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

AUG - 9 2012

1200 New Jersey Avenue SE.
Washington, DC 20590

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Jay Joseph, Senior Manager
Product Regulatory Office
American Honda Motor Company
1919 Torrance Boulevard – MailStop 500-2C-10A
Torrance, CA 90501-2746

NVS-212-pco
EA12-001

Dear Mr. Joseph:

The Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA) is conducting an investigation (EA12-001) of alleged inadvertent or non-crash related air bag deployments in certain model year 2002-2003 Jeep Liberty vehicles manufactured by Chrysler Group LLC. TRW Automotive (TRW) is the supplier of the electronic air bag (occupant restraint control) module. For a comparative assessment, we are requesting information concerning certain Honda vehicles (peer vehicles) which, according to the supplier, are equipped with TRW electronic air bag modules containing the same ASIC (Application-Specific Integrated Circuit) chip.

Unless otherwise stated in the text, the following definitions apply to this information request:

- **Subject peer vehicles:** all model year (MY) 2000 - 2004 Honda and Acura vehicles, equipped with the subject component manufactured for sale or lease in the United States (including Puerto Rico and the US Virgin Islands).

- **Subject component:** any air bag control module supplied by TRW Automotive containing the same ASIC circuit (P/N 150734-2/LMB4009) as used in the MY2002-2003 Jeep Liberty ORC Module.

- **Honda**: Honda (American Honda Motor Co.), all of its past and present officers and employees, whether assigned to its principal offices or any of its field or other locations, including 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 Honda (including all business units and persons previously referred to), who are or were involved in any way with any of the following related to the subject condition in the subject peer vehicles:

  a. Design, engineering, analysis, modification or production (e.g. quality control);
  b. Testing, assessment or evaluation;

c. Consideration, or recognition of a potential or actual subject condition, potential or actual defects, reporting, record-keeping and information management, (e.g., complaints, field reports, warranty information, part sales), analysis, claims, or lawsuits; 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.

- **Subject condition**: the unwanted or inadvertent deployment (deployment without a physical impact or crash and/or without a deployment command) of the air bags (frontal, side-impact, head curtains and seat belt pre-tensioner).

- **Document:** "Document(s)" is used in the broadest sense of the word and shall mean all original written, printed, typed, recorded, or graphic matter whatsoever, however produced or reproduced, of every kind, nature, and description, and all non-identical copies of both sides thereof, including, but not limited to, papers, letters, memoranda, correspondence, communications, electronic mail (e-mail) messages (existing in hard copy and/or in electronic storage), faxes, mailgrams, telegrams, cables, telex messages, notes, annotations, working papers, drafts, minutes, records, audio and video recordings, data, databases, other information bases, summaries, charts, tables, graphics, other visual displays, photographs, statements, interviews, opinions, reports, newspaper articles, studies, analyses, evaluations, interpretations, contracts, agreements, jottings, agendas, bulletins, notices, announcements, instructions, blueprints, drawings, as-builts, changes, manuals, publications, work schedules, journals, statistical data, desk, portable and computer calendars, appointment books, diaries, travel reports, lists, tabulations, computer printouts, data processing program libraries, data processing inputs and outputs, microfilms, microfiches, statements for services, resolutions, financial statements, governmental records, business records, personnel records, work orders, pleadings, discovery in any form, affidavits, motions, responses to discovery, all transcripts, administrative filings and all mechanical, magnetic, photographic and electronic records or recordings of any kind, including any storage media associated with computers, including, but not limited to, information on hard drives, floppy disks, backup tapes, and zip drives, electronic communications, including but not limited to, the Internet and shall include any drafts or revisions pertaining to any of the foregoing, all other things similar to any of the foregoing, however denominated by Honda, any other data compilations from which information can be obtained, translated if necessary, into a usable form and any other documents. For purposes of this request, any document which contains any note, comment, addition, deletion, insertion, annotation, or otherwise comprises a non-identical copy of another document shall be treated as a separate document subject to production. In all cases where original and any non-identical copies are not available, "document(s)" also means any identical copies of the original and all non-identical copies thereof. Any document, record, graph, chart, film or photograph originally produced in color must be provided in color. Furnish all documents whether verified by Honda or not. If a document is not in the English language, provide both the original document and an English translation of the document.

