



U.S. Department
of Transportation

OCT 4 2010

1200 New Jersey Avenue SE.
Washington, DC 20590

**National Highway
Traffic Safety
Administration**

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Vinnie Venugopal, General Manager
Toyota Motor North America, Inc.
601 Thirteenth Street, NW
Suite 910 South
Washington, DC 20005

NVS-212llh
PE10-031

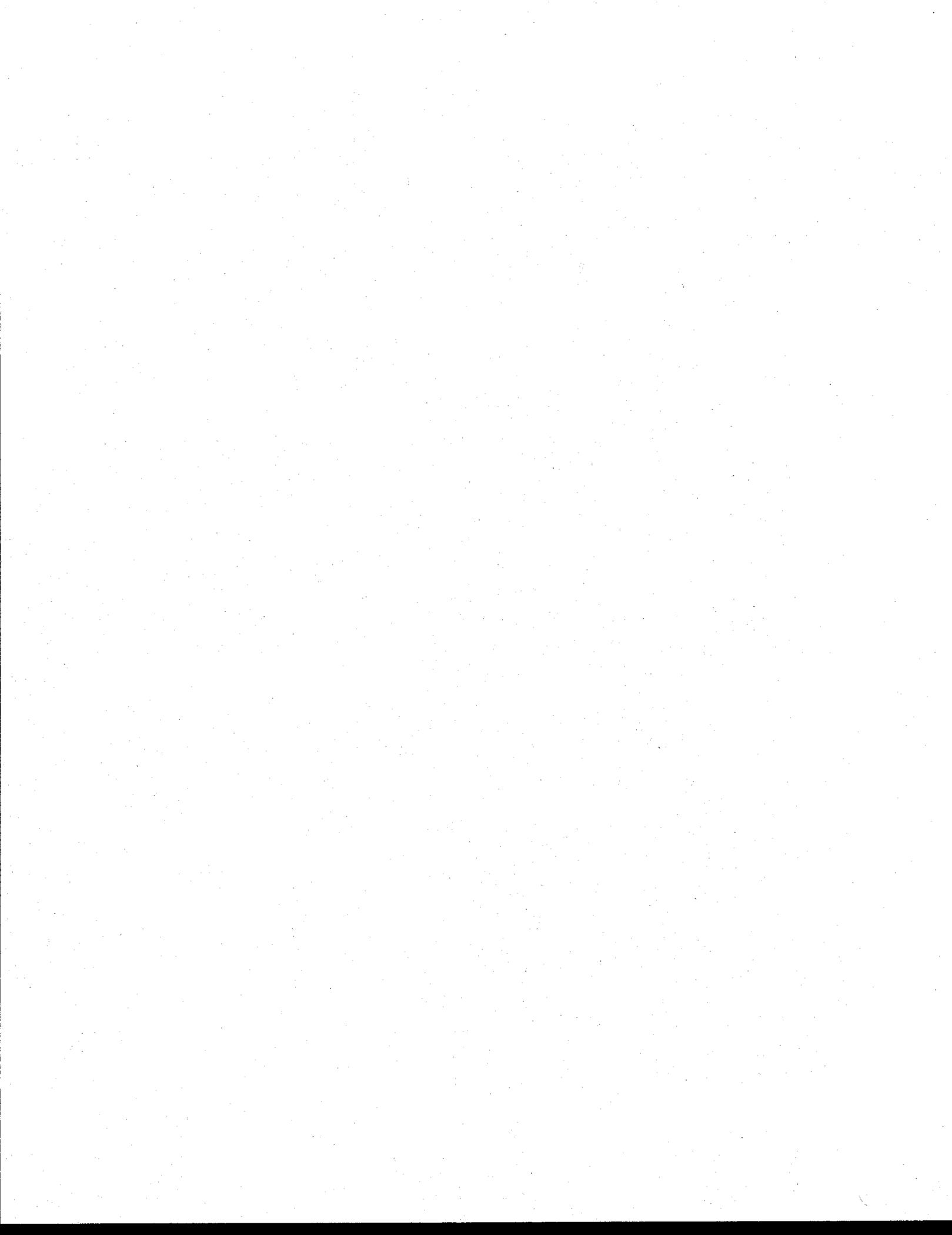
Dear Mr. Venugopal:

The Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA) is conducting a Preliminary Evaluation (PE10-031) to investigate allegations of crash related fire hazards associated with the fuel storage systems on model years (MY) 1993-2004 Jeep Grand Cherokee vehicles. The purpose of this letter is to request peer vehicle data from Toyota to assist us in our investigation.

