

TOYOTA

TOYOTA MOTOR NORTH AMERICA, INC.

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12/19/07
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December 14, 2007

Mr. Thomas Z. Cooper
Chief – Vehicle Integrity Division
Office of Defects Investigation, Room W48-314
National Highway Traffic Safety Administration
1200 New Jersey Ave., SE
Washington, DC 20590

Re: NVS-212cag; PE07-049

Dear Mr. Cooper:

This letter is being sent in response to your October 12, 2007 letter regarding PE07-049. Enclosed you will find two copies of this response. Per our agreement, we are submitting this partial response to your inquiry, with the remainder to be submitted on January 11, 2008. Should you have any questions about this response, please contact Mr. Chris Santucci of my staff at (202) 775-1707.

Sincerely,



Chris Tinto
Vice President
TOYOTA MOTOR NORTH AMERICA, INC.

CT:cs
Enclosure

New United Motor Manufacturing, Inc. (NUMMI) is the joint venture of General Motors Corporation and Toyota Motor Corporation. Established in Fremont, California, in 1984, NUMMI manufactures the Pontiac Vibe and sells it to GM and GM sells it to Pontiac dealers. Toyota, in consultation with GM and NUMMI, is responsible for responding to NHTSA inquiries relating to the subject vehicles. As such, this response has been collected by, and is being sent to your office by Toyota. Because GM, NUMMI and Toyota maintain different portions of the data responsive to this inquiry, this response includes data provided by each company, as is noted in the response to the individual inquiry number. For example, since GM provides the new vehicle warranty on the subject vehicles to retail purchasers, GM will provide the data responsive to requests in the inquiry regarding warranty claims, and this will be noted in the response to the appropriate inquiry number.

1. State, by model and model year, the number of the subject vehicles NUMMI has manufactured for sale or lease in the United States. Separately, for each subject vehicle manufactured to date by NUMMI, state the following:
 - a. Vehicle identification number (VIN);
 - b. Make;
 - c. Model;
 - d. Model Year;
 - e. Date of manufacture;
 - f. Date warranty coverage commenced; 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 2000, or a compatible format, entitled "PRODUCTION DATA."

Response 1

Based on GM's records and information, the number of subject vehicles produced for sale or lease in the United States by make, model and model year in Table 1 below:

Make/Model	2003 MY	2004 MY	Total
Pontiac Vibe	65,535	57,058	122,593

TABLE 1: VEHICLE PRODUCTION

The production information requested in 1a-1g is provided on the ATT_1 CD-ROM in the folder labeled Q_01; refer to the Microsoft Access 2000 file labeled, "Production Data." GM is providing the state where the vehicle was shipped in response to request 1g. For some of the subject vehicles, which have incomplete warranty files, the GM warranty system does not contain a warranty start date or state where the vehicle was shipped and, therefore, these fields are blank in Microsoft Access 2000 file. This information was collected on October 16, 2007.

2. State the number of each of the following, received by NUMMI, or of which NUMMI is otherwise aware, which relate to, or may relate to, the alleged defect in the subject vehicles:
 - a. Consumer complaints, including those from fleet operators;
 - b. Field reports, including dealer field reports;
 - c. Reports involving a crash, injury, or fatality, based on claims against the manufacturer involving a death or injury, notices received by the manufacturer alleging or proving that a death or injury was caused by a possible defect in a subject vehicle, property damage claims, consumer complaints, or field reports;
 - d. Reports involving a fire, based on claims against the manufacturer involving a death or injury, notices received by the manufacturer alleging or proving that a death or injury was caused by a possible defect in a subject vehicle, property damage claims, consumer complaints, or field reports;
 - e. Property damage claims;
 - f. Third-party arbitration proceedings where NUMMI is or was a party to the arbitration; and
 - g. Lawsuits, both pending and closed, in which NUMMI is or was a defendant or codefendant.

For subparts "a" through "e," 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 "g," provide a summary description of the alleged problem and causal and contributing factors and NUMMI's assessment of the problem, with a summary of the significant underlying facts and evidence. For items "d" through "g," 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.

Response 2

General Motors searched the databases summarized in table 2-3 and provided cases related to front door window glass and its operation. Toyota has reviewed these cases and is including those that may be related to the alleged defect. The data has been separated into 2 tables. Table 2-1 lists those reports where there was a clear indication of broken glass and Table 2-2 lists those reports where there was no indication of broken glass.

