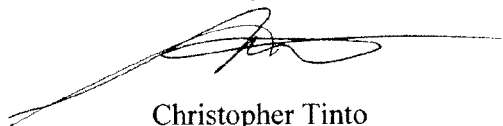
Re: Unintended Acceleration in Toyota Vehicles/RQ10-003

Dear Ms. DeMeter:

On behalf of Toyota Motor Corporation (TMC) and its subsidiaries and affiliates (collectively referred to as Toyota), Toyota Motor North America, Inc. (TMA), is transmitting the enclosed response to the Information Request (IR) issued by the Office of Defects Investigation (ODI) on February 16, 2010 in recall query RQ10-003.

If you have any questions with respect to any portion of this response, please do not hesitate to contact me, and I will direct your inquiry to the appropriate Toyota entity.

Sincerely,

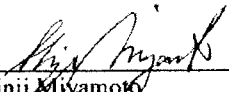


Christopher Tinto
Group Vice President
Technical and Regulatory Affairs

cc: O. Kevin Vincent, Esq., Chief Counsel
Jennifer Timian, Recall Management Division, ODI
Enclosures

VERIFICATION

I am Shinji Miyamoto, General Manager of the Customer Quality Engineering Division of Toyota Motor Corporation (TMC). In connection with the Information Request sent by the National Highway Traffic Safety Administration to Toyota Motor North America, Inc., on February 16, 2010 in RQ10-003, I have caused a search to be made of the records of TMC that are most likely to have responsive documents and other materials. I hereby verify that I have provided all responsive materials in the custody of TMC that have been identified to date, to the best of my knowledge and belief.

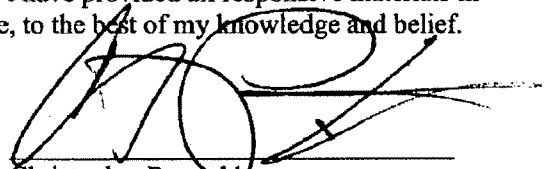


Shinji Miyamoto

April 19, 2010

VERIFICATION

I am Christopher Reynolds, General Counsel of Toyota Motor Sales, Inc. (TMS). In connection with the Information Request sent by the National Highway Traffic Safety Administration to Toyota Motor North America, Inc., on February 16, 2010 in RQ10-003, I have caused a search to be made of the records of TMS that are most likely to have responsive documents and other materials. I hereby verify that I have provided all responsive materials in the custody of TMS that have been identified to date, to the best of my knowledge and belief.



Christopher Reynolds

April 19, 2010

TOYOTA'S RESPONSE TO ODI'S INFORMATION REQUEST IN RQ10-003

INTRODUCTION

In the period of time provided to respond to this Information Request (IR), Toyota has reviewed a substantial number of files, and it is producing today numerous files and thousands of individual documents. A large number of Toyota employees and contractors, both in the United States and Japan, have devoted substantial hours to search the company's records that are most likely to have responsive materials, to review those materials, and to produce copies. Given the time constraints, Toyota is still in the process of reviewing files in an effort to identify responsive materials. Toyota will supplement this response as additional responsive materials are identified.

In addition, Toyota has identified several Excel documents that appear to include some responsive information, but which are otherwise extremely long and voluminous and contain some unresponsive information. When printed in their entirety, some of these documents would be thousands of pages. Under the circumstances, and given the time constraints, Toyota is producing today images of those Excel files that are less than 250 pages. It will produce the larger files in a supplement to this response as soon as practicable.

Toyota has marked most of the documents produced today "confidential," in order to preserve the confidentiality of proprietary documents pending the completion of its review to identify which documents are entitled to confidential protection under 49 CFR Part 512. Toyota will submit the required Part 512 justification and certificate, along with an index of its confidential treatment claims, within the next seven days.

To the extent reasonably practical under the circumstances, information and documents provided in this response are current as of the date of the IR (February 16, 2010).

The responses do not yet include data or information with respect to certain vehicles that are sold under the brand names of other vehicle manufacturers, including the certain models sold by General Motors, Daihatsu Motor Co., Ltd., and Hino Motors, Ltd. that are included within the definition of "Subject Vehicles." Information regarding the precise models and model years of such vehicles is in the possession of the companies that marketed the vehicles. Toyota has requested those companies to provide all information regarding the subject vehicles that is responsive to any of the Requests in this IR, and it expects to receive that information in the near future. When Toyota receives the information, it will provide it to ODI promptly.

The specific Requests, and Toyota's responses thereto, follow:

REQUEST

1. Provide a table with production counts broken out by the categories listed below for all Subject Vehicles Toyota has manufactured for sale or lease in the United States:
 - a. Make;
 - b. Model;
 - c. Model year;
 - d. Engine;
 - e. The type of electronic throttle control system used (e.g., link or link-less);
 - f. Transmission (e.g., manual, automatic with sequential shifter, or automatic with conventional shifter);
 - g. Ignition system (e.g., mechanical key or electronic key - Advanced Key system);
and
 - h. Pedal supplier.

Provide the table in Microsoft Excel, or a compatible format, entitled "PRODUCTION DATA—U.S." Provide a separate table for each model year.

ANSWER

1. The number of subject vehicles manufactured for sale or lease in the United States by make, model, and model year is provided in a folder entitled "Attachment 1."

The detailed information responsive to subrequests "a" through "h" is provided in Microsoft Excel 2003 format entitled "PRODUCTION DATA— U.S." in the folder "Attachment1." Please note that the "pedal supplier" information for some of the subject vehicles does not specifically identify the manufacturer of the accelerator pedal. To the extent possible, Toyota will supplement this response with updated information.

REQUEST

2. Provide a table with production counts broken out by the categories listed below for all Subject Vehicles Toyota has manufactured for sale or lease outside of the United States:

- a. Make;
- b. Model;
- c. Model year;
- d. Engine;
- e. The type of electronic throttle control system used (e.g., link or link-less);
- f. Transmission (e.g., manual, automatic with sequential shifter, or automatic with conventional shifter);
- g. Ignition system (e.g., mechanical key or electronic key - Advanced Key system);
and
- h. Pedal supplier.

Provide the table in Microsoft Excel, or a compatible format, entitled “PRODUCTION DATA—OUTSIDE U.S.” Provide a separate table for each model year in each country.

ANSWER

2. The number of the subject vehicles manufactured for sale or lease outside of the United States by make, model, and model year is provided in a folder entitled “Attachment 2.”

The detailed information responsive to subrequests “a” through “h” is provided in Microsoft Excel 2003 format entitled “PRODUCTION DATA—OUTSIDE U.S.” in the folder entitled “Attachment 2.” Please note that the “pedal supplier” information for some of the subject vehicles does not specifically identify the manufacturer of the accelerator pedal. To the extent possible, Toyota will supplement this response with updated information.