- **Other Terms:** To the extent that they are used in these information requests, the terms "claim," "consumer complaint," "dealer field report," "field report," "fire," "fleet," "good will," "make," "model," "model year," "notice," "property damage," "property damage claim," "rollover," "type," "warranty," "warranty adjustment," and "warranty claim," whether used in singular or in plural form, have the same meaning as found in 49 CFR 579.4.

In order for my staff to evaluate the subject condition, certain information is required. Pursuant to 49 U.S.C. § 30016, please provide numbered responses to the following information requests. Insofar as Honda has previously provided a document to ODI, Honda may produce it again or identify the document, or the document submission to ODI in which it was included and the precise location in that submission where the document is located. When documents are produced, the documents shall be produced in an identified, organized manner that corresponds with the organization of this information request letter (including all individual requests and subparts). When documents are produced and the documents would not, standing alone, be self-explanatory, the production of documents shall be supplemented and accompanied by explanation.

Please repeat the applicable request verbatim above each response. After Honda's response to each request, identify the source of the information and indicate the last date the information was gathered.

1. **State within the body of the response letter a summary table**, by make, model and model year, the number of subject peer vehicles Honda has manufactured for sale or lease in the United States. Separately, for each model subject peer vehicle manufactured to date by Honda, state the following:

   a. Vehicle identification number (VIN);
   b. Make;
   c. Model;
   d. Model Year;
   e. Date of manufacture (in "yyyy/mm/dd" date format);
   f. Date warranty coverage commenced (in "yyyy/mm/dd" date format);
   g. The State in the United States where the vehicle was originally sold or leased (or delivered for sale or lease);
   h. Total number of air bags and seat belt pre-tensioners;
   i. If equipped with seat belt pre-tensioners;
   j. If equipped with side-impact air bags; and
   k. If equipped with side head curtain air bags.

   Provide the detailed information in Microsoft Access 2007, or a compatible format, entitled "Q1_PRODDATA.accdb" Multiple model vehicle data can be provided in separate tables within a single database file providing that the overall file size does not exceed 1GB.

2. **State the number of each of the following reports**, received by Honda, or of which Honda is otherwise aware, which relate to, or may relate to, the subject condition in the subject peer vehicles:

   a. Consumer complaints, including those from fleet operators;
   b. Field reports, including dealer field reports;
   c. Reports involving a fire, 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 subject condition or defect in a subject peer vehicle, property damage claims, consumer complaints, or field reports;
   d. Property damage claims;
   e. Third-party arbitration proceedings where Honda is or was a party to the arbitration; and
   f. Lawsuits, both pending and closed, in which Honda is or was a defendant or codefendant.

   For subparts "a" through "f" **state within the body of the response letter a summary table** containing the total number of each item (e.g., a. consumer complaints, b. 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 "f," provide a summary description of the alleged problem and causal and contributing factors and Honda's assessment of the problem, with a summary of the significant underlying facts and evidence. For items "e" and "f" 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.

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. Honda's file number or other identifier used;
   b. The category of the item, as identified in Request No. 2 (i.e., a. consumer complaint, b. field report, f. lawsuits 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 (in "yyyy/mm/dd" date format);
   h. Report or claim date (in "yyyy/mm/dd" date format);
   i. Whether a fire or crash is alleged;
   j. Whether property damage is alleged;
   k. Number of alleged injuries, if any; and
   l. Number of alleged fatalities, if any; and
   m. Specify which air bag device(s) had deployed (i.e. Drv 1, Drv 2, Pass1, Pass2, Drv Side, Pass Side, Drv Curtain, Pass Curtain, Drv SB and/or Pass SB as applicable).

Provide this information in Microsoft Access 2007, or a compatible format, entitled "Q3_ORDATA.accdb." Multiple model vehicle data can be provided in separate tables within a single database file providing that the overall file size does not exceed 1GB.

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., a. consumer complaints, b. field reports, f. lawsuits etc.) and describe the method Honda used for organizing the documents.

5. **State within the body of the response letter a summary table**, by model and model year, a total count for each of the following categories of claims, collectively, that have been paid by Honda to date that relate to, or may relate to, the subject condition in the subject peer 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. Honda's claim number;
   b. Vehicle owner or fleet name (and fleet contact person) and telephone number;
   c. VIN;
   d. Repair date (in "yyyy/mm/dd" date format);
   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.

   Count as a separate claim each repair/incident assigned a separate claim/report number, even if a single vehicle is involved. Count as a single claim any duplicative claims assigned the same claim/report number.

