



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

1200 New Jersey Avenue SE.  
Washington, DC 20590

May 10, 2010

**VIA FAX AND FEDEX OVERNIGHT DELIVERY**

Chris Tinto  
Vice President  
Toyota Motor North America, Inc.  
601 13<sup>th</sup> Street, NW, Suite 910 South  
Washington, DC 20005

NVS-215  
TQ 10-004

Dear Mr. Tinto:

This letter is to inform you that the Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA) has opened a Timeliness Query (TQ10-004) to investigate allegations of an untimely submission of the Defect Information Report to NHTSA for safety recall campaign 05V-389 involving certain pickup trucks and sport utility vehicles Toyota manufactured, and to request certain information.

By way of background, in a letter dated October 26, 2004, and on behalf of Toyota Motor Corporation (TMC), Toyota Motor North America, Inc. (TMNA) notified NHTSA of a foreign safety recall involving fatigue cracks in the steering relay rod on foreign market Hilux and Hilux Surf vehicles manufactured from December 14, 1988 through May 31, 1996. TMC identified these vehicles as being substantially similar to Toyota's 4Runner and Truck vehicles sold in the U.S.-market. TMC stated that it was not recalling these U.S. vehicles because it believed that, in addition to differing steering linkage designs, certain unique operating conditions present in Japan caused the cracking. Almost one year later, on September 6, 2005, TMNA, and on behalf of TMC, submitted a Defect Information Report informing NHTSA that Model Year (MY) 1989-1995 Toyota 4Runner and Truck vehicles, as well as MY 1993-1998 T100 vehicles (totaling approximately 977,839 vehicles), would be recalled to address fatigue cracking in those vehicles' steering relay rods. NHTSA assigned the recall identification number 05V-389 to the recall.<sup>1</sup>

The purpose of this investigation is to determine whether Toyota's notification to NHTSA of the safety defect in the U.S.-market vehicles was timely, in compliance with applicable requirements.

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

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<sup>1</sup> By letter dated, October 19, 2005, Toyota subsequently amended Recall No. 05V-389 to expand its scope of coverage to include vehicles that were not equipped with power steering.

1. The term “Subject Component” means the Steering Relay Rod.
2. The term “Subject Recall” means the safety recall and associated campaign identified as NHTSA Recall No. 05V-389.
3. The term “Reported Defect” means fatigue cracking of the Steering Relay Rod.
4. The term “Toyota” means 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. New United Motor Manufacturing, Inc. (“NUMMI”), and with respect to motor vehicles and motor vehicle equipment that have been offered for sale, sold, or leased in a country other than the United States, Toyota Motor Corporation, including with respect to any of the foregoing within or outside of the United States, any parent corporation, any subsidiary or affiliate, or any subsidiary or affiliate of any parent corporation, 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 were involved in any way with any of the following related to steering and front suspension components:
  - 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 and/or their safety relatedness, reporting, record-keeping and information management, (e.g., complaints, field reports (includes field technical reports), warranty information, part sales), analysis, claims or lawsuits;
  - 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;
  - e. Potential or actual recalls; and
  - f. Communications with suppliers of steering and front suspension components.
5. The term “you” or “your” refers to Toyota.
6. The term “person” includes natural persons, proprietorships, partnerships, firms, corporations, federal, state, and local governments, all departments and agencies thereof, and any other governmental agencies, political subdivisions, groups, associations, or organizations, whether located in Japan, the United States, or another country.
7. The term “relate to” or “relating to” means constituting, comprising, containing, setting forth, showing, disclosing, describing, explaining, summarizing, concerning, or referring to, directly or indirectly.

8. The term “explain,” “describe in detail,” or “state in detail” mean the following:
  - a. Describe fully by reference to underlying facts rather than ultimate facts or conclusions of law or fact.
  - b. Particularize as to:
    - i. The identity of each person involved in each such event, including but not limited to persons employed by Toyota and those persons purporting to act for Toyota;
    - ii. The specific acts of each person participating in each such event;
    - iii. The date and time of each such event;
    - iv. The address and location of each such event; and
    - v. The identity of each person present during each such event.
9. To “identify” or “state the identity of” a natural person means to state his/her full name, title, office, present work address and telephone number, and the name, address and telephone number of his/her present or last known employer, if any. Once an individual has been so identified, he or she may thereafter be identified by name alone so long as reference is made to the paragraph in which the complete identity is given.
10. To “identify” or “state the identity of” a person other than a natural person means to state its full name and the present or last known address and telephone number of its headquarters. Once such a “person” has been so identified, it may thereafter be identified by name alone so long as reference is made to the paragraph in which the complete identity is given.
11. The term "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, 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 that 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.

