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Our File No: 4003.05

February 23, 2010

10V-083
(9 Pages)

Via Certified US Mail and E-Mail to: RMD.ODI@dot.gov
CERTIFIED MAIL #7003-1680-0001-7843-3634
RETURN RECEIPT REQUESTED

Mr. Daniel C. Smith
Associate Administrator for Enforcement
National Highway Traffic Safety Administration
1200 New Jersey Ave. S.W.
Washington, D.C. 20590-0001

Attention: Recall Management Division (NVS-215)

**Subject: Notice of Filing — Part 573 Defect Information Report
Daihatsu Motor Co., Ltd.
NHTSA Recall Identification Number: 10V-**

Dear Mr. Smith:

Further to my letter of September 16, 2009 filing a "Foreign Safety Recall Report" (NHTSA file number FRCL-09F069-1759) on behalf of Daihatsu Motor Co., Ltd. of Japan ("DMC" or "Daihatsu"), the purpose of this letter is to comply with Part 573 of NHTSA's regulations with respect to the forthcoming safety recall campaign in the United States. We believe the campaign and related repairs will help reduce the risk of future incidents in the affected "Rocky" model sport utility vehicles sold in the United States from 1989 through 1992, comprising US model years 1990, 1991 and 1992.^{1/}

^{1/} For the record, the actual vehicle manufacturer of the affected vehicles is and was Daihatsu Motor Co., Ltd., a limited liability corporation duly formed and existing under the laws of Japan. Under the Foreign Recall Report filed by the undersigned in September 2009 (your file # FRCL-09F069-1759), NHTSA's website erroneously identifies the affected vehicle manufacturer as "Daihatsu America, Inc.," the former importer of Daihatsu vehicles into the United States. As previously reported, Daihatsu America, Inc., formerly a California corporation, was duly closed and dissolved in November 2003, approximately 10 years after importing the last Daihatsu passenger cars and sport utility vehicles into the USA. Daihatsu America was never a vehicle manufacturer or assembler. We again request correction of NHTSA's records and website for this matter. However, this Part 573 Defect Notification should be deemed effective for both entities.



As detailed in the attached Part 573 "Defect Information Report," Daihatsu is willing to identify this campaign as a "safety-related recall" in all communications regarding the campaign. However, Daihatsu has been unable to determine, after due investigation, that the vehicles identified in the attached report contain a "safety-related defect" within the meaning of the federal vehicle safety laws. Nevertheless, Daihatsu will voluntarily send notices of the campaign to all registered owners of such vehicles, to the extent they can be found after approximately 18 to 20 years of operation. Daihatsu will also voluntarily provide repair parts, instructions and technical advice to owners and independent repair shops, at no charge, and otherwise cooperate with NHTSA's recall procedures. Daihatsu is voluntarily conducting this campaign in the public interest and with the express goal of avoiding or reducing any risks that may exist in the affected evaporative fuel vapor recovery system of the vehicles involved.

Daihatsu understands that NHTSA will assign a recall identification number to this campaign as though it were a campaign conducted under the Safety Act, and will post the information about the campaign on the NHTSA/ODI website. Daihatsu also requests that the summary of the campaign on the NHTSA/ODI website contain a notation that Daihatsu has not made a decision that these vehicles actually contain a safety-related defect.

A revised draft of the owner notification letter and other applicable documents will be provided under separate cover upon receipt from NHTSA of the recall campaign number. Please communicate such number and any questions or other information to the undersigned on behalf of Daihatsu in this matter.

As previously reported, Daihatsu no longer has any factory-authorized dealers or field organization within the United States, having closed down all sales and service operations more than 10 years ago. However, as detailed in the attached, a plan has been developed to have independent service facilities make the recall repairs at no charge to customers. This plan for repairs will be substantially the same as used for those Daihatsu owners who were affected by the equipment safety recall campaign back in 1995 involving vehicles equipped with safety-belt buckles manufactured by Takata Corporation (NHTSA Safety Recall Campaign #95V-103), but who did not reside near any of the official Daihatsu repair facilities that existed at that time.

A copy of Daihatsu's communication to such repair shops and service facilities will also be provided under separate cover. If NHTSA has any comments or recommendations with respect to the recall plan, please contact the undersigned.

Quarterly Reporting. Daihatsu acknowledges its obligation to provide the requisite



Mr. Daniel C. Smith, Associate Administrator
National Highway & Traffic Safety Administration

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six (6) quarterly reports of this campaign's completion under Section 573.7. As stated in subsection 573.7(d)(1), submission of the first quarterly status report is required within one month after the close of the calendar quarter in which notification to owners begins. In this case, the current calendar quarter began on January 1 and ends March 31, 2010. If we are able to initiate owner notification in this quarter as planned, Daihatsu's first quarterly report to NHTSA will be due on or before Friday April 30, 2010.

Please accept this letter and the attached report and information for filing as specified in Part 573 of your regulations. If there are any questions or further instructions, please let me know.