   Provide the detailed information in Microsoft Access 2007, or a compatible format, entitled "Q5_WRNTYDATA.accdb." Multiple model vehicle data can be provided in separate tables within a single database file providing that the overall file size does not exceed 1GB.

6. Describe in detail the search criteria used by Honda to identify the items identified in response to Request No. 3, 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 subject condition in the subject peer vehicles. State, by make and model year, the terms of the new vehicle warranty coverage offered by Honda on the subject peer vehicles (i.e., the number of months and mileage for which coverage is provided and the vehicle systems that are covered) and if it covers inadvertent side-airbag deployments (without an actual side crash, but sensors did sense a shock pulse). Describe any extended warranty coverage option(s) that Honda

offered for the subject peer vehicles and state by option, model, and model year, the number of vehicles that are covered under each such extended warranty and if it covers inadvertent side-airbag deployments.

7. Separately, for each model and model year of the subject peer vehicles, provide the manufacturer short and long nomenclature/name for the electronic air bag module (i.e. RCM/Restraint Control Model etc…), the module part number including revision number (Honda and TRW numbers), when it was put into production service (mm/yy), and what air bag system devices (i.e. frontal, side-impact, head curtain and/or seat belt pre-tensioners) the module can deploy.

8. Furnish Honda's assessment of the alleged problem condition in the subject peer vehicle(s), 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; and
   e. What warnings (both visually and audibly), if any, the operator would have that the alleged defect or problem condition was occurring or about to occur, or that the subject component was malfunctioning (does the air bag light illuminate intermittently or in a constant ON mode).

This letter is being sent to Honda pursuant to 49 U.S.C. § 30166, which authorizes NHTSA to conduct any investigation that may be necessary to enforce Chapter 301 of Title 49 and to request reports and the production of things. It constitutes a new request for information. Honda's failure to respond promptly and fully to this letter could subject Honda to civil penalties pursuant to 49 U.S.C. § 30165 or lead to an action for injunctive relief pursuant to 49 U.S.C. § 30163. (Other remedies and sanctions are available as well.) Section 5(a) of the TREAD Act, codified at 49 U.S.C. § 30165(b), provides for civil penalties of up to $6,000 per day, with a maximum of $17,350,000 for a related series of violations, for failing or refusing to perform an act required under 49 U.S.C. § 30166. See 49 CFR 578.6 (as amended by 75 Fed. Reg. 79978 (Dec. 21, 2003)). This includes failing to respond to ODI information requests.

If Honda cannot respond to any specific request or subpart(s) thereof, please state the reason why it is unable to do so. If on the basis of attorney-client, attorney work product, or other privilege, Honda does not submit one or more requested documents or items of information in response to this information request, Honda must provide a privilege log identifying each document or item withheld, and stating the date, subject or title, the name and position of the person(s) from, and the person(s) to whom it was sent, and the name and position of any other recipient (to include all carbon copies or blind carbon copies), the nature of that information or material, and the basis for the claim of privilege and why that privilege applies.

Honda's response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office by **October 4, 2012. All business confidential information must be submitted directly to the Office of Chief Counsel as described in the following**

paragraph and should not be sent to this office. In addition, do not submit any business confidential information in the body of the letter submitted to this office. Please refer to EA12-001 in Honda's response to this letter and in any confidentiality request submitted to the Office of Chief Counsel. If Honda finds that it is unable to provide all of the information requested within the time allotted, Honda must request an extension from Mr. D. Scott Yon at (202) 366-0139 no later than five business days before the response due date. If Honda is unable to provide all of the information requested by the original deadline, it must submit a partial response by the original deadline with whatever information Honda then has available, even if an extension has been granted.

If Honda 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, Honda 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, to the Office of Chief Counsel (NCC-111), National Highway Traffic Safety Administration, Room W41-227, 1200 New Jersey Avenue, S.E., Washington, D.C. 20590. Honda 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 word "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 IR, 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 (49 CFR 512.6(c)). See Federal Register, volume 72, page 59434 (October 19, 2002).

Please send email notification to Peter Ong (peter.ong@dot.gov) and to ODI_IRresponse@dot.gov when Honda sends its response to this office and indicate whether there is confidential information as part of Honda's response.

Sincerely,

Frank S. Borris II, Director
Office of Defects Investigation
Enforcement