REQUEST

3. Separately, by make, model and model year of Subject Vehicle manufactured for sale or lease in the United States, 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 unintended acceleration, other than interference between the accelerator pedal and driver’s side floor mat identified in your response to NHTSA’s information requests in TQ10-001 and other than sticking accelerator pedals identified in your response to NHTSA’s information requests in TQ10-002, in the Subject Vehicle(s):

- a. Consumer complaints, including those from fleet operators;
- b. Field reports, including dealer field reports;
- c. Reports, claims, or notices involving a crash/fire, injury, or fatality;
- d. Property damage claims (including the claimant's own vehicle);
- 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.

The scope of this information request includes all allegations and observations of unintended acceleration, other than interference between the accelerator pedal and driver's side floor mat identified in your response to NHTSA's information requests in TQ10-001 and other than sticking accelerator pedals identified in your response to NHTSA's information requests in TQ10-002, in a Subject Vehicle by the owner of the vehicle, driver or passenger of the vehicle, person in a vehicle that was in a crash with a Subject Vehicle, or other person who was hit by a Subject Vehicle (e.g., a pedestrian) including the attorney or representative of such person, or in a field report or field technical report.

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 subparts "d" 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.

Provide the table in a Microsoft Excel 2003 (or a compatible format) file titled "MANUFACTURER REPORT COUNT—U.S."

ANSWER

3. Using the methodology described in Request 3, the number of reports that relate to or may relate to unintended acceleration in subject vehicles manufactured for sale or lease in the United States, other than those that clearly relate to interference between the accelerator pedal and driver's side floor mat identified in Toyota's response to NHTSA's information requests in TQ10-001 and other than those that clearly relate to sticking accelerator pedals identified in Toyota's response to NHTSA's information requests in TQ10-002, that have been located to date are provided in Microsoft Excel 2003 format entitled "MANUFACTURER REPORT COUNT—US" stored in the folder entitled "Attachment 3." In addition, although it was not asked to do so in Request 3, Toyota has summarized the "reports, claims, or notices involving a crash/fire, injury, or fatality" referred to in Request 3(c), and this information also appears in this response.

Please note several points about the data provided in response to this request. First, because of the way that information is maintained by Toyota, this response, and the associated portions of the responses to Requests 4 and 5, do not provide information separately for the items covered by Request 3(e) and 3(f). In addition, any responsive Lemon Law claims and similar claims have been placed in the category of "property damage claims" referred to in Request 3(d). Finally, because of the way that Toyota's records are kept, some field reports that arose in Canada may have been included in the response to Request 3(b), and the associated portions of Requests 4 and 5.

REQUEST

4. Separately, for each item (complaint, report, claim, notice, proceeding or lawsuit) within the scope of your response to Information Request 3, state the following information:
 - a. Toyota's file number or other identifier used;
 - b. The category of the item, as identified in Information Request 3 (i.e., consumer complaint, field report, etc.);
 - c. Vehicle owner or fleet name (and fleet contact person), address, and telephone number;
 - d. Vehicle's make, model and model year
 - e. Vehicle's VIN;
 - f. The name of the manufacturer, the Toyota part number, supplier, and supplier's part number, of the accelerator pedal installed on the vehicle;

- g. Whether the vehicle was equipped with a smart pedal or similar system;
- h. Vehicle's mileage at time of incident;
- i. Incident date (in "dd/mm/yyyy" date format);
- j. Report or claim date (in "dd/mm/yyyy" date format);
- k. Whether a crash is alleged;
- l. Whether property damage is alleged;
- m. Number of alleged injuries, if any;
- n. Number of alleged fatalities, if any;
- o. The assessment of a Toyota dealer of the actual or likely cause or factors contributing to the unintended acceleration (if there was no examination of the vehicle by a dealer, so state; if a dealer examined the vehicle and did not identify the actual or likely cause or factors contributing to the unintended acceleration, so state); and
- p. Toyota's assessment of the cause or factors contributing to the unintended acceleration (if Toyota has not and has never identified the actual or likely cause or factors contributing to the unintended acceleration, so state).

Provide this information in a Microsoft Access 2003 (or a compatible format) file titled "REQUEST NUMBER FOUR DATA—U.S."

ANSWER

4. The information responsive to Request 4 is provided in the folder entitled "Attachment 4." With respect to Requests 4(o) and 4(p), except for the field reports, Toyota's records do not contain non-privileged assessments of actual or likely causes or factors contributing to the alleged unintended acceleration. For the field reports, to the extent available, this information is provided in the response to Request 13.

REQUEST

- 5. Produce copies of all documents related to each item within the scope of Information Request 3. Organize the documents separately by category (i.e., consumer complaints, field reports, etc.) and in chronological order.

ANSWER

5. Copies of responsive documents that have been located to date are provided as follows: Consumer complaints are provided in the folder entitled "Attachment 5A;" Field reports are provided in the folder entitled "Attachment5B;" Claims involving a crash/fire, injury, or fatality are provided in the folder entitled "Attachment 5C;" Property damage claims are provided in the folder entitled "Attachment5D;" and Lawsuits and third-party arbitrations (if any) are provided in the folder entitled "Attachment 5E." Within those folders, individual items are identified as follows: "Beginning Bates number_Toyota's file number or other identifier." In the category of lawsuits, documents from the U.S. lawsuit files have been produced, including, for applicable lawsuits, an index to documents produced in response to discovery requests. If Toyota identifies additional relevant documents, it will supplement this response.

REQUEST

6. Separately, by make, model and model year of Subject Vehicle and country where the Subject Vehicle was originally sold or leased (or otherwise transferred as a new vehicle from Toyota to a third party), 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 unintended acceleration, other than sticking accelerator pedals identified in your response to NHTSA's information requests in TQ10-002, in the Subject Vehicle(s) manufactured for sale or lease outside of the United States:
- a. Consumer complaints, including those from fleet operators;
 - b. Field reports, including dealer field reports;
 - c. Reports, notices, or claims involving a crash/fire, injury, or fatality;
 - d. Property damage claims (including to the claimant's own vehicle);
 - 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.

The scope of this information request includes all allegations and observations of unintended acceleration, other than interference between the accelerator pedal and driver's side floor mat identified in your response to NHTSA's information requests in TQ10-001 and other than sticking accelerator pedals identified in your response to

NHTSA's information requests in TQ10-002, in a Subject Vehicle by the owner of the vehicle, driver or passenger of the vehicle, person in a vehicle that was in a crash with a Subject Vehicle, or other person who was hit by a Subject Vehicle (e.g., a pedestrian) including the attorney or representative of such person, or in a field report or field technical report.

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 subparts "d" 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.

Provide the table in a Microsoft Excel 2003 (or a compatible format) file titled "MANUFACTURER REPORT COUNT—OUTSIDE US."

ANSWER

6. Using the methodology described in Request 6, the number of reports which relate to or may relate to unintended acceleration in subject vehicles manufactured for sale or lease outside of the United States that have been located to date are provided in Microsoft Excel 2003 format entitled "MANUFACTURER REPORT COUNT—OUTSIDE US" in the folder entitled "Attachment 6." Please note that this attachment may include items that relate to interference between the accelerator pedal and driver's side floor mat and items that relate to sticking accelerator pedals because Toyota was unable to extract any such items from the data set of items from outside the United States.