12. 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," "notice," "property damage," "property damage claim," "rollover," "type," "warranty," "warranty adjustment," and "warranty claim," whether used in singular or plural form, have the same meaning as found in 49 CFR 579.4.
13. The singular includes the plural; the plural includes the singular. The masculine gender includes the feminine and neutral genders; and the neuter gender includes the masculine and feminine genders. "And" as well as "or" shall be construed either disjunctively or conjunctively, to bring within the scope of this Special Order all responses that might otherwise be construed to be outside its scope. "Each" shall be construed to include "every" and "every" shall be construed to include "each." "Any" shall be construed to include "all" and "all" shall be construed to include "any." The use of a verb in any tense shall be construed as the use of the verb in a past or present tense, whenever necessary to bring within the scope of the document request all responses which might otherwise be construed to be outside its scope.
14. The term "foreign" means outside of the United States.
15. The term "Japan-market" means vehicles sold in Japan.
16. The term "U.S. Market" means vehicles sold in the U.S.
17. The term "Hilux" means Japan-market Hilux vehicles manufactured from December 14, 1988 through May 31, 1996.
18. The term "Hilux Surf" means the Japan-market Hilux Surf vehicles manufactured from December 14, 1988 through May 31, 1996.

19. The term “4Runner” means the U.S.-market Model Year (MY) 1989-1995 Toyota 4Runner vehicles.
20. The term “Truck(s)” means the U.S. market MY 1989-1995 Toyota Trucks as used in communications from Toyota to NHTSA.
21. The term “T100” or “T-100” means U.S.-market MY 1993-1998 Toyota T100 Trucks.
22. The term “Subject Vehicles” refers to the 4Runner, Trucks, and T100.
23. The term “Foreign Subject Vehicles” refers to the Hilux and Hilux Surf.

In order for my staff to evaluate the reported 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 must produce it again. 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.

#### **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.

1. Separately, for each of the following categories of vehicles -- (i) the Japan-market Hilux vehicles manufactured from December 14, 1988 through May 31, 1996, (ii) the Japan-market Hilux Surf vehicles manufactured from December 14, 1988 through May 31, 1996, (iii) the U.S.-market Model Year (MY) 1989-1995 Toyota 4Runner vehicles, (iv) the U.S. market MY 1989-1995 Toyota Trucks (as the term Truck was used in the aforementioned communications from Toyota) and (v) the U.S.-market MY 1993-1998 Toyota T100 Trucks - provide the following information listed below.
  - a. State the identity of the organization that designed the steering system in general and the steering relay rod in particular, and where the organization was located (city and country);
  - b. Identify the plant(s) along with the location where the vehicles were manufactured;
  - c. State the parts number(s) for the steering relay rod for each identified category of vehicles;
  - d. Provide the specifications for the steering relay rod for each identified category of vehicles;

- e. Provide one or more exemplar drawings containing the specifications as available (e.g., a diagram may not contain metallurgical specifications or specifications related to testing) of each the steering relay rod for each identified category of vehicles;
- f. Identify the suppliers of the steering relay rods and provide the plant and location where these parts were manufactured. Please provide all specifications that were provided to and by the manufacturer of the rods;
- g. Provide the specifications that the steering relay rods actually met.

Insofar as there were changes to the steering relay rod, identify them (for example, if there was a change in part number or specification over the course of production of a vehicle over several years, provide a complete answer that indicates the initial part number and specification and applicable time period and the subsequent part number and specification and applicable time period).

2. State, by model and model year, the number of the following vehicles produced for the following markets by production or model year, as applicable:
  - a. Japan-market production year 1988-1996 Hilux vehicles;
  - b. Japan-market production year 1988-1996 Hilux Surf vehicles;
  - c. U.S.-market Model Year (MY) 1989-1995 Toyota 4Runner vehicles;
  - d. U.S.-market MY 1989-1995 Toyota Trucks as the term Truck was used in the aforementioned communications from Toyota); and
  - e. U.S.-market MY 1993 -1998 Toyota T100 Trucks.

Provide this information in a table in a Microsoft Excel 2003 (or compatible format) file titled, "PRODUCTION DATA."

3. Separately for the Hilux, Hilux Surf, 4Runner, Trucks, and T100 vehicles, state the number of each of the following, received by, or of which Toyota is otherwise aware, which relate to, or may relate to, a defect in the steering relay rod in production, *as of October 26, 2004*:
  - a. Consumer complaints, including those from fleet operators;
  - b. Field reports, including field technical reports and dealer field reports;
  - c. Reports involving a crash, injury, or fatality;
  - d. Property damage claims;
  - e. Third-party arbitration proceedings where Toyota is or was a party to the arbitration;

- f. Lawsuits, both pending and closed, in which Toyota is or was a defendant or codefendant; and
- g. Reports provided to the Ministry of Land, Infrastructure, Transport and Tourism (MLIT) of Japan and received or otherwise obtained by Toyota.
- h. Vehicle Owner questionnaires provided to the National Highway Traffic Safety Administration (U.S.) and received or otherwise obtained by Toyota.

For subparts “a” through “e” and “g” 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, its causal and contributing factors, and Toyota's assessment of the problem, with a summary of the significant underlying facts and evidence. For item “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 this information in a table in a Microsoft Excel 2003 (or a compatible format) file titled “MANUFACTURER REPORT COUNT AS OF OCTOBER 26 2004.”