Very truly yours,

Edward O. Hunter
Attorney and Authorized Representative for
Daihatsu Motor Co., Ltd., Vehicle Manufacturer

EOH:ss

Enclosures:

Part 573 "Defect Information Report"

cc: Mr. George H. Person, P.E.
Chief, Recall Management Division, Office of Defects Investigation
National Highway and Traffic Safety Administration
E-mail: George H. Person (george.person@dot.gov)
FAX: (202) 366-1767

Prior Reference: NHTSA File No. FRCL-09F069-1759

Daihatsu Help

P.O. Box 8740
Rowland Heights, California 91748-0740
Phone: (626) 968-6764
Fax: (626) 964-3294
E-Mail: daihatsu.help@verizon.net
Webpage: <http://www.daihatsu-help.com/index.htm>

Daihatsu Motor Co., Ltd.

DEFECT INFORMATION REPORT UNDER 49 CFR PART 573

February 22, 2010

This report is filed with the National Highway and Traffic Safety Administration of the United States Department of Transportation pursuant to Title 49, Part 573 of the Code of Federal Regulations,

The following information is submitted in compliance with the detailed reporting requirements of Section 573.6 of such regulations. Paragraph numbers shown below correspond to the numbered requirements of Section 573.6, as follows:

1. **Vehicle Manufacturer's Name:**

**Daihatsu Motor Co., Ltd. ["DMC"]
1-1, Daihatsu-cho, Ikeda-city
Osaka 563-8651 JAPAN**

All affected vehicles were sold under the "Daihatsu" brand name or make. The specific car line, as detailed below, is the "Rocky" compact sport utility vehicle ("SUV"). Rocky vehicles were designed for up to four (4) designated-seat occupants. The component involved in this matter is an emission control check valve used in the fuel tank vapor control system.

Affiliated U.S. Sales Company

None at present; the relevant Daihatsu vehicles were imported when new by the manufacturer's former US importer and distributor, Daihatsu America, Inc. (a former California corporation) which was duly dissolved in November 2003, more than 10 years after the last affected vehicles were imported by DMC and sold in the United States. The affected Daihatsu vehicles have not been imported or sold by DMC in the United States since approximately April 1992.

Prior to its dissolution in 2003, Daihatsu America, Inc. was DMC's "Designated Agent" under 49 USC §31064(a). Until further notice, the undersigned shall serve as DMC's current "Designated

Agent” for purposes of that statute and specifically for purposes of this Recall Campaign and all related defect reporting and compliance matters under 49 CFR Part 573.

NOTE: Currently, DMC has contracted with an independent spare parts distribution channel for the convenience of the remaining vehicle owners in the United States. A help desk has been established in California to answer questions from the public about spare parts, technical issues and other matters including this recall campaign and all relevant procedures for obtaining replacement parts and payment or reimbursement for campaign-related technical services.

2. Identification of Affected Vehicles:

Make/ Car Line	Manufacturer	Model Year	VIN		Production Period
			VDS	VIS	
Daihatsu Rocky	DMC	1990	BF31 0	300050 - 306749	From August 20, 1989 through March 04 1992
			BF32 0	300048 - 306409	
			FF310	300049 - 306757	
			FF320	300051 - 306763	
		1991	BF31 0	307576 - 309361	
			BF32 0	307475 - 309461	
			FF310	307493 - 309115	
		1992	BF31 0	309471 - 312064	
			BF32 0	307573 - 312057	
			FF310	309470 - 312061	

3. Total Number of Vehicles Potentially Affected:

Current information from state motor vehicle registration records indicates that up to approximately 4,000 units may still be in operation and could have an evaporative emissions check valve affected by the conditions described in this Report.

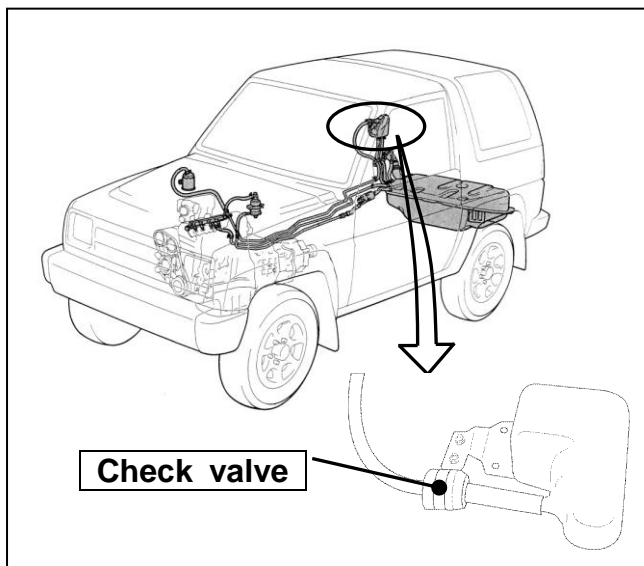
4. Percentage of Vehicles Estimated to Actually Experience Malfunction:

Percentage unknown. Current estimates of deteriorated evaporative emission check valves, based upon experience outside the United States, would appear to be in the range of 60-70%.