Please note that because of the way that information is maintained by Toyota, this response does not provide information separately for the items covered by Request 6(e) and 6(f). In addition, please note that the response to Request 6(c) through 6(f) does not include information about legal claims and lawsuits that arose in Europe. Because of the need to comply with the privacy protection requirements of the European Union and the need to perform

translations from numerous languages, Toyota has not been able to complete its preparation of that information in time to include it in this response. Toyota will provide that information – and the responsive information and documents requested in Requests 7 and 8 – as soon as it is available.

REQUEST

7. Separately, for each item (complaint, report, claim, notice, proceeding or lawsuit) within the scope of your response to Information Request 6, state the following information:
- a. Toyota’s file number or other identifier used;
 - b. The category of the item, as identified in Information Request 6 (i.e., consumer complaint, field report, etc.);
 - c. Vehicle owner or fleet name (and fleet contact person), address, and telephone number;
 - d. Vehicle’s make, model and model year and country where subject vehicle was originally sold or leased (or otherwise transferred as a new vehicle from Toyota to a third party);
 - e. Vehicle’s VIN;
 - f. The name of the manufacturer, the Toyota part number, supplier, and supplier’s part number, of the accelerator pedal installed on the vehicle;
 - g. Whether the vehicle was equipped with a smart pedal or similar system;
 - h. Vehicle’s mileage at time of incident;
 - i. Incident date (in “dd/mm/yyyy” date format);
 - j. Report or claim date (in “dd/mm/yyyy” date format);
 - k. Whether a crash is alleged;
 - l. Whether property damage is alleged;
 - m. Number of alleged injuries, if any;
 - n. Number of alleged fatalities, if any;
 - o. The assessment of a Toyota dealer of the actual or likely cause or factors contributing to the unintended acceleration (if there was no examination of the vehicle by a dealer, so state; if a dealer examined the vehicle and did not identify

the actual or likely cause or factors contributing to the unintended acceleration, so state); and

- p. Toyota's assessment of the cause or factors contributing to the unintended acceleration (if Toyota has not and has never identified the actual or likely cause or factors contributing to the unintended acceleration, so state).

Provide this information in a Microsoft Access 2003 (or a compatible format) file titled "REQUEST NUMBER SEVEN DATA—OUTSIDE U.S."

ANSWER

7. The information responsive to Request 7 is provided in the folder entitled "Attachment 7." With respect to Requests 7(o) and 7(p), except for the field reports, Toyota's records do not contain non-privileged assessments of actual or likely causes or factors contributing to the alleged unintended acceleration. For the field reports, additional assessments, to the extent available, will be provided in the response to Request 17, after they are translated.

REQUEST

8. Produce copies of all documents related to each item within the scope of Information Request 6. Organize the documents separately by category (i.e., consumer complaints, field reports, etc.) and in chronological order.

ANSWER

8. Toyota is in the process of translating responsive documents that were originally prepared in foreign languages (primarily Japanese). Those documents will be provided when the translations are available.

REQUEST

9. For Subject Vehicles manufactured for sale or lease in the United States, state by make, 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 unintended acceleration, other than to interference between the accelerator pedal and driver's side floor mat identified in your response to NHTSA's information requests in TQ10-001 and other than to sticking accelerator pedals identified in your response to NHTSA's information requests in TQ10-002: 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. (This does not include claims for implementation of recall(s) that followed Toyota's filing of a 49 CFR 573.6 report for NHTSA Recall 07E-082, 09V-388, 10V-023 or 10V-017 for a Subject Vehicle).

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. A description of any part removed, including the Toyota part number if available;
- e. A description of any part installed, including the Toyota part number if available;
- f. The manufacturer and Toyota part number and supplier of the accelerator pedal installed on the vehicle;
- g. Whether the vehicle was equipped with a smart pedal or similar system;
- h. Repair/service date (in "dd/mm/yyyy" date format);
- i. Vehicle mileage at time of repair;
- j. Repairing/servicing dealer's or facility's name, telephone number, city and state or ZIP code;
- k. Labor operation number;
- l. Problem code;
- m. Concern stated by customer; and
- n. Comment, if any, by dealer/technician relating to claim, underlying problem, repair and/or service.

Provide the summary warranty data table electronically in a Microsoft Excel 2003 (or a compatible format) file titled "WARRANTY DATA SUMMARY—U.S." Provide the warranty data in a Microsoft Access 2003 (or a compatible format) file titled "WARRANTY DATA—U.S."

ANSWER

9. The counts of warranty claims paid by Toyota for the subject vehicles in the United States that relate to or may relate to unintended acceleration, other than to interference between the accelerator pedal and driver's side floor mat identified in the response to NHTSA's information requests in TQ10-001 and other than to sticking accelerator pedals identified in the response to NHTSA's information requests in TQ10-002 are provided in the folder entitled "Attachment 9." The requested detailed information for each warranty claim is also provided in that folder.

REQUEST

10. Describe in detail the search criteria used by Toyota to identify the claims identified in response to Information Request 9, 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 unintended acceleration in the Subject Vehicle(s). State, by make and model year, the terms of the new vehicle warranty coverage (including the subject component) offered by Toyota on the Subject Vehicle(s) (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 Vehicle(s) and state by option, model, and model year, the number of vehicles that are covered under each such extended warranty.

ANSWER

10. In preparing its response to Request 9, Toyota followed a code-based approach to identify the potentially responsive warranty claims. Toyota initially assembled a list of all the Trouble Codes and Diagnostic Operation Codes for the applicable systems and then searched the relevant warranty claims systems for all warranty repairs for which such codes were listed. The resulting set of warranty records were then reviewed to identify records that involved accelerators, throttles, and ECUs. A list of the Trouble Codes and Diagnostic Operation Codes used in this process is provided in the folder entitled "Attachment 10," as "Toyota-Warranty_Search_RQ10-003_Request 10."

The terms that Toyota offers for new vehicle warranty coverage on the subject vehicles are as follows:

Toyota: 36 months or 36,000 miles from the vehicle's date-of-first-use, whichever occurs first.

Lexus: 48 months or 50,000 miles from the vehicle's date-of-first-use, whichever occurs first.

The individual warranty booklets for the makes and models of subject vehicles for model years 2006-2011 are provided in the folder entitled "Attachment 10," by model and model year.

There are some extended warranty coverage options that Toyota offered for purchase with the subject vehicles in the United States. Detailed information about these options is provided in Attachment 10.

The number of subject vehicles covered by extended warranty programs in the United States, by make, model and model year, is provided in Attachment 10 as "NHTSA_RQ10-003_InformationRequest_10_VSACoverageCounts.pdf."