- 4. Separately, for each item (e.g., complaint, report, claim, notice, or matter) within the scope of your response to Request No. 3, state the following information:
  - a. Toyota’s file number or other identifier used;
  - b. The date of receipt by Toyota (mm/dd/yyyy), and the name of the Toyota company that received it;
  - c. Date TMC was made aware of the item (mm/dd/yyyy);
  - d. Who within TMC was made aware (name, title, and office), and how;
  - e. The category of the item, as identified in Request No. 1 (i.e., a consumer complaint, field report, etc.);
  - f. Vehicle owner or fleet name (and fleet contact person), address, and telephone number;
  - g. Vehicle’s VIN;
  - h. Vehicle’s make, model and model year;

- i. Vehicle's mileage at time of incident;
- j. Incident date (mm/dd/yyyy);
- k. Report or claim date (mm/dd/yyyy);
- l. Whether a crash is alleged;
- m. Whether property damage is alleged;
- n. Number of alleged injuries, if any; and
- o. Number of alleged fatalities, if any.

Provide this information in a Microsoft Access 2003 (or a compatible format) file titled "COMPLAINT DATA AS OF OCTOBER 26, 2004."

5. Produce copies of all documents related to each item within the scope of Request No. 3. Organize the documents separately by category (i.e., consumer complaints, field reports, etc.) and describe the method Toyota used in searching and organizing the documents. For each document, identify its file number as in Request 4(a). For each document, and, if possible, electronically link the documents into the spreadsheet produced in response to Request 4.
6. State separately by model (Hilux, Hilux Surf, 4Runner, Trucks, and T100) and model year the total count for all of the following categories of claims, collectively, that were paid by Toyota *as of October 26, 2004* that related to, or may have related to, the reported defect in the steering relay rod. This includes 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 any technical service bulletin or customer satisfaction campaign. Separately, for each such claim, state the following information:
  - a. Toyota's claim number;
  - b. VIN;
  - c. Repair date (mm/dd/yyyy);
  - d. Vehicle mileage at time of repair;
  - e. Repairing dealer's or facility's name, telephone number, city and state (or prefecture) and ZIP (or mailing) code;
  - f. Labor operation number;
  - g. Problem code;



- h. Replacement part number(s) and descriptions;
- i. Concern stated by customer;
- j. Comment(s), if any, by technician(s) relating to the claim and/or repair; and
- k. Date claim was filed with Toyota (mm/dd/yyyy).

Provide the summary warranty data table electronically in a Microsoft Excel 2003 (or a compatible format) file titled "WARRANTY DATA SUMMARY AS OF OCTOBER 26, 2004." Provide the warranty data in a Microsoft Access 2003 (or a compatible format) file titled "WARRANTY DATA AS OF OCTOBER 26, 2004."

7. Describe in detail the search criteria used by Toyota to identify the claims reported in response to Request No. 6, including the labor operations, problem codes, part numbers and any other pertinent parameters used. Provide the list of all labor operations, labor operation descriptions, problem codes, and problem code descriptions applicable to the reported defect in the Hilux, Hilux Surf, 4Runner, Trucks, and T100 vehicles. State, by make and model year, the terms of the new vehicle warranty coverage offered by Toyota on the Hilux, Hilux Surf, 4Runner, Trucks, and T100 vehicles (i.e., the number of months and mileage for which coverage is provided and the vehicle systems that are covered). Describe any extended warranty coverage option(s) related to the reported defect that Toyota offered for the Hilux, Hilux Surf, 4Runner, Trucks, and T100 vehicles and state by option, model, and model year, the number of vehicles that are covered under each such extended warranty.
8. Produce copies of all service, warranty, and other documents that relate to, or may relate to, a defect in the steering relay rod in production the Hilux, Hilux Surf, 4Runner, Trucks, and T100 vehicles up to and including October 26, 2004, that Toyota issued to any dealers, regional, or zone offices, field offices, fleet purchasers, or other entities. This includes, but is not limited to, bulletins, advisories, informational documents, training documents, or other documents or communications, with the exception of standard shop manuals.
9. Describe all assessments, analyses, tests, test results, studies, surveys, simulations, investigations, inquiries, and/or evaluations (collectively "actions") that relate to or may relate to a potential or actual defect in the steering relay rod in the Hilux, Hilux Surf, 4Runner, Trucks, and T100 vehicles up to and including October 26, 2004, that were conducted or were being conducted by, or for, Toyota. This request includes any and all vehicle inspections and their associated reports and documents related to vehicles involved and identified in response to Request No. 3. For each such action, provide the following information:
  - a. Action title or identifier;
  - b. The actual start date;
  - c. The actual end date;

- d. Brief summary of the subject and objective of the action;
- e. Engineering group(s)/supplier(s) responsible for designing and for conducting the action; and
- f. A brief summary of the findings and/or conclusions resulting from the action.