Unless otherwise stated in the text, the following definitions apply to these information requests:

- **Subject vehicles:** All MY 1993-2004 Toyota 4Runner vehicles manufactured for sale or lease in the United States.
- **Subject components:** The fuel storage system, including the fuel tank, fuel filler hose, fuel filler neck, interconnecting devices, and any other related components.
- **Toyota:** Toyota Motor Corporation, including all of its divisions, subsidiaries and affiliated enterprises (including but not limited to Toyota Motor North America, Inc., Toyota Motor Sales, USA, Inc., Toyota Motor Manufacturing, Indiana, Inc., Toyota Motor Manufacturing, Texas, Inc., Toyota Manufacturing de Baja California, Inc., Subaru of Indiana Automotive, Inc., New United Motor Manufacturing, Inc.) and all predecessor corporations, and all of its past and present officers and employees, whether assigned to principal offices or any field or other location, including all divisions, subsidiaries (whether or not incorporated) and affiliated enterprises and all of headquarters, regional, zone and other offices and their employees, and all agents, contractors, consultants, attorneys and law firms and other persons engaged directly or indirectly (e.g., employee of a consultant) by or under the control of Toyota (including all business units and persons previously referred to), who are or, on or after July 1, 1992, were involved in any way with any of the following related to the alleged defect in the subject vehicles:
 - a. Design, engineering, analysis, modification or production (e.g. quality control);
 - b. Testing, assessment or evaluation;





- c. Consideration or recognition of potential or actual defects, reporting, record-keeping and information management, (e.g., complaints, field reports, warranty information, part sales), analysis, claims, or lawsuits; or
 - d. Communication to, from or intended for zone representatives, fleets, dealers, or other field locations, including but not limited to people who have the capacity to obtain information from dealers.
- **Potential defect:** A fire or liquid fuel leakage occurring in or after the subject vehicle had been struck from the rear by another vehicle.
 - **Document:** "Document(s)" is used in the broadest sense of the word and shall mean all original written, printed, typed, recorded, or graphic matter whatsoever, however produced or reproduced, of every kind, nature, and description, and all non-identical copies of both sides thereof, including, but not limited to, papers, letters, memoranda, correspondence, communications, electronic mail (e-mail) messages (existing in hard copy and/or in electronic storage), faxes, mailgrams, telegrams, cables, telex messages, notes, annotations, working papers, drafts, minutes, records, audio and video recordings, data, databases, other information bases, summaries, charts, tables, graphics, other visual displays, photographs, statements, interviews, opinions, reports, newspaper articles, studies, analyses, evaluations, interpretations, contracts, agreements, jottings, agendas, bulletins, notices, announcements, instructions, blueprints, drawings, as-builts, changes, manuals, publications, work schedules, journals, statistical data, desk, portable and computer calendars, appointment books, diaries, travel reports, lists, tabulations, computer printouts, data processing program libraries, data processing inputs and outputs, microfilms, microfiches, statements for services, resolutions, financial statements, governmental records, business records, personnel records, work orders, pleadings, discovery in any form, affidavits, motions, responses to discovery, all transcripts, administrative filings and all mechanical, magnetic, photographic and electronic records or recordings of any kind, including any storage media associated with computers, including, but not limited to, information on hard drives, floppy disks, backup tapes, and zip drives, electronic communications, including, but not limited to, the Internet and shall include any drafts or revisions pertaining to any of the foregoing, all other things similar to any of the foregoing, however denominated by Toyota, and any other data compilations from which information can be obtained, translated if necessary, into a usable form and any other documents. For purposes of this request, any document which contains any note, comment, addition, deletion, insertion, annotation, or otherwise comprises a non-identical copy of another document shall be treated as a separate document subject to production. In all cases where original and any non-identical copies are not available, "document(s)" also means any identical copies of the original and all non-identical copies thereof. Any document, record, graph, chart, film or photograph originally produced in color must be provided in color. Furnish all documents whether verified by Toyota or not. If a document is not in the English language, provide both the original document and an English translation of the document.