REQUEST

11. For Subject Vehicles manufactured for sale or lease outside of the United States, state by make, model, model year, and the country where the Subject Vehicles were originally sold or leased (or otherwise transferred as a new vehicle from Toyota to a third party), 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 unintended acceleration, other than to sticking accelerator pedals identified in your response to NHTSA's information requests in TQ10-002: 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. Country of origin of the claim;
- e. A description of any part removed, including the Toyota partnumber if available;
- f. A description of any part installed, including the Toyota partnumber if available;

- g. The manufacturer and Toyota part number and supplier of the accelerator pedal installed on the vehicle;
- h. Whether the vehicle was equipped with smart pedal or similar system;
- i. Repair/service date (in “dd/mm/yyyy” date format);
- j. Vehicle mileage at time of repair;
- k. Repairing/servicing dealer’s or facility’s name, telephone number, city and province, state or other political subdivision;
- l. Labor operation number;
- m. Problem code;
- n. Concern stated by customer; and
- o. Comment, if any, by dealer/technician relating to claim, underlying problem, repair and/or service.

Provide the summary warranty data table electronically in a Microsoft Excel 2003 (or a compatible format) file titled “WARRANTY DATA SUMMARY—OUTSIDE U.S.”

Provide the warranty data in a Microsoft Access 2003 (or a compatible format) file titled “WARRANTY DATA—OUTSIDE U.S.”

ANSWER

11. The counts of warranty claims paid by Toyota for the subject vehicles outside of the United States that relate to or may relate to unintended acceleration are provided in the folder entitled “Attachment 11.” The requested detailed information for each warranty claim is also provided in that folder. Please note that this attachment may include warranty claims that relate to interference between the accelerator pedal and driver’s side floor mat and items that relate to sticking accelerator pedals because Toyota was unable to extract any such items from the data set of items from outside the United States.

REQUEST

12. Describe in detail the search criteria used by Toyota to identify the claims identified in response to Information Request 11, 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 unintended acceleration in the Subject Vehicle(s). State, by make and model

year, the terms of the new vehicle warranty coverage (including the subject component) offered by Toyota on the Subject Vehicle(s) (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 Vehicle(s) and state by option, model, and model year, the number of vehicles that are covered under each such extended warranty.

ANSWER

12. In preparing its response to Request 11, Toyota followed a code-based approach to identify the potentially responsive warranty claims. Toyota initially assembled a list of all the Trouble Codes and Diagnostic Operation Codes for the applicable systems and then searched the relevant warranty claims systems for all warranty repairs for which such codes were listed. The resulting set of warranty records were then reviewed to identify records that involved accelerators, throttles, and ECUs. A list of the Trouble Codes and Diagnostic Operation Codes used in this process is provided in “Attachment 10” as “Toyota-Warranty_Search_RQ10-003_Request 10.”

The terms that Toyota offers for new vehicle warranty coverage on the subject vehicles are as follows:

Toyota: 36 months or 36,000 miles from the vehicle’s date-of-first-use, whichever occurs first.

Lexus: 48 months or 50,000 miles from the vehicle’s date-of-first-use, whichever occurs first.

REQUEST

13. State in detail, in chronological order, all information and/or allegations related to the issue(s) of unintended acceleration, other than interference between the accelerator pedal and driver’s side floor mat identified in your response to NHTSA’s information requests in TQ10-001 and other than sticking accelerator pedals identified in your response to NHTSA’s information requests in TQ10-002, in Subject Vehicle(s) manufactured for sale or lease in the United States from the time Toyota first became aware of the issue of unintended acceleration in any of these Subject Vehicles to the present. This detailed chronology shall include the date of the incident, the date(s) Toyota received the information and/or allegations related to the issue(s) of unintended acceleration, an identification of the vehicle (make, model, model year, VIN , and owner’s name), a summary of the information and allegations, a statement of all reasons why Toyota has not included the incident as being caused or contributed to by interference between the accelerator pedal and driver’s side floor mat or by a sticking pedal, and a statement of

Toyota's belief as to the cause or contributing factors of the unintended acceleration. In this chronology, include each and every complaint and field report (field technical report) that Toyota received related to unintended acceleration, other than interference between the accelerator pedal and driver's side floor mat identified in your response to NHTSA's information requests in TQ10-001 and other than sticking accelerator pedals identified in your response to NHTSA's information requests in TQ10-002.

ANSWER

13. Pursuant to conversations between Toyota representatives and NHTSA representatives, Toyota is submitting a list of all responsive consumer complaints and field reports identified to date involving subject vehicles manufactured for sale or lease in the United States, arranged in chronological order. That list – as well as the information about the complaints and field reports identified in the Request – is provided in the folder entitled “Attachment 13” as “IR 13 Complaints and Field Reports.” This attachment also includes summaries of responsive consumer complaints and field reports where available.

Please note that for consumer complaints, there is no information available regarding “Toyota's belief as to the cause or contributing factors of the unintended acceleration.” With respect to field reports, to the extent available, Toyota's and/or the dealer's assessments are included in the response.

REQUEST

14. Produce, in chronological order, all documents related to the chronology provided in your response to the immediately above information request.

ANSWER

14. The requested documents are provided, in chronological order, in the folder “Attachment 14.” Within that folder, individual items are identified as follows: “Beginning Bates number_Toyota's file number or other identifier.”

REQUEST

15. For each make, model and model year of Subject Vehicles Toyota manufactured for sale or lease in the United States that was not included in recall 09V-388 or recall 10V-023, state in detail why that vehicle (identified by make, model and model year or partthereof) was not included in recall 09V-388 or recall 10V-023.

ANSWER

15. The two populations of Toyota vehicles covered by recall 09V-388 and recall 10V-023 were identified during discussions with NHTSA officials during late 2009 and early 2010. Makes and models not covered by those recall campaigns were not identified in those discussions.

REQUEST

16. For each make, model and model year of Subject Vehicles Toyota manufactured for sale or lease in the United States that was not included in recall 10V-017, state in detail why that vehicle (identified by make, model and model year or part thereof) was not included in recall 10V-017.

ANSWER

16. Recall 10V-017 covered all vehicles manufactured by Toyota for sale or lease in the United States with an accelerator pedal manufactured by CTS Corporation that has the potential to stick and not return to the idle position, for reasons described in the Defect Information Report submitted by Toyota on January 21, 2010. Makes and models not covered by that recall campaign do not have the subject CTS accelerator pedals.

