



U.S. Department
of Transportation
**National Highway
Traffic Safety
Administration**

MAY - 6 2010

1200 New Jersey Avenue SE.
Washington, DC 20590

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Michael Brooks, Esq.
Center for Auto Safety
1825 Connecticut Avenue, NW
Suite 330
Washington, DC 20009

RE: Freedom of Information Act (FOIA) Request, 5 U.S.C. 552

Dear Mr. Brooks:

This responds to two FOIA requests dated April 2, 2010, submitted by the Center for Auto Safety (CAS) seeking all records related to Recall Query RQ10-003 and Timeliness Queries TQ10-001 and TQ10-002. Your FOIA requests each involve matters related to recent agency activities concerning Toyota Motor Corporation. Accordingly, consistent with 49 CFR § 7.33, your requests have been aggregated into one single request for the purposes of fees and processing.

In connection with your requests, you seek a "waiver and/or reduction" of fees pursuant to 49 CFR § 7.44(a) for the first two hours of search time, 49 CFR § 7.44(c) the first 100 pages of duplication, and 49 CFR § 7.44(d) for review time required to determine whether a requested record is exempt from mandatory disclosure. You state that your request is of a "very limited and highly specific nature," that the requested records have no commercial value, and that CAS has no commercial purpose or interest in requesting the records.

I am satisfied that CAS does not seek the records for a commercial use. Consequently, I agree that CAS is entitled to the first two hours of search time, the first 100 pages of duplication, and any review time to determine whether a record is exempt from mandatory disclosure, all without charge in accordance with the provisions of our regulation (49 CFR § 7.44(a), (c), (d)).

Other than claiming allowances under 49 CFR § 7.44(a), (c), (d), you did not specify the amount you are willing to pay, as required by our regulation (49 CFR § 7.14). As currently framed, your request targets a very large volume of information. The amount of information you seek is at least 60 gigabytes of data, potentially more. Processing fees, even after accounting for allowances under 49 CFR § 7.44(a), (c) and (d), are likely to be several hundred dollars (calculated in accordance with 49 CFR § 7.43 and § 7.44). Consistent with the provisions of 49 CFR § 7.42(c), I will take no further action on your request until you agree to pay all applicable fees or specify the amount you are willing to pay. Alternatively, you may contact me on (202) 366-8909 to discuss reformulating or narrowing your request to meet your needs at a lower cost.

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NHTSA
www.nhtsa.gov

As you consider your options, please note that we are currently facing an unusually large volume of FOIA requests, due in large part to pending Toyota investigations, and these requests are taxing the agency's resources. As a result of these unusual circumstances, the agency is unable to complete the processing of your request, including review of responsive documents, within the customary time limit contemplated under the FOIA. It may take the agency several months to process your requests and issue determinations. In order to assist the agency in processing a number of pending voluminous FOIA requests, we have initiated a process to procure temporary contract support. Although procuring contractors to assist in processing FOIA requests takes some time, it should accelerate the FOIA review process and permit the agency to provide you a determination sooner than under current staffing levels. At this time, we estimate that a determination can be made by early August. We will update this estimate if it becomes apparent that more time is needed.

Very truly yours,



Andrew DiMarsico
Attorney-Advisor