



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

1200 New Jersey Avenue SE  
Washington, DC 20590

**September 17, 2018**

Mr. Cory Hoffman  
Toyota Motor Corporation  
6565 Headquarters Drive  
Mail Stop: W4-2D  
Plano, Texas 75024

NEF-108sd  
DI18-087

Dear Mr. Hoffman:

The Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA) has received information about certain death and injury incidents reported by Toyota Motor Corporation (Toyota) in its Light early warning report from 2<sup>nd</sup> quarter of 2018. We are writing to request additional information about the following incident:

<b>Selected Death and Injury Incidents</b>
For Reporting Category: L
For the following Sequence IDs: see attached file

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

**Incident**: each incident identified in the above table.

**Claim and Notice**: shall have the meanings stated in 49 CFR §579.4(c). Claim and notice also specifically refer to the claim(s) and notice(s) that are the predicate for the early warning report on the incident.

**Manufacturer**: refers to Toyota.

**Vehicle**: the vehicle produced by Toyota that is identified in the claim or notice.

**Tire**: the tire produced by Toyota that is identified in the claim or notice.

**Equipment**: the item of motor vehicle equipment produced by Toyota that is identified in the claim or notice.

**Event Data Recorder (EDR)**: a device or function in a vehicle that records the vehicle's dynamic time-series data during the time period just prior to a crash event (e.g., vehicle speed vs. time) or during a crash event (e.g., delta-V vs. time), with the capacity for retrieval after the crash event. This definition is not limited to devices meeting the requirements of 49 CFR Part 563 and includes all devices or functions having the capabilities described in the preceding sentence.



**Event Data Recorder Report:** the information or documents generated by software designed to interpret the data recorded by and retrieved from an Event Data Recorder (EDR).

**Defect:** means any failure, malfunction, lack of durability, or other problem in performance, construction, a component, or material of a motor vehicle or piece of motor vehicle equipment.

**Document:** “Document(s)” is used in the broadest sense of the word and shall mean all written, typed, graphic and photographic matter whatsoever (except autopsy photographs), be it in original, copy or electronic form. Any photograph originally produced in color must be provided in color and in electronic form, if possible. Furnish all documents whether verified by Toyota or not. If a document is not in the English language, provide both the original document and an English translation of the document. Document(s) includes all documents in Toyota custody and/or control.

Please provide numbered responses to the following inquiries, repeating the applicable request verbatim before each response. After Toyota’s response to each request, identify the source of the information and indicate the last date the information was gathered. When documents are produced, the documents shall be produced in an identified, organized manner that corresponds to each pertinent information request. A separate response must be provided for each incident. Each response, document or attachment must be clearly identified with the incident Sequence ID (SeqID) number.

1. Provide a complete copy of the initial claim or notice document(s) that notified Toyota of the incident, excluding: (a) medical documents and bills, except those showing the cause of death or injury; (b) property damage invoices or estimates; and (c) documents related to damages.
2. Provide a copy of any related Police Accident Reports that are in your possession.
3. Provide copies of any and all Event Data Recorder Reports related to the incident at issue.
4. Provide Toyota’s understanding of the circumstances of the incident including Toyota’s assessment or analysis of any claim and/or notice regarding allegations of a defect.

You are cautioned not to assert privilege in connection with any information you submit to the agency. Should you anticipate doing so for any reason, you are instructed to contact Otto Matheke or Kerry Kolodziej of NHTSA’s Office of Chief Counsel at 202-366-5263 to discuss why any information you submit would constitute privileged information.

If Toyota claims that any of the information or documents provided in response to this information request constitute confidential commercial material within the meaning of 5 U.S.C. § 552(b) (4), or are protected from disclosure pursuant to 18 U.S.C. § 1905, Toyota must submit supporting information together with the materials that are the subject of the confidentiality

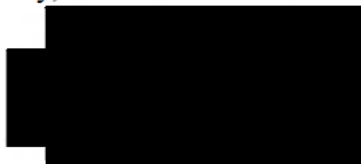
request, in accordance with 49 CFR Part 512, as amended (69 Fed. Reg. 21409 et seq; April 21, 2004), to the Office of Chief Counsel (NCC-110), National Highway Traffic Safety Administration, 1200 New Jersey Avenue, S.E., Washington, D.C. 20590. Toyota is required to submit two copies of the documents containing allegedly confidential information (except only one copy of blueprints) and one copy of the documents from which information claimed to be confidential has been deleted. Please remember that the words "CONFIDENTIAL BUSINESS INFORMATION" must appear at the top of each page containing information claimed to be confidential, and the information must be clearly identified in accordance with 5 U.S.C. § 512.6. If you submit a request for confidentiality for all or part of your response to this letter, that is in an electronic format (e.g., CD-ROM), your request and associated submission must conform to the new requirements in NHTSA's Confidential Business Information Rule regarding submissions in electronic formats (49CFR 512.(c)). See Federal Register, volume 72, page 59434 (October 19, 2007).

Your response to this letter, together with a copy of any confidentiality request, must be submitted to this office by **October 15, 2018**. Please include in your response the identification codes referenced on page one of this letter. If you are unable to provide all of the information requested within the time allotted, you must request an extension from me at (202) 366-7028 no later than five business days before the response due date. If all of the information requested by the original deadline is unavailable, you must submit a partial response by the original deadline with whatever information then is available, even if an extension is granted.

This request is issued pursuant to 49 U.S.C. §§ 30166(b)(1)(A), 30166(e) and 49 C.F.R. §§ 510.3 and 510.8. Failure to respond fully or truthfully to this request may result in a referral to the United States Department of Justice for a civil action to compel responses, and may subject [manufacturer] to civil penalties of up to \$21,000 per violation per day, with a maximum penalty of \$105,000,000 for a related series of daily violations. 49 U.S.C. §§ 30163(a)(1), 30165(a)(3); 49 C.F.R. § 578.6(a)(3). Falsifying or withholding information in response to this request may also lead to criminal penalties of a fine or imprisonment of up to 15 years, or both. 49 U.S.C. § 30170(a)(1).

If you have any technical questions concerning this matter, please contact Mr. Bernard Hardgrave at (202) 366-6961 or by fax at (202) 366-7882.

Sincerely,

A large black rectangular redaction box covering the signature area.

Leo Yon  
Early Warning Division  
Office of Defects Investigation  
Enforcement