REQUEST

17. State in detail, in chronological order, all information and/or allegations related to the issue(s) of unintended acceleration, other than interference between the accelerator pedal and driver's side floor mat identified in your response to NHTSA's information requests in TQ10-001 and other than sticking accelerator pedals identified in your response to NHTSA's information requests in TQ10-002, in Subject Vehicle(s) manufactured for sale or lease in a country other than the United States, from the time Toyota first became aware of the issue of unintended acceleration in any of these Subject Vehicles to the present. This detailed chronology shall include the date of the incident, the date(s) Toyota (including a subsidiary or other business entity controlled by Toyota and located in a foreign country) received the information and/or allegations related to the issue(s) of unintended acceleration, an identification of the vehicle (Make, model, model year and VIN if available and owner's name), a summary of the information and allegations, a statement of all reasons why Toyota has not included the incident as being caused or contributed to by interference between the accelerator pedal and driver's side floor mat or

by a sticking pedal, and a statement of Toyota's belief as the cause or contributing factors to the unintended acceleration. In this chronology, include each and every complaint and field report (field technical report) that Toyota (including a subsidiary or other business entity controlled by Toyota and located in a foreign country) received related to unintended acceleration, other than interference between the accelerator pedal and driver's side floor mat identified in your response to NHTSA's information requests in TQ10-001 and other than sticking accelerator pedals identified in your response to NHTSA's information requests in TQ10-002.

ANSWER

17. Toyota is in the process of translating consumer complaints and field reports that were originally prepared in foreign languages (primarily Japanese). Toyota will provide its response to this Request after they are translated and summarized.

REQUEST

18. Produce, in chronological order, all documents related to the chronology provided in your response to the immediately above information request.

ANSWER

18. Toyota is in the process of translating consumer complaints and field reports that were originally prepared in foreign languages (primarily Japanese). Toyota will provide those documents when the translations are available.

REQUEST

19. Describe in detail, in chronological order, each and every effort by Toyota to inquire into, understand, investigate, assess, analyze, test, study, survey, simulate, evaluate, and /or determine contributing factors to and causes of actual or alleged unintended acceleration (collectively, "actions"), other than interference between the accelerator pedal and driver's side floor mat identified in your response to NHTSA's information requests in TQ10-001 and other than sticking accelerator pedals identified in your response to NHTSA's information requests in TQ10-002, in Subject Vehicle(s) or a subset of them. 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. The subset of Subject Vehicles that Toyota intended the action to involve;
- e. A brief summary of the subject and objective of the action;
- f. Engineering group(s)/supplier(s) responsible for designing and for conducting the action; and
- g. A summary of the findings and/or conclusions resulting from the action.

ANSWER

19. Toyota is still in the process of reviewing its files for information responsive to this Request, and the response is based on the materials reviewed to date. Toyota has summarized in a table the responsive “actions” (as defined in this Request) that have been identified to date. That table is provided in the folder entitled “Attachment 19” as “Attachment Response 19 Final.” Please note that some of the information on this table is confidential, and a request for confidential treatment will be submitted to the Office of Chief Counsel. If Toyota identifies additional relevant actions, it will supplement this response.

REQUEST

- 20. For each action identified in your answer to the immediately above information request, produce 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.

ANSWER

20. Documents related to the “actions” identified in the response to Request 19 that have been located to date and that were either originally in English or have been translated into English are provided in the folder entitled “Attachment 20.” The individual documents provided in this response are named according to the title shown in Attachment 19. Moreover, for translated documents, where the original document written in Japanese is named (for example) “ACM10-0010988-j,” the English translation is named “ACM10-0010988.”

Please note that many of the documents provided in this response are confidential, and a request for confidential treatment will be submitted to the Office of Chief Counsel. After the

documents prepared in Japanese have been translated, Toyota will provide both the Japanese and English versions in a supplemental response. Moreover, if Toyota identifies additional relevant documents, it will supplement this response.

REQUEST

21. As of January 1, 2007, was Toyota considering and/or assessing alleged or actual unintended acceleration, other than interference between the accelerator pedal and driver's side floor mat identified in your response to NHTSA's information requests in TQ10-001 and other than sticking accelerator pedals identified in your response to NHTSA's information requests in TQ10-002, in one or more Subject Vehicles? If your answer is in the affirmative, identify the Subject Vehicles involved, describe in detail all matters considered and assessed and any tentative or actual conclusions that Toyota had reached as of that time. Identify the persons involved in the consideration or assessment.

ANSWER

21. In response to assertions of unintended acceleration in its vehicles, Toyota has conducted numerous assessments and investigations. See, e.g., the actions identified in response to Request 19. In addition, Toyota considered and assessed the issue of unintended acceleration in connection with several formal defect investigations by, and informal inquiries from, ODI, and in response to several petitions for defect investigations that were submitted to ODI, and those assessments, analyses, and conclusions have previously been provided to ODI.

REQUEST

22. As of April 1, 2007, was Toyota considering and/or assessing alleged or actual unintended acceleration, other than interference between the accelerator pedal and driver's side floor mat identified in your response to NHTSA's information requests in TQ10-001 and other than sticking accelerator pedals identified in your response to NHTSA's information requests in TQ10-002, in one or more Subject Vehicles? If your answer is in the affirmative, identify the Subject Vehicles involved, describe in detail all matters considered and assessed and any tentative or actual conclusions that Toyota had reached as of that time. Identify the persons involved in the consideration or assessment.

ANSWER

22. See answer to Request 21.

REQUEST

23. As of July 1, 2007, was Toyota considering and/or assessing alleged or actual unintended acceleration, other than interference between the accelerator pedal and driver's side floor mat identified in your response to NHTSA's information requests in TQ10-001 and other than sticking accelerator pedals identified in your response to NHTSA's information requests in TQ10-002, in one or more Subject Vehicles? If your answer is in the affirmative, identify the Subject Vehicles involved, describe in detail all matters considered and assessed and any tentative or actual conclusions that Toyota had reached as of that time. Identify the persons involved in the consideration or assessment.

ANSWER

23. See answer to Request 21.

REQUEST

24. As of October 1, 2007, was Toyota considering and/or assessing alleged or actual unintended acceleration, other than interference between the accelerator pedal and driver's side floor mat identified in your response to NHTSA's information requests in TQ 10-001 and other than sticking accelerator pedals identified in your response to NHTSA's information requests in TQ10-002, in one or more Subject Vehicles? If your answer is in the affirmative, identify the Subject Vehicles involved, describe in detail all matters considered and assessed and any tentative or actual conclusions that Toyota had reached as of that time. Identify the persons involved in the consideration or assessment.

ANSWER

24. See answer to Request 21.

REQUEST

25. As of January 1, 2008, was Toyota considering and/or assessing alleged or actual unintended acceleration, other than interference between the accelerator pedal and driver's side floor mat identified in your response to NHTSA's information requests in TQ10-001 and other than sticking accelerator pedals identified in your response to NHTSA's information requests in TQ10-002, in one or more Subject Vehicles? If your answer is in the affirmative, identify the Subject Vehicles involved, describe in detail all

matters considered and assessed and any tentative or actual conclusions that Toyota had reached as of that time. Identify the persons involved in the consideration or assessment.

