

**INFORMATION Redacted PURSUANT TO THE FREEDOM OF
INFORMATION ACT (FOIA), 5 U.S.C. 552(B)(6)**

JAN 19 2011

The Honorable Bill Nelson
United States Senate
Washington, DC 20510

NVS-216 nlm
Ref. No. 10319812

Dear Senator Nelson:

Thank you for your correspondence on behalf of your constituent, [REDACTED]
[REDACTED] wrote concerning his model year (MY) 2004 Lexus ES330.

The National Highway Traffic Administration (NHTSA) is the Federal agency responsible for improving safety on our Nation's highways. We are authorized to order manufacturers to recall and repair vehicles or items of motor vehicle equipment when our investigations indicate that they contain safety defects in their design, construction, or performance. However, we cannot act on isolated problems or resolve disputes between individual owners, dealers, or manufacturers.

We appreciate the report you provided. Reports from motorists are a very important source of information for us. We received [REDACTED] previous correspondence dated February 10, March 12, May 29, and July 1. We regret any inconvenience our delay in responding may have caused your constituent. [REDACTED] indicated in his letters that his MY 2004 Lexus ES330 crashed into a guardrail after slight brake application which caused the vehicle's wheels to lock up. The vehicle was taken to a Toyota dealer for a diagnostic test which confirmed that the internal computer was working properly; however, the test did not provide any information into the cause of the crash. [REDACTED] contacted Toyota several times requesting that a road test be conducted to determine the safety of the vehicle, however his requests have gone unanswered.

We have reviewed our database in an effort to identify whether a safety defect trend exists with regard to brake problems in MY 2004 Lexus ES330 vehicles. At this time, there is insufficient evidence to warrant opening a safety defect investigation. A brochure explaining the

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investigation process is enclosed for [REDACTED] information; or he may visit our web site at: <http://www-odi.nhtsa.dot.gov/cars/problems/recalls/recallprocess.cfm>. The information [REDACTED] provided has been entered into our database. It will be considered with future reports to identify any safety defect trends that may require our attention.

I hope this is information helpful. If you have any questions, please have your staff contact me or Mr. Daniel C. Smith, Associate Administrator for Enforcement, at (202) 366-3217.

Sincerely yours,

Original Signed By

Chan D. Lieu
Director, Governmental Affairs,
Policy and Strategic Planning

Enclosure

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NHTSA: NVS-210: Consumer Response

NVS-216: Ms. Mcknight ext: 6-5844

NHTSA Control No. ES10-005695

ODI Control No. 10319812

Draft: 9/16/2010 nlm

Revised:

Final: 9/20/2010 nlm

cc:

NEC-110, NIA-110

NVS-200, NVS-216

NVS-010, NOA-010, NOA02

Subject/Chron/Optical Disk/CRD

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