For each action identified, 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. For documents related to vehicle inspections related to vehicles involved and identified in response to Request No. 3, identify the Toyota file number identified in Request No. 4(a) associated with that vehicle. If it chooses, Toyota may produce and electronically link copies of these vehicle inspection documents with its Response to Request No. 5.

10. Describe all modifications or changes made by, or on behalf of, Toyota in the design, material composition, manufacture, quality control, supply, certification, or installation of the steering relay rod in or for the Hilux, Hilux Surf, 4Runner, Trucks, and T100 vehicles, from the start of production to date of steering relay rods for those vehicles, which relate to, or may relate to, the reported defect in the Hilux, Hilux Surf, 4Runner, Trucks, and T100 vehicles, or the subject recall. For each such modification or change, provide the following information:

- a. The date or approximate date on which the modification or change was incorporated into vehicle production;
- b. A detailed description of the modification or change;
- c. The reason(s) for the modification or change;
- d. The justification for the change;
- e. The part numbers (service and engineering) of the original component;
- f. The part numbers (service and engineering) of the modified component;
- g. Whether the original unmodified component was withdrawn from production and/or sale, and if so, when;
- h. When the modified component was made available as a service component;
- i. Whether the modified component can be interchanged with earlier production components; and
- j. Whether the modification or change was incorporated into the recalled versions of the Hilux or Hilux Sport vehicles and, if so, when.

11. State whether Toyota had a program that involved the inspection or testing of steering relay rods removed from Hilux, Hilux Surf, 4Runner, Trucks, and T100 vehicles in the course of the recall of those vehicles referred to in the letter dated October 26, 2004. If Toyota's answer is in the affirmative:
  - a. Describe the program in detail, including but not limited to the numbers or percentage of rods to be inspected and tested, the sampling methodology, and the inspection and/or testing protocol;
  - b. State whether Toyota generated or received reports on the inspection or testing of the relay rods before the inspection or testing program was completed;
  - c. State in detail the results of the program;
  - d. State in detail what, if anything, Toyota learned from any examinations, analyses, or tests it may have conducted on the steering relay rods installed on the Hilux and Hilux Surf vehicles it recalled in Japan; and
  - e. Produce copies of all documents, in chronological order, summarizing the results of the program, including interim reports and test results generated or received before the inspection or testing program was completed.
12. Separately for the Hilux, Hilux Surf, 4Runner, Trucks, and T100 vehicles as of *September 6, 2005*, except that those identified in your response to Request No. 3 above shall *not* be repeated in response to this information request and provided further that this information request does not include steering relay rods that were installed in vehicles in the course of the recall in Japan referred to in the October 26, 2004 letter, state the number, by model and model year, of each of the following, received by, or of which Toyota is otherwise aware, which relate to, or may relate to, a defect in the steering relay rod in the vehicles:
  - a. Consumer complaints, including those from fleet operators;
  - b. Field reports, including field technical reports and dealer field reports;
  - c. Reports involving a crash, injury, or fatality;
  - d. Property damage claims;
  - e. Third-party arbitration proceedings where Toyota is or was a party to the arbitration;
  - f. Lawsuits, both pending and closed, in which Toyota is or was a defendant or codefendant;
  - g. Reports provided to the Ministry of Land, Infrastructure, Transport and Tourism ("MLIT") of Japan and received or otherwise obtained by Toyota; and

- h. Vehicle Owner questionnaires provided to the National Highway Traffic Safety Administration (U.S.) and received or otherwise obtained by Toyota.

For subparts “a” through “e” and “g” 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, its causal and contributing factors, and Toyota's assessment of the problem, with a summary of the significant underlying facts and evidence. For item “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 this information in a table in a Microsoft Excel 2003 (or a compatible format) file titled “ALL VEHICLES - MANUFACTURER REPORT COUNT AS OF SEPTEMBER 6, 2005.”

13. Separately, for each item (e.g., complaint, report, claim, notice, or matter) within the scope of your response to Request No. 12, state the following information:

- a. Toyota’s file number or other identifier used;
- b. The date of receipt by Toyota (mm/dd/yyyy), and the name of the Toyota company that received it;
- c. Date Toyota was made aware of the item (mm/dd/yyyy);
- d. The name of the individual(s) within Toyota that were made aware (name, title, and office), and how;
- e. The category of the item, as identified in Request No. 1 (i.e., a consumer complaint, field report, etc.);
- f. Vehicle owner or fleet name (and fleet contact person), address, and telephone number;
- g. Vehicle’s VIN;
- h. Vehicle’s make, model and model year;
- i. Vehicle’s mileage at time of incident;
- j. Incident date (mm/dd/yyyy);
- k. Report or claim date (mm/dd/yyyy);

- l. Whether a crash is alleged;
- m. Whether property damage is alleged; and
- n. Number of alleged injuries, if any; and number of alleged fatalities, if any.

Provide this information in a Microsoft Access 2003 (or a compatible format) file titled "ALL VEHICLES - COMPLAINT DATA AS OF SEPTEMBER 6, 2005."