ANSWER

25. See answer to Request 21.

REQUEST

26. As of April 1, 2008, was Toyota considering and/or assessing alleged or actual unintended acceleration, other than interference between the accelerator pedal and driver's side floor mat identified in your response to NHTSA's information requests in TQ10-001 and other than sticking accelerator pedals identified in your response to NHTSA's information requests in TQ10-002, in one or more Subject Vehicles? If your answer is in the affirmative, identify the Subject Vehicles involved, describe in detail all matters considered and assessed and any tentative or actual conclusions that Toyota had reached as of that time. Identify the persons involved in the consideration or assessment.

ANSWER

26. See answer to Request 21. Also, please see Toyota's response in DP08-001.

REQUEST

27. As of July 1, 2008, was Toyota considering and/or assessing alleged or actual unintended acceleration, other than interference between the accelerator pedal and driver's side floor mat identified in your response to NHTSA's information requests in TQ10-001 and other than sticking accelerator pedals identified in your response to NHTSA's information requests in TQ10-002, in one or more Subject Vehicles? If your answer is in the affirmative, identify the Subject Vehicles involved, describe in detail all matters considered and assessed and any tentative or actual conclusions that Toyota had reached as of that time. Identify the persons involved in the consideration or assessment.

ANSWER

27. See answer to Request 21. Also, please see Toyota's responses in PE08-025 and DP08-001.

REQUEST

28. As of October 1, 2008, was Toyota considering and/or assessing alleged or actual unintended acceleration, other than interference between the accelerator pedal and driver's side floor mat identified in your response to NHTSA's information requests in TQ 10-001 and other than sticking accelerator pedals identified in your response to NHTSA's information requests in TQ10-002, in one or more Subject Vehicles? If your answer is in the affirmative, identify the Subject Vehicles involved, describe in detail all matters considered and assessed and any tentative or actual conclusions that Toyota had reached as of that time. Identify the persons involved in the consideration or assessment.

ANSWER

28. See answer to Request 21. Also, please see Toyota's response in EA08-014.

REQUEST

29. As of January 1, 2009, was Toyota considering and/or assessing alleged or actual unintended acceleration, other than interference between the accelerator pedal and driver's side floor mat identified in your response to NHTSA's information requests in TQ10-001 and other than sticking accelerator pedals identified in your response to NHTSA's information requests in TQ10-002, in one or more Subject Vehicles? If your answer is in the affirmative, identify the Subject Vehicles involved, describe in detail all matters considered and assessed and any tentative or actual conclusions that Toyota had reached as of that time. Identify the persons involved in the consideration or assessment.

ANSWER

29. See answer to Request 21.

REQUEST

30. As of April 1, 2009, was Toyota considering and/or assessing alleged or actual unintended acceleration, other than interference between the accelerator pedal and driver's side floor mat identified in your response to NHTSA's information requests in TQ10-001 and other than sticking accelerator pedals identified in your response to NHTSA's information requests in TQIO-002, in one or more Subject Vehicles? If your answer is in the affirmative, identify the Subject Vehicles involved, describe in detail all

matters considered and assessed and any tentative or actual conclusions that Toyota had reached as of that time. Identify the persons involved in the consideration or assessment.

ANSWER

30. See answer to Request 21. Also, please see the file for Recall 09V-023.

REQUEST

31. As of July 1, 2009, was Toyota considering and/or assessing alleged or actual unintended acceleration, other than interference between the accelerator pedal and driver's side floor mat identified in your response to NHTSA's information requests in TQ10-001 and other than sticking accelerator pedals identified in your response to NHTSA's information requests in TQ10-002, in one or more Subject Vehicles? If your answer is in the affirmative, identify the Subject Vehicles involved, describe in detail all matters considered and assessed and any tentative or actual conclusions that Toyota had reached as of that time. Identify the persons involved in the consideration or assessment.

ANSWER

31. See answer to Request 21. Also, please see Toyota's response in DP09-001.

REQUEST

32. As of October 1, 2009, was Toyota considering and/or assessing alleged or actual unintended acceleration, other than interference between the accelerator pedal and driver's side floor mat identified in your response to NHTSA's information requests in TQ10-001 and other than sticking accelerator pedals identified in your response to NHTSA's information requests in TQ10-002, in one or more Subject Vehicles? If your answer is in the affirmative, identify the Subject Vehicles involved, describe in detail all matters considered and assessed and any tentative or actual conclusions that Toyota had reached as of that time. Identify the persons involved in the consideration or assessment.

ANSWER

32. See answer to Request 21.

REQUEST

33. As of January 1, 2010, was Toyota considering and/or assessing alleged or actual unintended acceleration, other than interference between the accelerator pedal and driver's side floor mat identified in your response to NHTSA's information requests in TQ10-001 and other than sticking accelerator pedals identified in your response to NHTSA's information requests in TQ10-002, in one or more Subject Vehicles? If your answer is in the affirmative, identify the Subject Vehicles involved, describe in detail all matters considered and assessed and any tentative or actual conclusions that Toyota had reached as of that time. Identify the persons involved in the consideration or assessment.

ANSWER

33. See answer to Request 21.

REQUEST

34. Identify each and every individual (including individuals working for or on behalf of Toyota as well as individuals working for or on behalf of a Toyota supplier) who, after Toyota first became aware of the possibility of unintended acceleration in the Subject Vehicle(s), other than interference between the accelerator pedal and driver's side floor mat identified in your response to NHTSA's information requests in TQ10-001 and other than sticking accelerator pedals identified in your response to NHTSA's information requests in TQ10-002, was informed of the issue, discussed the issue, or was involved with any aspect of the issue. For each, separately state when he/she was informed thereof and his/her best recollection of what he/she was informed in relation to the issue or any aspect(s) of the issue. Also, describe what each person's responsibility, role, or other involvement is or was in relation to the issue.

ANSWER

34. Except for interference with accelerator pedals (such as the condition identified in Recall 09V-023 and similar campaigns), Toyota is not aware of any vehicle condition that could lead to "unintended acceleration in the subject vehicles, other than interference between the accelerator pedal and driver's side floor mat identified in [the] response to NHTSA's information requests in TQ10-001 and other than sticking accelerator pedals identified in [the] response to NHTSA's information requests in TQ10-002." However, because there have been allegations

that various systems, including electronic throttle control, could lead to unintended acceleration, there have been meetings and communications to address those allegations.

It is not reasonable or practicable to identify every individual within Toyota who has considered those issues. Without waiving this objection, and with the understanding that Toyota's review of potentially responsive materials is continuing, Toyota believes that individuals in the following offices have been primarily responsible for analysis of issues related to those allegations. Personnel within these offices have rotated from time to time, but the responsibility has remained constant with those corporate functions.

