

of Transportation

National Highway Traffic Safety Administration 400 Seventh Street, 8.W. Washington, D.C. 20690

<u>CERTIFIED MAIL</u> RETURN RECEIPT REQUESTED

William R. Willen, Managing Counsel Product Legal Group American Honda Motor Co., Inc 1919 Torrance Boulevard Torrance, CA 90501-2746 NVS 213 swm PE05-040

Dear Mr. Willen:

This letter is to inform you that the Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA) has opened a Preliminary Evaluation (PE05-040) to investigate allegations of that the front coil springs may break without warning, possibly causing a tire puncture or tire damage, in 2001 Acura MDX manufactured by American Honda Motor Co., and to request certain information.

This office has received three Vehicle Owner Questionnaires (one Canadian) alleging that a front coil spring broke/failed causing the consumers to have a safety concern. Additionally we received one Early Warning Report describing a cut tire by a broken coil spring and reference to two other incidents whereby a tire was damaged by a broken spring. A copy of each of the Vehicle Owner Questionnaires is enclosed for your information.

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

- <u>Subject vehicles</u>: all 2001 Acura MDX manufactured for sale or lease in the United States.
- <u>Subject Component</u>: All front suspension coil springs manufactured for use on the subject vehicle.
- 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, in or after



1994, were involved in any way with any of the following related to the alleged defect in the subject vehicles:

- Design, engineering, analysis, modification or production (e.g. quality control);
- b. Testing, assessment or evaluation;
- Consideration, or recognition of 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.
- Alteged defect: that the front coil springs may break, possibly causing a tire puncture or tire damage.
- 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 nonidentical 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 alleged defect, certain information is required. Pursuant to 49 U.S.C. § 30166, 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, 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.

- State, by model and model year, the number of subject vehicles Honda has manufactured for sale or lease in the United States. Separately, for each subject vehicle manufactured to date by Honda, state the following:
 - Vehicle identification number (VIN);
 - b. Date of manufacture;
 - c. Date warranty coverage commenced; and
 - d. The State in the United States where the vehicle was originally sold or leased (or delivered for sale or lease).

Provide the table in Microsoft Access 2000, or a compatible format, entitled "PRODUCTION DATA." See Enclosure 1, Data Collection Disc, for a pre-formatted table which provides further details regarding this submission.

- State the number of each of the following, received by Honda, or of which Honda is otherwise aware, which relate to, or may relate to, the alleged defect in the subject vehicles:
 - Consumer complaints, including those from fleet operators;
 - b. Field reports, including dealer field reports;
 - c. Reports involving a 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 defect in a subject vehicle, property damage claims, consumer complaints, or field reports;

- d. Property damage claims; and
- 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 "d" state the total number of each item (e.g., consumer complaints, 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.

- 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;
 - The category of the item, as identified in Request No. 2 (i.e., consumer complaint, field report, etc.);
 - c. Vehicle owner or fleet name (and fleet contact person), address, and telephone number;
 - d. Vehicle's VIN, or if not known, make, model and year;
 - e. Vehicle's mileage at time of incident;
 - f. Incident date:
 - g. Report or claim date;
 - Spring and/or tire position (driver or passenger side);
 - i. Whether a crash is alleged;
 - Whether property damage is alleged;
 - k. Number of alleged injuries, if any; and
 - Number of alleged fatalities, if any.

Provide this information in Microsoft Access 2000, or a compatible format, entitled "REQUEST NUMBER TWO DATA." See Enclosure 1, Data Collection Disc, for a preformatted table which provides further details regarding this submission.

- 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., consumer complaints, field reports, etc.) and describe the method Honda used for organizing the documents.
- 5. State, by model and model year, a total count for all of the following eategories of claims, collectively, that have been paid by Honda to date that relate to, or may relate to, the alleged defect in the subject 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:

- Honda's claim number;
- Vehicle owner or fleet name (and fleet contact person) and telephone number;
- c. VIN;
- d. Repair date;
- e. Vehicle mileage at time of repair,
- f. Spring and/or tire position (driver or passenger side);
- Repairing dealer's or facility's name, telephone number, city and state or ZIP code;
- Labor operation number;
- i. Problem code;
- Replacement part number(s) and description(s);
- k. Concern stated by customer; and
- Comment, if any, by dealer/technician relating to claim and/or repair.

Provide this information in Microsoft Access 2000, or a compatible format, entitled "WARRANTY DATA." See Enclosure 1, Data Collection Disc, for a pre-formatted table which provides further details regarding this submission.

- 6. Describe in detail the search criteria used by Honda to identify the claims identified in response to Request No. 5, 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 alleged defect in the subject vehicles. State, by make and model year, the terms of the new vehicle warranty coverage offered by Honda on the subject vehicles (i.e., the number of months and mileage for which coverage is provided and the vehicle systems that are covered). Describe any extended warranty coverage option(s) that Honda offered for the subject vehicles and state by option, model, and model year, the number of vehicles that are covered under each such extended warranty.
- 7. Produce copies of all service, warranty, and other documents that relate to, or may relate to, the alleged defect in the subject vehicles, that Honda has issued to any dealers, regional or zone offices, field offices, fleet purchasers, or other entities. This includes, but is not limited to, bulletins, advisories, informational documents, training documents, or other documents or communications, with the exception of standard shop manuals. Also include the latest draft copy of any communication that Honda is planning to issue within the next 120 days.
- 8. Describe all assessments, analyses, tests, test results, studies, surveys, simulations, investigations, inquiries and/or evaluations (collectively, "actions") that relate to, or may relate to, the alleged defect in the subject vehicles that have been conducted, are being conducted, are planned, or are being planned by, or for, Honda. For each such action, provide the following information:
 - a. Action title or identifier;
 - b. The actual or planned start date;
 - c. The actual or expected end date;
 - d. Brief summary of the subject and objective of the action;

- Engineering group(s)/supplier(s) responsible for designing and for conducting the action;
 and
- f. A brief summary of the findings and/or conclusions resulting from the action.