- 14. Produce copies of all documents related to each item within the scope of Request No. 12. Organize the documents separately by category (i.e., consumer complaints, field reports, etc.) and describe the method Toyota used in searching and organizing the documents. For each document, identify its file number as in Request 13(a) and, if possible, electronically link the documents into the spreadsheet produced in response to Request 13.
- 15. State, by model and model year, for the Hilux, Hilux Surf, 4Runner, Trucks, and T100 vehicles, the total count for all of the following categories of claims, collectively, that were paid by Toyota *as of September 6, 2005* that related to, or may have related to, the defect in the steering relay rod in those vehicles: warranty claims; extended warranty claims; claims for good will services that were provided; field, zone, or similar adjustments and reimbursements; and warranty claims or repairs made in accordance with a procedure specified in any technical service bulletin or customer satisfaction campaign, except do *not* include in your answer those identified in response to Request No. 6, above. Separately, for each such claim, state the following information:
  - a. Toyota's claim number;
  - b. VIN;
  - c. Repair date (mm/dd/yyyy);
  - d. Vehicle mileage at time of repair;
  - e. Repairing dealer's or facility's name, telephone number, city and state or ZIP code;
  - f. Labor operation number;
  - g. Problem code;
  - h. Replacement part number(s) and descriptions;
  - i. Concern stated by customer;
  - j. Comment(s), if any, by technician(s) relating to the claim and/or repair; and
  - k. Date claim was filed with Toyota (mm/dd/yyyy).

Provide the summary warranty data table electronically in a Microsoft Excel 2003 (or a compatible format) file titled "ALL VEHICLES - WARRANTY DATA SUMMARY AS OF SEPTEMBER 6, 2005." Provide the warranty data in a Microsoft Access 2003 (or a compatible format) file titled "ALL VEHICLES - WARRANTY DATA AS OF SEPTEMBER 6, 2005."

16. Describe in detail the search criteria used by Toyota to identify the claims reported in response to Request No. 15, including the labor operations, problem codes, part numbers and any other pertinent parameters used. Provide the list of all labor operations, labor operation descriptions, problem codes, and problem code descriptions applicable to the reported defect in the Hilux, Hilux Surf, 4Runner, Trucks, and T100 vehicles. State, by make and model year, the terms of the new vehicle warranty coverage offered by Toyota on the Hilux, Hilux Surf, 4Runner, Trucks, and T100 vehicles (i.e., the number of months and mileage for which coverage is provided and the vehicle systems that are covered). Describe any extended warranty coverage option(s) related to the reported defect that Toyota offered for the Hilux, Hilux Surf, 4Runner, Trucks, and T100 vehicles and state by option, model, and model year, the number of vehicles that are covered under each such extended warranty.
17. Produce copies, in chronological order, of all service, warranty, and other documents that relate to, or may relate to, a defect in the steering relay rod in production year Hilux, Hilux Surf, 4Runner, Trucks, and T100 vehicles up to and including *September 6, 2005*, that Toyota has issued to any dealers, regional, or zone offices, field offices, fleet purchasers, or other entities. This includes, but is not limited to, bulletins, advisories, informational documents, training documents, or other documents or communications, with the exception of standard shop manuals. This does not include documents produced in response to Request No. 8, above.
18. Describe all assessments, analyses, tests, test results, studies, surveys, simulations, investigations, inquiries, and/or evaluations (collectively "actions") that relate to or may relate to a potential or actual defect in the steering relay rod in the Hilux, Hilux Surf, 4Runner, Trucks, and T100 vehicles, up to and including *September 6, 2005* that were conducted or were being conducted by, or for, Toyota. This request includes any and all vehicle inspections and their associated reports and documents related to vehicles involved and identified in response to Request No. 12. For each such action, provide the following information:
  - a. Action title or identifier;
  - b. The actual start date;
  - c. The actual end date;
  - d. Brief summary of the subject and objective of the action;

- e. Engineering group(s)/supplier(s) responsible for designing and for conducting the action; and
- f. A brief summary of the findings and/or conclusions resulting from the action.

For each action identified, provide copies of all documents related to the action, regardless of whether the documents are in interim, draft, or final form. Organize the documents chronologically by action. For documents related to vehicle inspections related to vehicles involved and identified in response to Request No. 12, identify the Toyota file number identified in Request No. 13(a) associated with that vehicle. If it chooses, Toyota may produce and electronically link copies of these vehicle inspection documents with its Response to Request No. 14.

This information request does not include information provided and documents produced in response to Request No. 9 above.