TMC Customer Quality Engineering Division (CQE)
TMS Product Quality Service Support (PQSS)
Toyota Motor North America – Washington, DC (TMA)
TMC Engine Management System Development Division
TMC Electronics Laboratory Division

REQUEST

35. Describe all modifications and/or changes considered and/or made by or on behalf of Toyota, from the start of production of Subject Vehicle(s) to the present, which relate to or may relate to actual or potential unintended acceleration, other than interference between the accelerator pedal and driver's side floor mat identified in your response to NHTSA's information requests in TQ10-001 and other than sticking accelerator pedals identified in your response to NHTSA's information requests in TQ10-002, in Subject Vehicle(s). For each such modification or change, provide the following information:
- a. A detailed description of the modification or change;
 - b. The reason(s) for the modification or change;
 - c. The subset of Subject Vehicles that Toyota intended the modification or change to affect;
 - d. Whether the modification or change was implemented and if so when;
 - e. The country in which Subject Vehicles(s) with the modification or change were made available and the date the modification or change was first implemented for each Subject Vehicle manufactured for sale in that country;
 - f. The original partnumbers (service and engineering) and a description of the part;

- g. The partnumber of the modified or changed part(service and engineering) and a description of the part;
- h. Whether the original unmodified partwas withdrawn from production and/or sale and if so, when;
- i. When the modified partwas made available as a service part;
- j. Whether the modified part can be interchanged with an earlier production part;
- k. The date or approximate date on which the modification or change was incorporated into vehicle production; and
- l. All reasons and technical justifications, including data, for the implementation of the modification or change in some markets (e.g., Europe) but not others (e.g., not the United States) at the time the modification or change initially was implemented.

Also, provide the above information for any modification or change that Toyota is aware of which is tentatively or actually planned to be incorporated into vehicle production within the next year.

ANSWER

35. Toyota has summarized in a table all responsive modifications or changes identified to date. That table is provided in the folder entitled “Attachment 35” as “Attachment Response 35 Final.” Please note that some of the information included in the table is confidential, and a request for confidential treatment will be submitted to the Office of Chief Counsel. If Toyota identifies additional changes or modifications, it will supplement this response.

REQUEST

36. Describe in detail each and every electronic throttle control system Toyota has installed on Subject Vehicles. Include a description of the operation and functionality of the system, including any redundancies and/or checks built into the system, including but not limited to the closing of the throttle valve when the brakes are applied. Identify the vehicles (make, model, model year) that have had or have each such system, and identify those countries in which each subject vehicle was sold.

ANSWER

36. Toyota is still in the process of gathering information that is responsive to this Request. After that information is gathered – and after any documents written in Japanese are translated – Toyota will provide the information in a supplemental response.

REQUEST

37. State in detail, beginning with Toyota’s introduction of vehicles with electronic throttle controls in the United States, how Toyota protected against electromagnetic interference (EMI) and tested those protections.

ANSWER

37. Toyota is still in the process of gathering information that is responsive to this Request. After that information is gathered – and after any documents written in Japanese are translated – Toyota will provide the information in a supplemental response.

REQUEST

38. Describe in detail Toyota’s programs, from the development of the initial electronic throttle control systems to the present, for testing Subject Vehicles for susceptibility to EMI and/or electromagnetic compatibility (EMC), including testing performed at any and all stages of vehicle and component design and development, including but not limited to the early electronic sub assembly (ESA) design stage (i.e., at the circuit board and component specification level); testing design and/or specifications of component suppliers’ ESA’s; and testing the design, specifications, and/or performance of the assembled ESA’s in a whole vehicle (including any and all static testing and dynamometer testing of the whole vehicle).

ANSWER

38. Toyota is still in the process of gathering information that is responsive to this Request. After that information is gathered – and after any documents written in Japanese are translated – Toyota will provide the information in a supplemental response.

REQUEST

39. For each stage of Toyota's EMI/EMC susceptibility testing described in your response to the preceding information request, provide the following:
- a. For each and every test conducted by Toyota, by stage, provide the following:
 - i. Describe each test protocol in detail;
 - ii. Identify the subject component of the test and what effect, if any, that component has on the vehicle's electronic throttle control system;
 - iii. Provide a summary of Toyota's objective for each test;
 - iv. Identify what constitutes a passing/failing result for the test;
 - v. State whether the test is based fully or in substantial part on an existing SAE and/or ISO standard and, if so, identify the standard;
 - vi. For tests based on an existing SAE and/or ISO standard but not identical to the standard, identify the standard and describe in detail the difference(s) between the SAE and/or ISO standard and the test conducted by Toyota;
 - vii. Where applicable, provide a summary of Toyota's objective for conducting a test different from an existing applicable SAE and/or ISO standard;
 - viii. If the test is on a whole vehicle (e.g., not a buck), state whether the test is static or performed with the vehicle on a dynamometer; and
 - ix. Provide a copy of any test report, results, notes, evaluations, conclusions, or other documents produced during and/or related to this testing, and any and all conclusions drawn by Toyota therefrom.
 - b. State in detail any and all conclusions Toyota has drawn regarding the testing described in Toyota's answer to the above as related to actual or potential unintended acceleration.

ANSWER

39. Toyota is still in the process of gathering information that is responsive to this Request. After that information is gathered – and after any documents written in Japanese are translated – Toyota will provide the information in a supplemental response.

REQUEST

40. Describe each and every modification to Toyota's testing program or procedures (or any part thereof) for testing Subject Vehicle(s) for susceptibility to EMI and/or EMC since Toyota first became aware of allegations of unintended acceleration on Subject Vehicles. If Toyota has modified its EMI/EMC susceptibility testing program, provide the following information for each modification:
- a. A detailed description of the modification;
 - b. A summary of Toyota's objective for the modification, including the specific issue(s) the modification was intended to address;
 - c. The date the modification was implemented;
 - d. The subset of Subject Vehicles Toyota intended the modification to effect;
 - e. A summary of the findings and/or conclusions resulting from the modification.
 - f. Copies of all documents related to the modification regardless of whether the documents are in interim, draft, or final form;

ANSWER

40. Toyota is still in the process of gathering information that is responsive to this Request. After that information is gathered – and after any documents written in Japanese are translated – Toyota will provide the information in a supplemental response.

REQUEST

41. Describe in detail all information in Toyota's possession regarding whether and the extent to which EMI has played a causal or contributory role in any incidents of unintended acceleration involving vehicles manufactured by Toyota, for sale or lease in the United States and/or for sale or lease outside of the United States. Identify and

describe the reason(s), if any, the Subject Vehicles manufactured for sale or lease in the United States may be less, or more, susceptible or vulnerable to EMI.

ANSWER

41. All electronic throttle control systems in the subject vehicles have been evaluated and developed to assure protection from EMI, and have undergone extensive testing. Information with respect to those evaluations and tests will be provided in response to the prior Requests when gathered. Toyota has not identified any possibility that unintended acceleration can be created by EMI. Toyota has no reason to believe that any of the subject vehicles are susceptible or vulnerable to EMI at all, and thus vehicles manufactured for sale or lease in the United States are neither more nor less susceptible or vulnerable to EMI than those manufactured for sale or lease elsewhere.