TYPE OF REPORT	GM REPORTS	SUBCATEGORIES				
		CORRESPONDING TO NHTSA REPORTS	NUMBER WITH PROPERTY DAMAGE	NUMBER WITH CRASH	NUMBER WITH INJURIES/FATALITIES	NUMBER WITH FIRES
Owner Report	96	3	0	0	10	0
Field Reports	16	0	0	0	0	0
Not-in-Suit Claims	1	0	0	0	1	0
Subrogation Claims	0	0	0	0	0	0
Third Party Arbitration proceedings	0	0	0	0	0	0
Product Liability Lawsuits	0	0	0	0	0	0
Total Reports (Including Duplicates)	113	3	0	0	11	0
Total Vehicles with Reports (Unique VIN)	107	3	0	0	11	0

TABLE 2-1: REPORTS THAT INDICATE BROKEN GLASS

TYPE OF REPORT	GM REPORTS	SUBCATEGORIES				
		CORRESPONDING TO NHTSA REPORTS	NUMBER WITH PROPERTY DAMAGE	NUMBER WITH CRASH	NUMBER WITH INJURIES/FATALITIES	NUMBER WITH FIRES
Owner Report	0	0	0	0	0	0
Field Reports	100	0	0	0	0	0
Not-in-Suit Claims	0	0	0	0	0	0
Subrogation Claims	0	0	0	0	0	0
Third Party Arbitration proceedings	0	0	0	0	0	0
Product Liability Lawsuits	0	0	0	0	0	0
Total Reports (Including Duplicates)	100	0	0	0	0	0
Total Vehicles with Reports (Unique VIN)	100	0	0	0	0	0

TABLE 2-2: REPORTS THAT INDICATE NO BROKEN GLASS

The data sources searched are shown in Table 2-3.

SOURCE SYSTEM	LAST DATE GATHERED ('03-'04 MY)	LAST DATE GATHERED ('05 MY)
GM Customer Assistance Center	October 24, 2007	November 12, 2007
GM Technical Assistance Center	October 30, 2007	November 13, 2007
GM Early Quality Feedback (EQF)	October 16, 2007	October 16, 2007
GM Field Information Network Database (FIND)	October 19, 2007	November 8, 2007
GM Field Product Report Database (FPRD)	October 19, 2007	November 8, 2007
GM Company Vehicle Evaluation Program (CVEP)	October 16, 2007	October 16, 2007
GM Captured Test Fleet (CTF)	October 16, 2007	October 16, 2007
GM--Legal/Employee Self Insured Services (ESIS)	October 24, 2007	October 24, 2007

TABLE 2-3: DATA SOURCES

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. NUMMI'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. Vehicle owner or fleet name (and fleet contact person), address, and telephone number;
 - d. Vehicle's VIN;
 - e. Vehicle's make, model and model year;
 - f. Vehicle's mileage at time of incident;
 - g. Incident date;
 - h. Report or claim date;
 - i. Whether a crash is alleged;
 - j. Whether a fire is alleged;
 - k. Whether property damage is alleged;
 - l. Number of alleged injuries, if any; and
 - m. Type and/or location of the injury (i.e. cuts/abrasions to the arms, legs, etc.), if any; and
 - n. Number of alleged fatalities, if any.

Provide this information in Microsoft Access 2000, or a compatible format, entitled "REQUEST NUMBER TWO DATA."

Response 3

The requested information is provided on the ATT_1 disk in the folder labeled Q_03; please refer to the Microsoft Access 2000 file labeled, "COMPLAINT DATA." Some incident reports may not contain sufficient reliable information to accurately answer all parts of question3.

4. Produce copies of all documents related to each item within the scope of Request No. 2. Organize the documents separately by category (i.e., consumer complaints, field reports, etc.) and describe the method NUMMI used for organizing the documents.

Response 4

Copies of the records summarized in Table 2-1 and Table 2-2 are on the disk labeled ATT_1 embedded in the folder labeled Q_03; please refer to the Microsoft Access 2000 files labeled "COMPLAINT DATA." GM has organized the records by the GM file number within each attachment.

5. State, by model and model year, a total count for all of the following categories of claims, collectively, that have been paid by NUMMI to date that relate to, or may relate to, the alleged defect in the subject 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 a technical service bulletin or customer satisfaction campaign.