19. Describe all modifications or changes made by, or on behalf of, Toyota in the design, material composition, manufacture, quality control, supply, certification, or installation of the steering relay rod in or for the Hilux, Hilux Surf, 4Runner, Trucks, and T100 vehicles, from the start of production to date, which relate to, or may relate to, the reported defect in these vehicles. For each such modification or change, provide the following information:
  - a. The date or approximate date on which the modification or change was incorporated into vehicle production;
  - b. A detailed description of the modification or change;
  - c. The reason(s) for the modification or change;
  - d. The justification for the change;
  - e. The part numbers (service and engineering) of the original component;
  - f. The part numbers (service and engineering) of the modified component;
  - g. Whether the original unmodified component was withdrawn from production and/or sale, and if so, when;
  - h. When the modified component was made available as a service component;
  - i. Whether the modified component can be interchanged with earlier production components; and
  - j. Whether the modification or change was incorporated into the recalled versions of the Hilux or Hilux Sport vehicles and, if so, when.

This information request does not include information provided and documents produced in response to Request No. 10 above.

20. Apart from the side of the road on which the vehicle is driven and the driver's side of vehicles and associated differences, state whether up to and including October 26, 2004, Toyota had adopted the position, policy or view that operating conditions in Japan and the United States are different. If Toyota's answer is in the affirmative, state:
  - a. The name, position, and office of the employee(s) that adopted this position or policy or view and when;
  - b. Describe all operating conditions that were included within the phrase "unique operation conditions" as used in Toyota's letter to NHTSA on October 26, 2004;
  - c. Identify all differences between operating conditions in Japan and the United States as they relate to steering;
  - d. Identify all differences in the design relating to steering between (a) production year 1988 through 1996 Hilux and Hilux Surf vehicles and (b) MY 1989-1995 Toyota 4Runners and Toyota Trucks and MY 1993-1998 Toyota T100 Trucks that reflect this difference(s) in operating conditions in Japan and the United States; and
  - e. Produce all documents pertaining to design of the referenced vehicles dated between 1986 and 2006 that refer to these differences in operating conditions in Japan and the United States.
21. Identify and produce all data and documents, including surveys, testing, and studies, in Toyota's possession that, as of October 26, 2004, related to Toyota's assertion that certain unique operating conditions present in Japan "greatly affect[ed]" the occurrence of the fatigue cracking in the steering relay rods in the recalled Hilux and Hilux Surf vehicles. Provide the documents in chronological order.
22. State and explain all of the reasons for Toyota's contention, as of October 26, 2004, that the different steering linkage design between the right-hand drive vehicles and the left-hand drive vehicles affects the occurrence of the fatigue cracks in the steering relay rods in the Hilux and Hilux Surf vehicles, but not the 4Runners, Trucks and T100 vehicles. Produce any and all data and documents, in chronological order, that relate to the answer to this question.
23. Describe in detail each difference and similarity between the steering systems and parts and related systems and parts in the (a) Hilux and Hilux Surf vehicles and (b) 4Runners, Trucks, and T100 vehicles, as assessed by Toyota as of October 26, 2004.
24. State the date(s) on which TMC made the decision to recall the Hilux and Hilux Surf for the steering relay rod defect. State the date(s) on which TMC officially issued the decision that



resulted in the MLIT of Japan Recall No. 1281. Provide all documents, in chronological order, that reflect or could reflect this decision by TMC.

25. As to the recall of the Japan-market Hilux and Hilux Surf regarding the steering relay rod, Toyota stated in its October 26, 2004 letter to NHTSA that it had received "field information" from the Japanese market (without describing that information), but received no similar information from the U.S. market. Answer the following questions:
- a. Describe all the "field information" in the Japanese market considered as of October 26, 2004.
  - b. Describe with particularity the "field information" found in the Japanese market that indicated that a recall of Hilux and Hilux Surf vehicles was warranted.
  - c. Produce a copy of the information referred to in your response to "b" immediately above.
  - d. Describe and provide a copy of any and all inquiries TMC made to obtain information from or about the U.S. market regarding failures with the steering relay rod occurring in U.S.-market vehicles, including all inquiries from TMC to TMNA and the corporate entities under it and information provided to TMC.
  - e. Describe all the "field information" in the U.S.-market relating to steering relay rods in 4Runner, T100 and Trucks that Toyota considered as of October 26, 2004.
  - f. Describe with particularity the "field information" Toyota considered in the U.S.-market that to that corresponds with your response to "b" above.
  - g. Produce a copy of the information referred to in your response to "e" immediately above.
26. Describe in detail the unique operating conditions, i.e. frequent standing full lock turns, narrow parking spaces, and close quarters maneuvering, that Toyota relied on in its decision to not recall the U.S.-market 4Runner, Truck, and T100 vehicles simultaneously with their Japan-market counterparts (i.e. Hilux and Hilux Surf).
27. Toyota stated in its September 6, 2005, Defect Information Report sent to NHTSA that it had investigated Toyota models that had a similar steering linkage to the recalled Hilux and Hilux Surf. The T100 was identified as one such vehicle and that it received "some similar field information" was confirmed by Toyota. Answer the following questions:
- a. Describe and explain all facts that prompted Toyota's review and/or investigation of the T100 and produce all documents related to the company's decision to initiate an investigation of the T100.

