

TABLE 3—CONSUMER COMPLAINT COUNTS BY MY FROM TOYOTA'S IR RESPONSE

	2005	2006	2007	2008	Total
Consumer Complaints	176	167	90	13	446

We based our review of the Toyota consumer complaints on the information provided in the IR response. We first note that the trend we saw in the VOQ data—that the MY 2006 and 2007 vehicles were over-represented (or MY 2005 was under-represented)—does not appear in the consumer complaint data submitted by Toyota. In fact, Toyota's consumer complaint data do not suggest any identifiable reporting trend for any MY(s).

In reading the consumer complaint reports, we noted most were similar to the complaints identified in the VOQ reports. Accordingly, we followed the same approach used for VOQ reports and conducted an analysis of a random sample of consumer complaints. We reviewed 133 reports²⁴ from MYs 2005 to 2008 and identified 142 separate complaint types. ODI categorized 96 (about 68%) of the complaints as potentially related to the vehicle's throttle control system, 23 (about 16%) as not related to the throttle control system (or related to a different system or component), and 23 (about 16%) as not permitting us to identify a cause that relates to the vehicle's throttle control system.²⁵ These proportions are similar to the VOQ analysis.

For the crashes and injuries reported in the Toyota IR response, we reviewed the reports for the MY 2006 and 2007 Tacoma (since these were the subject of the DP request) where a crash or injury was alleged. From these reports, we identified 33 unique incidents. Eight of these incidents, with three injuries, were duplicates of reports to ODI that we had reviewed. For the remaining 25 reports unique to the Toyota response, we determined that four reports, with no injuries, fell outside the scope of the alleged defect (these involved brake system or other unrelated issues), two involved dual pedal application errors, and six involved other issues not related to the throttle control system. For the

remaining 13 crash allegations, with one injury allegation, we were unable to make an assessment of the underlying cause of the crash.²⁶

Conclusion

ODI's review of the petition, assessment of VOQs, interviews of persons who filed VOQs, testing, and review of Toyota's IR response reveals that about three-quarters of the complaints involved various explained aspects of the Tacoma's throttle control system that do not seem to present a significant safety risk under most circumstances, or did not involve a failure of the throttle control system. For the remaining quarter, although there may have been an issue with the throttle control system as one possible explanation, we have been unable to determine a throttle control related or any underlying cause that gave rise to the complaint. For those vehicles where the throttle control system did not perform as the owner believes it should have, the information suggesting a possible defect related to motor vehicle safety is quite limited. In our view, additional investigation is unlikely to result in a finding that a defect related to motor vehicle safety exists with regard to the Tacoma's throttle control system or a NHTSA order for the notification and remedy of a safety-related defect as alleged by the petitioner at the conclusion of the requested investigation. Therefore, in view of the need to allocate and prioritize NHTSA's limited resources to best accomplish the agency's safety mission, the petition is denied. This action does not constitute a finding by NHTSA that a safety-related defect does not exist. The agency will take further action if warranted by future circumstances.

Authority: 49 U.S.C. 30162(d); delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: August 25, 2008.

Daniel C. Smith,

Associate Administrator for Enforcement.

[FR Doc. E8-19994 Filed 9-2-08; 8:45 am]

BILLING CODE 4910-59-P

²⁶ None of the 25 reports contained any specific evidence of a failure of the throttle control system.

DEPARTMENT OF VETERANS AFFAIRS

Enhanced-Use Lease of VA Property for the Improvement and Operation of the Memorial Stadium at the Department of Veterans Affairs Medical Center, Chillicothe, OH

AGENCY: Department of Veterans Affairs (VA).

ACTION: Notice of Intent To Enter into an Enhanced-Use Lease.

SUMMARY: The Secretary of the Department of Veterans Affairs (VA) intends to enter into an enhanced-use lease of approximately 4.273 acres of underutilized land and improvements at the VA Medical Center in Chillicothe, Ohio. The selected lessee will finance, preserve, improve, design, build, operate, manage and maintain the property, which includes the VA Memorial Stadium and its accessory facilities (e.g., bleachers, dressing rooms, concession buildings, playground, and a grassy area adjacent to the stadium). As consideration for the lease, the lessee will be required to make annual capital improvements, pay VA fair market annual rent, and allow VA to use the stadium at no cost for mission-related events at least 5 times annually during the lease term. The value of the consideration meets or exceeds the net present value of the property to be leased.

FOR FURTHER INFORMATION CONTACT:

Edward Bradley, Office of Asset Enterprise Management (044C), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 461-7778 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: Title 38 U.S.C. 8161 *et seq.* states that the Secretary may enter into an enhanced-use lease if he determines that implementation of a business plan proposed by the Under Secretary for Health for applying the consideration under such a lease for the provision of medical care and services would result in a demonstrable improvement of services to eligible veterans in the geographic service-delivery area within which the property is located. This project meets this requirement.

²⁴ We actually reviewed 143 reports but deemed 10 reports fell outside the scope of the alleged defect.

²⁵ As with the VOQ reports, these consumer complaints did not contain evidence of a vehicle causation but were simply allegations that the vehicle had suffered a throttle control system-related incident. Based on this analysis, we estimate that of the 257 MY 2006 and 2007 Toyota consumer complaints, about 40 would be in this category. This number will be reflected as the manufacturer failure counts in the closing resume for DP08-001.

Approved: July 17, 2008.

James B. Peake,

Secretary of Veterans Affairs.

[FR Doc. E8-20373 Filed 9-2-08; 8:45 am]

BILLING CODE 8320-01-P