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

- a. NUMMI'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. Concern stated by customer; and
- k. 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."

Response 5

Toyota will respond to this inquiry on January 11, 2008.

6. Describe in detail the search criteria used by NUMMI to identify the claims identified in response to Request No. 5, including the labor operations, problem codes, part numbers and any other pertinent parameters used. Provide a list of all labor operations, labor operation descriptions, problem codes, and problem code descriptions applicable to the alleged defect in the subject vehicles. State, by make and model year, the terms of the new vehicle warranty coverage offered by NUMMI on the subject 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) that NUMMI offered for the subject vehicles and state by option, model, and model year, the number of vehicles that are covered under each such extended warranty.

Response 6

Toyota will respond to this inquiry on January 11, 2008.

7. Produce copies of all service, warranty, and other documents that relate to, or may relate to, the alleged defect in the subject vehicles, that NUMMI 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. Also include the latest draft copy of any communication that NUMMI is planning to issue within the next 120 days.

Response 7

GM has issued the following bulletins which may relate to the alleged defect on the subject vehicle:

- Service Bulletin Document #1583826 issued 1/20/2005. Dealers were instructed to inspect the door check strap if the customer notices a thump/pop noise when closing the doors. If the check strap is hitting the door glass/regulator assembly, should replace the check strap with a new design.
- Service Bulletin Document #1682913 issued 7/11/2005. Dealers were instructed to inspect and tighten (if necessary) the regulator to glass bolts if a customer notices a snap, pop, rattle or clunk noise when operating the front door window.

GM is not planning to issue in the next 120 days, any service, warranty or other technical documents or communications to its dealers, regional offices, zone offices or other entities regarding the subject condition in the subject vehicles.

The bulletins are included on the ATT_1 disk in the folder labeled Q_07. The preceding information was collected from GM Service Operations. The data collection was completed on 10/30/2007.

8. Describe all assessments, analyses, tests, test results, studies, surveys, simulations, investigations, inquiries and/or evaluations (collectively, "actions") that relate to, or may relate to, the alleged defect in the subject vehicles that have been conducted, are being conducted, are planned, or are being planned by, or for, NUMMI. For each such action, provide the following information:
- Action title or identifier;
 - The actual or planned start date;
 - The actual or expected end date;
 - Brief summary of the subject and objective of the action;
 - Engineering group(s)/supplier(s) responsible for designing and for conducting the action; and
 - 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.

Response 8

Toyota will respond to this inquiry on January 11, 2008.

9. Describe all modifications or changes made by, or on behalf of, NUMMI in the design, material composition, manufacture, quality control, supply, or installation of the subject components, from the start of production to date, which relate to, or may relate to, the alleged defect in the subject vehicles. For each such modification or change, provide the following information:
- The date or approximate date on which the modification or change was incorporated into vehicle production;
 - A detailed description of the modification or change;
 - The reason(s) for the modification or change;
 - The part number(s) (service and engineering) of the original component;
 - The part number(s) (service and engineering) of the modified component;
 - Whether the original unmodified component was withdrawn from production and/or sale, and if so, when;
 - When the modified component was made available as a service component; and
 - Whether the modified component can be interchanged with earlier production components.

Also, provide the above information for any modification or change that NUMMI is aware of which may be incorporated into vehicle production within the next 120 days.

Response 9

Toyota will respond to this inquiry on January 11, 2008.

10. Produce one of each of the following:
- Exemplar drawings of each design version of the subject component; and,
 - Half/quarter sections drawings of the latest design version of the subject component.

Response 10

Toyota will respond to this inquiry on January 11, 2008.

11. State the number of each of the following that NUMMI has sold that may be used in the subject vehicles by component name, part number (both service and engineering/production), model and model year of the vehicle in which it is used and month/year of sale:
- Subject component; and,
 - Any kits that have been released, or developed, by NUMMI for use in service repairs to the subject component/assembly.

Response 11

Toyota will respond to this inquiry on January 11, 2008.

12. State the number similar or substantially similar vehicles NUMMI has sold that use the subject component. For each similar or substantially similar vehicle, identify:
- Vehicle's VIN;
 - Vehicle's date of manufacture;
 - Vehicle's make, model and model year;
 - Mileage at time of incident;
 - Date of incident;
 - Whether a crash is alleged;
 - Whether a fire is alleged;
 - Whether property damage is alleged;
 - Number of alleged injuries, if any;
 - Type and/or location of the injury (i.e. cuts/abrasions to the arms, leg, etc.), if any;
 - Number of alleged fatalities, if any; and,
 - 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 2000, or a compatible format, entitled "PEER VEHICLES."

