Howell, Rosa (NHTSA)

From: Timian, Jennifer (NHTSA)
Sent: Thursday, May 20, 2010 2:53 PM
To: Howell, Rosa (NHTSA)
Subject: FW: Takata Response to the IR in RQ09-004

Please file this email in RQ09-004. Thanks

Jennifer

From: Timian, Jennifer (NHTSA)
Sent: Thursday, May 20, 2010 9:24 AM
To: Weinstein, Kenneth N.
Cc: Al.Bernat@takata.com
Subject: RE: Takata Response to the IR in RQ09-004

Ken,
I confirm this is accurate. A copy of this email will be placed in the RQ file for the record.

Jennifer

From: Weinstein, Kenneth N. [mailto:KWeinstein@mayerbrown.com]
Sent: Wed 5/19/2010 5:45 PM
To: Timian, Jennifer (NHTSA)
Cc: Al.Bernat@takata.com
Subject: Takata Response to the IR in RQ09-004

Dear Jennifer:

I am writing to follow up our telephone discussion earlier today. During that call, I advised you that I had reviewed the Closing Resume prepared by your office in RQ09-004, an investigation into the adequacy of recalls performed by American Honda Motor Company to address problems with the air bags in certain vehicles manufactured by Honda. As you know, TK Holdings, Inc. (Takata), manufactured the air bag inflators used in the vehicles covered by this investigation.

On November 20, 2009, ODI sent an information request (IR) to Takata asking for information about the air bag inflators in question and about Takata's assessments of the potential problems in those inflators. Takata submitted its initial, partial response to that IR on December 23, 2009, and it submitted a comprehensive response on February 19, 2010.

Request No. 8 of the IR asked Takata to produce copies of "each communication . . . in which Honda and Takata discussed whether there was a defect in the airbag inflators outside of those involved in Safety Recall 08V-593." In its February 19, 2010 response, Takata provided copies of four relatively long PowerPoint presentations that it presented to Honda at various times during 2008 and 2009. These included Takata's contemporaneous assessments of the problem and its cause, and included recommendations for field actions (i.e., recalls) to address the problem. Takata also stated in its response that it would attempt to locate other documents that might be responsive to this Request.

In fact, Takata has located several such documents. As I explained to you on the telephone, they cover essentially the same material as the PowerPoints that were previously provided to ODI in February. To some extent, they assess other hypothetical causes of the inflator failures that led to the recalls, but in each such case, Takata ruled out the hypothesis in question.

Takata was in the process of preparing to submit these documents in a supplemental response, along with a request for confidentiality, when it received the Closing Resume for the RQ. After I retuned from my vacation, I called you to ask whether, now that ODI has closed the RQ, the agency still wanted Takata to submit the documents. You told me that such a submission would not be required at this time. You also stated that if ODI were to decide that it wanted any of the materials, it would ask for them separately.

Please confirm that my understanding of our conversation is accurate.

Thank you for your consideration.

Ken Weinstein

Kenneth N. Weinstein
Mayer Brown LLP
1999 K Street, NW
Washington, DC 20006
Phone: (202) 263-3259
E-mail: kweinstein@mayerbrown.com
Fax: (202) 263-5259

IRS CIRCULAR 230 NOTICE. Any tax advice expressed above by Mayer Brown LLP was not intended or written to be used, and cannot be used, by any taxpayer to avoid U.S. federal tax penalties. If such advice was written or used to support the promotion or marketing of the matter addressed above, then each offeree should seek advice from an independent tax advisor.

This email and any files transmitted with it are intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. If you are not the named addressee you should not disseminate, distribute or copy this e-mail.