- **Other Terms:** To the extent that they are used in these information requests, the terms “claim,” “consumer complaint,” “dealer field report,” “field report,” “fire,” “fleet,” “good will,” “make,” “model,” “model year (MY),” “notice,” “property damage,” “property damage claim,” “rollover,” “type,” “warranty,” “warranty adjustment,” and “warranty claim,” whether used in singular or in plural form, have the same meaning as found in 49 CFR 579.4.

In order for my staff to evaluate the potential defect, certain information is required. Pursuant to 49 U.S.C. § 30166, please provide numbered responses to the following information requests. Insofar as Toyota has previously provided a document to ODI, Toyota may produce it again or identify the document, the document submission to ODI in which it was included and the precise location in that submission where the document is located. When documents are produced, the documents shall be produced in an identified, organized manner that corresponds with the organization of this information request letter (including all individual requests and subparts). When documents are produced and the documents would not, standing alone, be self-explanatory, the production of documents shall be supplemented and accompanied by explanation.

Please repeat the applicable request verbatim above each response. After Toyota’s response to each request, identify the source of the information and indicate the last date the information was gathered.

1. State within the body of the response letter a summary table, by model and model year, the number of subject vehicles Toyota has manufactured for sale or lease in the United States. Separately, for each subject vehicle manufactured to date by Toyota, state the following:
 - a. Vehicle identification number (VIN);
 - b. Model year;
 - c. Whether or not the vehicle was originally equipped (manufactured) with a brush guard, skid guard, or covering for the bottom of the fuel tank (i.e., a protective guard);
 - d. If not originally equipped, whether or not a protective guard was optionally available from Toyota, and if so, the part number of the optionally available protective guard;
 - e. Date of manufacture (in “dd/mm/yyyy” date format);
 - f. Date warranty coverage commenced (in “yyyy/mm/dd” date format); and
 - g. 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 2007, or a compatible format, entitled “SUBJECT VEHICLE PRODUCTION DATA.”

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 potential defect in the subject vehicles:
 - a. Consumer complaints;
 - b. Field reports, including dealer field reports;

- e. Reports involving a crash, fire, injury, or fatality, based on claims against the manufacturer involving a death or injury, and notices received by the manufacturer alleging that a death or injury was caused by a possible defect in a subject vehicle;
- d. Property damage claims;
- e. Third-party arbitration proceedings where Toyota is or was a party to the arbitration; and
- f. Lawsuits, both pending and closed, in which Toyota is or was a defendant or codefendant.

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

In addition, for items "c" through "f," provide a summary description of the alleged problem and causal and contributing factors and Toyota's assessment of the problem, with a summary of the significant underlying facts and evidence. For items "c" through "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, and details of the resolution of the matter.

Include reports in which the subject vehicle was struck in the rear by another vehicle. As used here, rear includes crashes in which the striking vehicle hit the subject vehicle at an angle that included the rear, and is not limited to direct crashes to the rear of the subject vehicle. Fire reports where the ignition source was from other than the crash are responsive and are to be included in your response. Reports of fuel leaks or fires where no crash occurred, such as fuel leaks that occur in garages or from punctures from running over objects in the road (but unrelated to a crash), are not within the scope of this request. Also, reports in which the fuel leak or fire originated in the engine compartment area, or where the fire was caused by an electrical issue (e.g., dash wiring or seat heater) or from a non-vehicle related source (e.g., a lit cigarette, or a lit match), as opposed to a fuel leak, are also outside the scope of this request.

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. Cause: 1) Whether the potential defect occurred due to the failure of or damage to a subject component or 2) whether the potential defect occurred due to an unknown, undetermined, or ambiguous causation.
 - d. Vehicle owner or fleet name (and fleet contact person), address, and telephone number;
 - e. Vehicle's VIN;
 - f. Vehicle's model year;
 - g. Vehicle's mileage at time of incident;

- h. Incident date;
- i. Report or claim date;
- j. Whether a fire is alleged;
- k. Whether property damage is alleged;
- l. Number of alleged injuries, if any; and
- m. Number of alleged fatalities, if any.

Provide this information in Microsoft Access 2007, or a compatible format, entitled "REQUEST NUMBER TWO DATA."

