



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

400 Seventh St., S.W.
Washington, D.C. 20590

AUG 28 2006

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Christopher Tinto, Director
Toyota Motor Corporation
601 Thirteenth Street, NW
Suite 910 South
Washington, DC 20005

NVS-214pk
EA05-017

Dear Mr. Tinto

The Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA) is conducting an investigation concerning alleged Steering Knuckle failures in Model Year 2003 to present Hummer H2 vehicles manufactured by General Motors (GM). To assist us in our investigation, ODI is requesting certain peer vehicle information from Toyota Motor North America, Inc.

The issue under investigation with GM is steering knuckle failures that result in a wheel-off event or inadvertent loss of steering to the vehicle. This phenomenon typically occurs at low speeds during instances of high steering articulation. This office requests specific peer vehicle information described below.

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

- **Subject Peer Vehicles:** MY 2003 through current ¾ and 1 Ton, 4X4, Pickup Trucks and SUV vehicles.
- **Toyota:** Toyota Motor Company, all of its past and present officers and employees, whether assigned to its principal offices or any of its field or other locations, including all of its divisions, subsidiaries (whether or not incorporated) and affiliated enterprises and all of their 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, in or after 2002, were involved in any way with any of the following related to the subject condition 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.

- **Subject Condition:** Failure of a steering knuckle (left or right side) that results in a wheel-separation, wheel folding under or inadvertent loss of steering to the vehicle, including, but not limited to, partial or complete collapse of the front suspension at the failed position.
- **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-builds, 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, 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 the manufacturer or not. If a document is not in the English language, provide both the original document and an English translation of the document.

In order for my staff to evaluate the subject condition, certain information is required. Pursuant to 49 U.S.C. § 30166, please provide numbered responses to the following information requests. 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. 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 information request letter (including the 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.

1. State the population for the subject peer vehicles by model and model year.
2. State the number and provide copies of all of the following information that relates or potentially relates to the subject condition in the subject vehicles. This should include all information in Toyota's possession or control or of which it is otherwise aware.
 - a. owner complaints;
 - b. repair shop claims;
 - c. field reports;
 - d. crash/injury incident reports;
 - e. subrogation claims;
 - f. lawsuits; and
 - g. third-party arbitration proceedings where Toyota is a party to the arbitration.

List and collate your response separately for each category ("a" through "g") by date the incident was filed with Toyota. Provide for each item in this response the incident date, model, model year, wheel size, problem code, vehicle identification number, repair mileage, property damage, and injuries.

For "d," identify all crashes by date, location, and names of parties involved. For "f," identify all the lawsuits by caption, court, and docket number. Provide a separate analysis and description of each item "e" through "g" identifying the vehicle (by model year, build date, and VIN) and the vehicle owner (by name, address, and telephone number). Include all police reports that relate to the subject condition known to Toyota. Clearly describe the sequence of events leading up to any accident(s), the approximate vehicle speed, approximate vehicle mileage, and any personal injuries, vehicle damage, or property damage that may have occurred.

Provide all related material and information that relate to the subject condition even if Toyota has not verified it. Indicate if no information exists for any category.

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

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

- a. Toyota's claim number;
- b. Vehicle owner or fleet name (and fleet contact person) and telephone number;
- c. VIN;
- d. Repair date;
- e. Vehicle mileage at time of repair;
- f. Repairing dealer's or facility's name, telephone number, city and state or ZIP code;
- g. Labor operation number;
- h. Problem code;
- i. Replacement part number(s) and description(s);
- j. Whether the vehicle was towed to the dealer for the repair (y/n);
- k. Secondary component damage (y/n) - Whether there were coincident repairs to secondary components that can be damaged when steering knuckle fracture occurs. For example, repairs to the following components at the same front wheel position as the subject component on or about the same date as the subject component repair (± 2 days): brake rotor, brake hose, axle (four-wheel drive), body damage, tie rod, etc. (state the specific criteria used by Toyota);
- l. Concern stated by customer; and
- m. Comment, if any, by dealer/technician relating to claim and/or repair.

Provide this information in Microsoft Access 2000, or a compatible format, entitled "WARRANTY DATA." See Enclosure 1, Data Collection Disc, for a pre-formatted table which provides further details regarding this submission.

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. 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.) Please note that maximum civil penalties under 49 U.S.C. § 30165 have increased as a result of the recent enactment of the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act, Public Law No. 106-414 (signed November 1, 2000). 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. This includes failing to respond to ODI information requests.

If Toyota cannot respond to any specific request or subpart 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, 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 **September 22, 2006**. Please include in Toyota's response the identification codes referenced on page one of this letter. If Toyota finds that it is unable to provide all of the information requested within the time allotted, Toyota must request an extension from Mr. Richard Boyd at (202) 366-4933 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 Toyota has received an extension.

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, to the Office of Chief Counsel (NCC-30), National Highway Traffic Safety Administration, Room 5219, 400 Seventh Street, S.W., Washington, D.C. 20590. Toyota is required to submit two copies of the documents containing allegedly confidential information (accept only one copy of blueprints) and one copy of the documents from which information claimed to be confidential has been deleted.

If you have any technical questions concerning this matter, please call Mr. Peter Kivett of my staff at (202) 366-6178.

Sincerely,



Kathleen C. DeMeter
Office of Defects Investigation
Safety Assurance