5. Description of Problem:

In certain Daihatsu Rocky vehicles, it is possible that a check valve in the fuel vapor evaporative emission control system might develop a crack in long-term vehicle usage due to insufficient durability under some environmental or operational circumstances, the specifics of which are unknown.

If a vehicle is used continuously with such condition without appropriate periodic inspection, in the worst case, a leak of fuel evaporative gas vapor into the vehicle cabin may occur, potentially resulting in a fire if there is a source of ignition nearby, such as from a cigarette lighter or the like. Internal study indicates that the limited amount of fuel vapor released is not expected to create a major source of fuel, or risk of fire or of serious burns to any occupant. The smell of fuel vapor is also expected to alert users to avoid flame in the area, thus mitigating the risk of personal injury pending repair.



A copy of the technical illustrations and graphics pertaining to the replacement of the affected check valve and related instructions for completing the repair will be submitted under separate cover.

6. Chronology of Principal Events:

In August 2009, DMC received a report from its distributor in Japan that two occupants of a Rocky suffered minor burn injuries (apparently similar to a moderate-to-intense sunburn) as they lit a

cigarette on a hot afternoon after the vehicle had been exposed to intense sunlight. The result of careful vehicle inspection showed that some cracks were present on the check valve in the fuel tank evaporative emission control system that may have allowed a leak of fuel evaporative gas vapor into the passenger compartment.

Worldwide, DMC has received only the one report of personal injury to date. No further claims are expected. Prior to the foregoing report of personal injury, the existence of any such defect in the affected check valve was not evidenced in any field reports, warranty claims or in sales of replacement parts.

As part of its investigation, DMC unsuccessfully sought to replicate the circumstances reported in connection with the owner's claims in the foregoing personal injury event in Japan. Numerous attempts were made to reconstruct conditions conducive to or causative of a combustible passenger cabin atmosphere without any success whatsoever. Thus, the actual circumstances and causation of the aforementioned personal injury claims have not been identified or confirmed and the actual injury mechanism remains uncertain. However, DMC has concluded that the only vehicle-related source of fuel vapor must have been the deteriorated (cracked) fuel evaporative system check valve since it was the only identifiable source of fuel vapor with access to the passenger compartment in the affected vehicle. It remains unknown how a combustible atmosphere could result in the passenger compartment, given the tiny amounts of fuel vapor actually available for emission in the low-pressure system.

As a result of the investigation described above, on September 11, 2009, out of an abundance of caution and concern for the safety and well-being of its customers, and pending further investigation into the nature, scope and possible causes of the apparent deterioration of emission check valves while in use in Japan, DMC decided as a matter of policy in the public interest to conduct a voluntary domestic safety recall of all Rocky vehicles with the check valve within the affected VIN range in Japan. As required by US law, pending further research and investigation, DMC submitted a Foreign Safety Recall / Other Safety Campaign Report to NHTSA on September 17, 2009. (Please refer to NHTSA File # FRCL-09F069-1759.)

7. Evidence of Noncompliance Considered by Manufacturer

As noted under the foregoing chronology of events, DMC has been unable to replicate, confirm or

identify the particular circumstances that led to the personal injury claim in Japan. However, despite the absence of meaningful evidence of causation, DMC concluded that the materials or the process of manufacturing the check valve led to its deterioration in use after many years, resulting in cracks that were apparently sufficient to allow evaporative fuel vapors to emit into the passenger compartment. Again, it is noted that the vehicles in question are now approximately 18 to 20 years old, and it is entirely unknown what environmental conditions may have led to such deterioration in use.

In the absence of any other explanation, or other reasonable probability, DMC determined that a recall should be conducted in the best interests of customer and public safety and thus has concluded that a defect exists in the affected evaporative check valve.

8. Description of Corrective Repair Action:

All registered owners of affected vehicles will be notified by first class mail that they should contact a repair facility of their choice to have the old check valve replaced with a new check valve of improved construction. The replacement parts are to be delivered to the repair facilities upon request and at no charge to vehicle owners. Repair technicians will be paid by Daihatsu directly upon receipt of invoices showing completion of the campaign repairs. Alternatively, owners who pay for the repairs themselves will be reimbursed upon Daihatsu's receipt of acceptable bona fide proof of payment to a licensed repair facility.

At this late date, approximately 18 years after the last Rocky SUV was sold in the United States, DMC has no remaining dealerships or sales or service network in North America. Thus, it has no existing mechanism for servicing the affected vehicles. Moreover, because the vehicles are owned by Rocky customers in widely scattered locations throughout the USA, it is not practical to engage a single repair network — e.g., a single mass merchandiser such as Sears, Firestone or Goodyear tire stores, etc. — to conduct this recall and service operation on a national basis. In the interests of customer convenience and to help foster a higher rate of return and campaign completion nationwide, DMC has determined that it will invite vehicle owners to take their Rocky to a local repair shop of their choice to have the campaign work done. This procedure will be substantially the same as used for many Daihatsu owners who were affected by the equipment safety recall in 1995 involving vehicles equipped with safety belt buckles manufactured by Takata Corporation (NHTSA Safety Recall Campaign # 95V-103), but who did not reside near any of the