- 4. Produce copies of all documents related to each item within the scope of Request No. 2 items a, b, c, d, e, and f. The documents requested specifically include any police reports in Toyota's possession which relate to, or may relate to, the crash, fuel leak or fire, and any accident reconstruction documents by any party. Organize the documents separately by category (i.e., crash reports, lawsuits, etc.) and describe the method Toyota used for organizing the documents.
- 5. For each design variation of the subject vehicle, provide the following information:
 - a. Applicable model years or other design variation details (generation number, sub-model, trim level, etc.)
 - b. Side, rear, and top view drawings showing the placement of the subject components and related components that secure them in the vehicle;
 - b. A bottom view drawing or photograph showing the full vehicle undercarriage in the fully built configuration including the locations of the subject components; and
 - c. Type of material the subject fuel tank is composed of (e.g., HDPE plastic).

This letter is being sent to Toyota pursuant to 49 U.S.C. § 30166, which authorizes NHTSA to conduct any investigation that may be necessary to enforce Chapter 301 of Title 49 and to request reports and the production of things. It constitutes a new request for information. Toyota's failure to respond promptly and fully to this letter could subject Toyota to civil penalties pursuant to 49 U.S.C. § 30165 or lead to an action for injunctive relief pursuant to 49 U.S.C. § 30163. (Other remedies and sanctions are available as well.) Section 5(a) of the TREAD Act, codified at 49 U.S.C. § 30165(b), provides for civil penalties of up to \$6,000 per day, with a maximum of \$16,375,000 for a related series of violations, for failing or refusing to perform an act required under 49 U.S.C. § 30166. See 49 CFR 578.6 (as amended by 71 Fed. Reg. 28279 (May 16, 2006)). This includes failing to respond to ODI information requests.

If Toyota cannot respond to any specific request or subpart(s) thereof, please state the reason why it is unable to do so. If on the basis of attorney-client, attorney work product, or other privilege, Toyota does not submit one or more requested documents or items of information in response to this information request, Toyota must provide a privilege log identifying each document or item withheld, and stating the date, subject or title, the name and position of the person(s) from, and the person(s) to whom it was sent, and the name and position of any other recipient (to include all carbon copies or blind carbon copies), the nature of that information or material, and the basis for the claim of privilege and why that privilege applies.

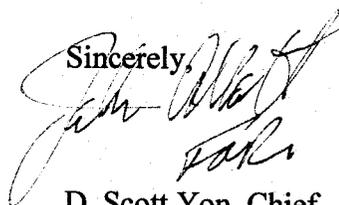
Toyota's response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office by November 16, 2010. **All business confidential information must be submitted directly to the Office of Chief Counsel as described in the following paragraph and should not be sent to this office.** In addition do not submit any business confidential information in the body of the letter submitted to this office. Please refer to PE10-031 in Toyota's response to this letter and in any confidentiality request submitted to the Office of Chief Counsel. If Toyota finds that it is unable to provide all of the information requested within the time allotted, Toyota must request an extension from me at (202) 366-0139 no later than five business days before the response due date. If Toyota is unable to provide all of the information requested by the original deadline, it must submit a partial response by the original deadline with whatever information Toyota then has available, even if an extension has been granted.

If Toyota claims that any of the information or documents provided in response to this information request constitute confidential commercial material within the meaning of 5 U.S.C. § 552(b)(4), or are protected from disclosure pursuant to 18 U.S.C. § 1905, Toyota must submit supporting information together with the materials that are the subject of the confidentiality request, in accordance with 49 CFR Part 512, as amended (69 Fed. Reg. 21409 et seq; April 21, 2004), to the Office of Chief Counsel (NCC-110), National Highway Traffic Safety Administration, Room W41-326, 1200 New Jersey Avenue, S.E., Washington, D.C. 20590. Toyota is required to **submit two copies of the documents containing allegedly confidential information (except only one copy of blueprints) and one copy of the documents from which information claimed to be confidential has been deleted.** Please remember that the word "CONFIDENTIAL" must appear at the top of each page containing information claimed to be confidential, and the information must be clearly identified in accordance with 5 U.S.C. § 512.6.

Please send email notification to Lawrence L. Hershman (larry.hershman@dot.gov) and to ODI_IRresponse@dot.gov when Toyota sends its response to this office and indicate whether there is confidential information as part of Toyota's response.

If you have any technical questions concerning this matter, please call Lawrence L. Hershman of my staff at (202) 366-4929.

Sincerely,



D. Scott Yon, Chief
Vehicle Integrity Division
Office of Defects Investigation