For each action identified, provide copies of all documents related to the action, regardless of whether the documents are in interim, draft, or final form. Organize the documents chronologically by action.

- 9. Describe all modifications or changes made by, or on behalf of, Honda in the design, material composition, manufacture, quality control, supply, or installation of the subject component, from the start of production to date, which relate to, or may relate to, the alleged defect in the subject vehicles. For each such modification or change, provide the following information:
 - The date or approximate date on which the modification or change was incorporated into vehicle production;
 - A detailed description of the modification or change;
 - c. The reason(s) for the modification or change;
 - d. The part numbers (service and engineering) of the original component;
 - e. The part number (service and engineering) of the modified component;
 - f. Whether the original unmodified component was withdrawn from production and/or sale, and if so, when;
 - When the modified component was made available as a service component; and
 - Whether the modified component can be interchanged with earlier production components.

Also, provide the above information for any modification or change that Honda is aware of which may be incorporated into vehicle production within the next 120 days.

- 10. State the number of each of the following that Honda has sold that may be used in the subject vehicles by component name, part number (both service and engineering/production), model and model year of the vehicle in which it is used and month/year of sale (including the cut-off date for sales, if applicable):
 - a. Front coil spring or springs and
 - Any kits, brackets, shields, or other parts designed to prevent spring contact with tires.

For each component part number, provide the supplier's name, address, and appropriate point of contact (name, title, and telephone number). Also identify by make, model and model year, any other vehicles of which Honda is aware that contain the identical component, whether installed in production or in service, and state the applicable dates of production or service usage.

- 11. Furnish Honda's assessment of the alleged defect in the subject vehicle, 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;

- What warnings, if any, the operator and the other persons both inside and outside the
 vehicle would have that the alleged defect was occurring or subject component was
 malfunctioning; and
- f. The reports included with this inquiry.

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.) Please note that maximum civil penalties under 49 U.S.C. § 30165 have increased as a result of the recent enactment of the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act, Public Law No. 106-414 (signed November 1, 2000). Section 5(a) of the TREAD Act, codified at 49 U.S.C. § 30165(b), provides for civil penalties of up to \$5,000 per day, with a maximum of \$16,050,000 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 69 Fed. Reg. 57864 (Sept. 28, 2004). 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 August 31, 2005. Please refer to PE05-040 in Honda's response to this letter. If Honda finds that it is unable to provide all of the information requested within the time allotted, Honda must request an extension from me at (202) 366-5207 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 (69 Fed. Reg. 21409 et seq; April 21, 2004), to the Office of Chief Counsel (NCC-113), National Highway Traffic Safety Administration, Room 5219, 400 Seventh Street, S.W., 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.

If you have any technical questions concerning this matter, please call Stephen McHenry of my staff at (202) 366-3642.

Sincerely.

D. Scottle for J. Chamet

Jeffrey Quandt, Chief Vehicle Control Division Office of Defects Investigation

Enclosure 1, one CD ROM titled Data Collection Disc containing three files

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Include, If available: Police/Fire Department Report, Photos, and Repair Invoice,

ATTACH ADDITIONAL SHEETS IF NPCFSSARY

The Privacy Act of 1974-Public Law 93-579 TMs information is requested pursuant to authority vested in the National Highway Yealtic Safety Act and subsequent amendments. You are under so obligation to respend this questionnaire. Your response may be used to assist the MiTEA in determining whether a Manufacturar should take appropriate action to correct a safety defect. If the MITEA proceeds with administrative anisotropy or Pitgation against a manufacturar, your expense a statistical superpay thereof, may be used in support of the agency's action.

Form Assermed: Q.M.B. No. 2127-0008

DOT Auto Safety Hotline Vehicle Owner's Questionnaire

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DOT Auto Safety Hotline

Vehicle Owner's Questionnaire

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Seat Type:					nstallatten	<u>System</u>	t				<u> </u>		
Chilo Sest Componi	ent Cod	e:	Faik	ed Part:									
			(Pleas				(Falleneis), (vdect.)			
Crash Yes XINo.	Fine □ γ	es XINo	Numb	er of Parso	one Injure	d Nu	mber of Dea	aths	Report	ed to Police N			
Narretive Descript Please describe (1 Le, parts repeited	ine of I) event	neldent(S), Q is leading up (to the fi	illure, (2) 1	fallure a no	i its con	sequences,	and (3) what we	sa done to correct (the failure;		
					·-	NO EVE	Teene co	DCE O	CORRO	TON THROUGH TH	E VEHICHLE ONLY HAD		
										ND RESULT IN AN A			

Include, if available: Police/Fire Department Report, Photos, and Repair Involce,

ATTACH ADDITIONAL SHEETS (F NECESSARY

The Privacy Act of 1974-Public Law 93-579. This internation is requested pursuant to authority wasted in the Netherly Privacy Law 93-579. This internation is requested pursuant to authority wasted in the Netherly Profits Surely Act and Authority wasted in the Netherly Profits Surely Act and Authority wasted in the Netherly Refer to the Authority wasted in the Netherly Refer to the Authority which wasted in the Netherly Refer to the Netherly Wasted in the