- b. Describe in detail how the steering linkage in the T100 is similar to the linkage found in the Japan-market Hilux/Hilux Surf vehicles and the U.S.-market 4Runner and Truck vehicles.
- c. Explain in detail what Toyota meant when it stated that it found "some similar field information" by describing with particularity any field information it found and how that information compared with any field information in Japan.
- d. Identify and describe in detail all the "similar field information" referred to by Toyota in its September 6, 2005 letter to NHTSA.
- e. Produce a copy of all the "similar field information" referred to by Toyota in its September 6, 2005 letter to NHTSA.
- f. Identify and describe all information that Toyota had as of September 6, 2005 that it did not have as of October 26, 2004, relating to whether a potential or actual defect existed in the steering relay rod of the 4Runner, Trucks and T100 vehicles. Produce all such documents.
- g. Apart from the "similar field information" referred to, identify all the other information that Toyota considered on or before October 26, 2004 with respect to and when it stated its decision not to recall the U.S. vehicles identified in its October 26, 2004 letter. Summarize any assessment of this information by Toyota and produce a copy of any such assessment.
- h. State the reasons why Toyota, when it notified NHTSA in its October 26, 2004 letter of the Hilux and Hilux Surf foreign recall and identified the 4Runner and Truck as similar vehicles, did not also include the T100 as a model sharing a similar steering linkage or problem similar to that in the recalled Hilux and Hilux Sport vehicles.

Produce all documents, in chronological order, related to the subject matter of the question above.

28. Toyota stated in its September 6, 2005, Defect Information Report sent to NHTSA that Toyota conducted an investigation into Toyota models with similar steering linkage as the Hilux and Hilux Surf. Toyota also stated that TMC's production records indicated that the steering relay rod manufactured for foreign market 4Runners and Trucks was modified in 1996 for productivity improvement as well as durability. Answer the following questions:
- a. Describe and explain all durability and productivity improvement issues to which Toyota referred in its September 6, 2005 letter to NHTSA.
  - b. Identify and explain the modifications that Toyota made (if different from item "a" above) to the 4Runners and Trucks which Toyota referred in its September 6, 2005 letter to NHTSA.

- c. Describe in detail the causes or reasons for those improvements described in Toyota's September 6, 2005 letter and whether those improvements were made in response to field failures, complaints, or other incidents.
- d. State the reasons why those same modifications were not also made for their U.S.-market counterparts, including the T100, in 1996.
- e. Describe in detail the program employed by Toyota (as referenced in its September 6, 2005 letter) to recover steering relay rods and provide all documentation related to the company's efforts in recovering these components.

Provide all documents, in chronological order, related to the subject matter of the question above.

29. Toyota stated in its September 6, 2005, Defect Information Report sent to NHTSA, that "all recovered relay rods containing cracks were manufactured before the production modifications." Answer the following questions:

- a. State to which modifications Toyota is referring, and what Toyota meant when it refers to recovered relay rods.
- b. Describe in detail the program employed by Toyota (as referenced in its September 6, 2005 letter) to recover steering relay rods and provide all documentation related to the company's efforts in recovering these components.

Produce all documents, in chronological order, related to the subject matter of the question above.

30. Toyota stated in its September 6, 2005, Defect Information Report sent to NHTSA that it had confirmed the durability of the current supply parts for the T100. Answer the following questions:

- a. Describe in detail all facts that prompted Toyota's review and/or investigation of the T100 and produce all documents related to the company's decision to initiate an investigation of the T100.
- b. Describe in detail all durability and productivity improvement issues to which Toyota referred in its September 6, 2005 letter to NHTSA that led to Toyota's decision to modify 4Runners and Trucks but not to modify the T100.
- c. State in clear terms what Toyota means by "current" (e.g., as of XYZ date)
- d. Describe with particularity when and how Toyota confirmed the durability of these parts. Summarize all results of surveys, studies, testing, assessments, or analyses.

Provide all documents, in chronological order, related to the subject matter of the question above.

31. With regard to the remedy in NHTSA Recall No. 05V-389, state:

- a. What organization within Toyota had been assigned responsibility to develop what ultimately became that remedy;
- b. When that organization was assigned responsibility to develop what ultimately became that remedy;
- c. When the conceptual remedy of what ultimately was identified as the remedy was identified;
- d. The identities of all persons involved in developing the conceptual remedy for what ultimately became that remedy and each person's role in the development;
- e. When the remedy was finalized for testing purposes;
- f. When the remedy was tested;
- g. When the formulation of the remedy was completed;
- h. When supplier(s) were informed, tentatively, of likely needed parts for the remedy, when parts were priced, and when parts were actually ordered for the remedy; and
- i. The names of the suppliers for the remedy and what each supplier provided.

32. 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 an issue, problem or defect related to steering relay rod on the Hilux, Hilux Surf, 4Runner, Trucks, and T100 vehicles was discussed including but not limited to the incidents themselves, safety-relatedness of the steering relay rods, and changes to the steering relay rods including conditions and changes in some markets (e.g., Japan) but not others (e.g., the United States), state the approximate date on which such communication or meeting was held; state 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, in chronological order, of any documents considered, reviewed, consulted, produced as a result, or otherwise used during each communication or meeting.