REQUEST

42. Apart from interference between the accelerator pedal and driver's side floor mat identified in your response to NHTSA's information requests in TQ10-001, sticking accelerator pedals identified in your response to NHTSA's information requests in TQ10-002, and any EMI problems described in your responses to the foregoing (above) information requests, describe in detail any other performance problems of which Toyota has information with regard to electronic throttle controls and whether those problems have led or, in Toyota's opinion, could lead to unintended acceleration.

ANSWER

42. Toyota is still in the process of gathering information that is responsive to this Request. After that information is gathered – and after any documents written in Japanese are translated – Toyota will provide the information in a supplemental response.

REQUEST

43. With regard to each and every communication or meeting (in person, by telephone or by other electronic means) between and/or among Toyota employees in which the possibility of the existence of a problem or defect related to unintended acceleration, other than interference between the accelerator pedal and driver's side floor mat identified in your response to NHTSA's information requests in TQ10-001 and other than sticking accelerator pedals identified in your response to NHTSA's information requests in TQ10-

002, in Subject Vehicle(s) was discussed, state the approximate date on which such communication or meeting was held, the name, job title, office, telephone number and employer of each participant, and provide a detailed summary of each communication or meeting. Identify and produce copies of any documents considered, reviewed, consulted, produced as a result, or otherwise used during each communication or meeting.

ANSWER

43. It is not reasonable or practicable to reconstruct all of the information necessary to respond to this Request, particularly in the time permitted for response. Without waiving this objection, and with the understanding that its review is continuing, Toyota has conducted a search of documents located in the Toyota offices that would be most likely to contain documents responsive to this Request. In addition, Toyota has conducted a search of documents in the files of certain individuals within those offices and their e-mail records. On the basis of those searches, Toyota has to date identified numerous documents and records that relate to communications and meetings referred to in this Request, and its review is continuing. Documents and records that were originally created in English, and those documents that have been translated into English are provided in the folder entitled "Attachment 43." For convenience, Toyota is providing an index that ties certain documents originally written in Japanese to their corresponding English translations. The index is entitled "Attachment43 Translation Index." Please note that many of these documents are confidential, and a request for confidential treatment will be submitted to the Office of Chief Counsel.

Please note that some of the apparently responsive documents identified to date are in Japanese, and they have not yet been translated. When the translations are complete, Toyota will provide all responsive documents in both Japanese and English, along with any other documents that may be located in the future. Moreover, as noted above, Toyota wishes to emphasize that its search for, and review of, potentially responsive documents and other materials is ongoing and incomplete. If additional relevant information is identified, Toyota will supplement this response.

REQUEST

44. With regard to each and every communication, correspondence or notification between Toyota and any other person or entity not identified in your responses to the immediately above information request concerning the existence of a problem or defect with the Subject Vehicle(s) related to unintended acceleration, other than interference between the

accelerator pedal and driver's side floor mat identified in your response to NHTSA's information requests in TQ10-001 and other than sticking accelerator pedals identified in your response to NHTSA's information requests in TQ10-002, state the approximate date on which each such communication, correspondence or notification was sent, identify the author and recipient, and provide a detailed summary of each. Identify and produce copies of any documents considered, reviewed, consulted, produced as a result, or otherwise used, during each communication, correspondence, or notification.

ANSWER

44. It is not reasonable or practicable to reconstruct all of the information necessary to respond to this Request, particularly in the time permitted for response. Without waiving this objection, and with the understanding that its review is continuing, Toyota has conducted a search of documents located in the Toyota offices that would be most likely to contain documents responsive to this Request. In addition, Toyota has conducted a search of documents in the files of certain individuals within those offices and their e-mail records. On the basis of those searches, Toyota has identified some documents and records that relate to communications referred to in this Request. Documents and records that were originally created in English, and those documents that have been translated into English are provided in the folder entitled "Attachment 44." Please note that many of these documents are confidential, and a request for confidential treatment will be submitted to the Office of Chief Counsel.

Please note that many of the apparently responsive documents identified to date are in Japanese, and they have not yet been translated. When the translations are complete, Toyota will provide all responsive documents in both Japanese and English, along with any other documents that may be located in the future. Moreover, as noted above, Toyota's search for, and review of, potentially responsive documents and other materials is ongoing and incomplete. If additional relevant information is identified, Toyota will supplement this response.

REQUEST

45. Please state the number of, and identify by date of incident, and date of Toyota's receipt or notice of the incident, all incidents involving a death or injury attributable, or claimed to be attributable, to unintended acceleration in the Subject Vehicles Toyota manufactured for sale or lease in the United States, that have not yet been reported to NHTSA under the Early Warning Regulation (EWR), 49 CFR Part 579. To the extent any such incidents should have been previously reported to NHTSA, but were not,

separately identify those incidents and, for each, explain why Toyota did not include the incident in a previous EWR report. For purposes of this question only, “unintended acceleration” includes incidents that Toyota determined were caused or substantially contributed to by interference between the vehicle’s accelerator pedal and floor mat, and as to which Toyota may have reported in response to NHTSA’s information request in TQ10-001. It also includes incidents that Toyota determined were caused or substantially contributed to by a sticking accelerator pedal, and as to which Toyota may have reported in its response to NHTSA’s information request in TQ10-002.

ANSWER

45. Information responsive to this request is provided in the folder entitled “Attachment 45” as “Attachment Response 45 Final.”

REQUEST

46. Separately, with regard to Toyota’s response to each information requests above, identify each person who provided information regarding the response.

ANSWER

46. Toyota has not completed its response to this Request. It will be provided in the near future in a supplemental response.

REQUEST

47. Separately, with regard to Toyota’s response to each information requests above, identify and produce a copy of each document considered or relied upon by Toyota in formulating its response, or otherwise identified in the response.

ANSWER

47. Responsive documents that have been located to date that were not provided elsewhere have been provided in the folder entitled “Attachment 47.”

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ADDITIONAL STATEMENTS

Toyota is not providing privileged documents that may be responsive to this information request. These 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. 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.

In its search for responsive materials, Toyota has identified numerous documents in the Japanese language. Consistent with the instructions in the IR, Toyota is arranging for translations of each such document into English. Toyota will supplement this response with the Japanese documents and the English translations when the translations have been completed.

Although Toyota is responding to all of the requests posed by the agency and has endeavored to identify and provide all responsive documents, Toyota is objecting to certain of the definitions, instructions and requests contained in the IR:

Toyota objects to the definition of "documents" in the IR because it exceeds a reasonable understanding of the term "documents."

Toyota objects to the definition of "Toyota" to the extent it purports to include outside counsel. It would be unduly burdensome to require Toyota to request that outside counsel search files for responsive documents. Moreover, it is highly unlikely that outside counsel would possess any non-privileged documents responsive to this IR that are not already being produced by Toyota. In light of the significant burden and cost associated with canvassing outside counsel for potentially responsive documents and the very low probability of identifying any non-privileged document not already being produced, Toyota has not asked its outside counsel to search for responsive documents.

Toyota understands that NHTSA will protect any private information about persons that is contained in this response, based on privacy 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 6 digits of the vehicle's VIN.