Response 12

Toyota will respond to this inquiry on January 11, 2008.

13. State the number of each of the following, received by NUMMI, or of which NUMMI is otherwise aware, which relate to, or may relate to, the alleged defect in MY 2002 and MY 2005 Pontiac Vibe vehicles;
- a. Consumer complaints, including those from fleet operators;
 - b. Field reports, including dealer field reports;

Response 13

Toyota will respond to this inquiry on January 11, 2008.

14. Separately for each item within the scope of your response to Request No. 13, state the following information;
- a. The category of the item, as identified in Request No. 13 (i.e., consumer complaint or field report);
 - b. Vehicle's VIN
 - c. Vehicle's manufacture;
 - d. Vehicle's make, model and model year;
 - e. Mileage at time of incident;
 - f. Date of incident;
 - g. Whether a crash is alleged;
 - h. Whether a fire is alleged;
 - i. Whether a property damage is alleged;
 - j. Number of alleged injuries, if any;
 - k. Type and/or location of the injury (i.e. cuts/abrasions to the arms, leg, etc.), if any;
 - l. Number of alleged fatalities, if any; and,
 - m. The State in the United States where the vehicle was originally sold or leased (or Delivered for sale or lease).

Provide this information in Microsoft Access 2000, or a compatible format, entitled "MY02/MY05 COMPLAINT DATA."

Response 14

Toyota will respond to this inquiry on January 11, 2008.

15. Furnish NUMMI's assessment of the alleged defect in the subject vehicles, including:
- a. The causal or contributory factor(s);
 - b. The failure mechanism(s);
 - c. The failure mode(s);
 - d. The risk to motor vehicle safety that it poses;
 - e. What warnings, if any, the operator and the other persons both inside and outside the vehicle would have that the alleged defect was occurring or subject component was malfunctioning; and
 - f. The reports included with this inquiry.

Response 15

Toyota will respond to this inquiry on January 11, 2008.

* * *

GM claims that certain information, in documents that are part of lawsuit and claims files maintained by the GM Legal Staff, is attorney work product and/or privileged. That information includes items such as notes, memos, reports, photographs, and evaluations by attorneys (and by consultants, claims analysts, investigators, and engineers working at the request of attorneys.) GM has provided documents responsive to NHTSA's request from claims files that are neither attorney work product nor privileged, and withholding those that are attorney work product and/or privileged.

Searches of General Motor Corporation (GM) locations were made where documents determined to be responsive to your request would ordinarily be found. As a result, the scope of this search did not include, nor could it reasonably include, "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 GM (including all business units and persons previously referred to), who are or, in or after 1998, 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 lawsuit; 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."

The results of GM's searches were compiled and prepared by GM upon review of the documents produced by various GM locations, and does not include documents generated or received at those GM locations subsequent to their searches.

* * *

Regarding privileged documents that may be responsive to this information request, Toyota understands that it is acceptable to the Agency at this stage for Toyota to identify categories of privileged documents rather than any specific document within those categories. These categories include (a) communications between outside counsel and employees of Toyota's Law Department, other Toyota employees, or employees of parties represented by Toyota in litigation or claims; (b) communications between employees of Toyota's Law Department and other Toyota employees or employees of parties represented by Toyota in litigation or claims; (c) notes and other work product of outside counsel or employees of Toyota's Law Department, including work product of employees or consultants done for or at the request of outside counsel or Toyota's Law Department. For any privileged documents that are not covered by these categories, if any, Toyota will provide a privilege log identifying any such documents under separate cover. Toyota is not claiming a legal privilege for any documents provided with this response; however, Toyota does not waive the legal privilege or work product protection with respect to other documents that may have been prepared in connection with a specific litigation or claim. In addition, Toyota may assert the attorney client privilege or claim protection under the work-product doctrine for analyses or other documents that may be prepared in connection with litigation or claims in the future.

Toyota understands that NHTSA will protect any private information about persons that is contained in the Attachments to this response, based on privacy policy considerations. Such private information includes data such as names, addresses, phone or fax numbers, email addresses, license plate numbers, driver's license numbers and last 4 digits of the vehicle's VIN.