33. With regard to each and every communication, correspondence or notification between Toyota and any other person or entity not identified in your response to the immediately above information request concerning the existence of an issue, problem or defect in the Hilux, Hilux Surf, 4Runner, Trucks, and T100 vehicles related to the steering relay rod, to the extent not included in your response to the immediately above information request, state the approximate date on which each such communication, correspondence or notification was sent; identify the author and recipient of any document; and provide a detailed summary of

each communication, correspondence or notification. Identify and produce copies, in chronological order, of any documents considered, reviewed, consulted, produced as a result, or otherwise used, during each communication, correspondence, or notification.

34. Produce, in chronological order, all documents amounting to or referring to communications between Toyota and supplier(s) of steering relay rods to Toyota identified in Toyota's September 6, 2005 Part 573 report for Recall 05V-389.
35. Produce copies of any and all documents TMC submitted to the MLIT of Japan regarding the adequacy of Toyota's actions related to the Hilux and Hilux Surf vehicles' steering relay rod that led or could have led to MLIT documents Kokujishin Nos. 557 (issued July 13, 2006) and 597 (issued July 21, 2006).
36. Produce copies of any and all documents TMC submitted to police and/or prosecutorial authorities in Kumamoto Prefecture regarding: a) Toyota's actions related to alleged steering relay rod problems with Japan-market Hilux and Hilux Surf vehicles and b) the adequacy of Toyota's response(s) to those allegations.
37. Produce any and all documents TMC received from the MLIT of Japan regarding its investigation or conclusions concerning the adequacy of Toyota's actions related to the Hilux and Hilux Surf vehicles' steering relay rod.
38. Produce any and all documents TMC received from the police and/or prosecutorial authorities in Kumamoto Prefecture regarding: a) Toyota's actions related to alleged steering relay rod problems with Japan-market Hilux and Hilux Surf vehicles and b) the adequacy of Toyota's response(s) to those allegations.
39. Produce a true and accurate copy of any and all documents provided to Toyota during discovery in *Michael Stewart, et. al. v. Toyota Motor North America, et. al.*, No. BC407415 (Los Angeles Superior Court, filed February 10, 2009).
40. Produce a true and accurate copy of any and all documents provided by Toyota during discovery in *Michael Stewart, et. al. v. Toyota Motor North America, et. al.*, No. BC407415 (Los Angeles Superior Court, filed February 10, 2009).
41. Produce a true and accurate copy of any and all deposition transcripts in *Michael Stewart, et. al. v. Toyota Motor North America, et. al.*, No. BC407415 (Los Angeles Superior Court, filed February 10, 2009).
42. Produce a true and accurate copy of any and all interrogatory answers provided by Toyota in *Michael Stewart, et. al. v. Toyota Motor North America, et. al.*, No. BC407415 (Los Angeles Superior Court, filed February 10, 2009).
43. Separately, for each and every consumer's complaint or customer contact detail provided in discovery to plaintiffs in *Michael Stewart, et. al. v. Toyota Motor North America, et. al.*, No. BC407415 (Los Angeles Superior Court, filed February 10, 2009), state the following information in narrative form:
  - a. The date on which Toyota first received the consumer's complaint;
  - b. The model year of the vehicle and vehicle involved;

- c. Whether Toyota assessed the complaint;
  - d. If Toyota assessed the complaint, list each and every step or action Toyota took in assessing the complaint, including, but not limited to (as applicable), visual inspection by Toyota, preparation of a field technical report, a dealer assessment communicated to Toyota, a paper review, and communications with the consumers or their mechanics;
  - e. The date on which Toyota concluded its review or action on the consumer's complaint;
  - f. Toyota's response to the consumer, including information on whether the complaint was resolved, whether Toyota expended any amount of money to resolve the complaint, and whether Toyota repaired or paid to repair any parts on the consumer's vehicle; and
  - g. Whether the complaint was communicated to NHTSA from Toyota. If the answer is in the affirmative, please identify the date and manner in which it was communicated.
44. Separately, with regard to Toyota's response to each information request above, identify each person who provided information regarding the response.
45. Separately, with regard to Toyota's response to each information requests above, identify each document considered or relied upon by Toyota in formulating its response, or otherwise.

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.)

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, 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.

All documents must be bates stamped unless they are to be provided in Microsoft Access or Microsoft Excel format. This includes documentation that Toyota links electronically to any of the spreadsheets it produces in response to these requests. Unless otherwise stated, please provide documents in chronological order.

Toyota's response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office by **June 14, 2010**. Please refer to TQ 10-004 in Toyota's response to 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 me at (202) 366-5210 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 constitutes 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-111), 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 (except 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 Jennifer Timian of my staff at (202) 366-0209. Please direct all legal questions to Zachary Dunlap in the Office of Chief Counsel at (202) 366-5263.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel C. Smith", written over a horizontal line.

Daniel C. Smith  
Associate Administrator  
for Enforcement