

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Jay Joseph, Senior Manager
Product Regulatory Office
American Honda Motor Company
1919 Torrance Blvd. - Mailstop 500-2C-10A
Torrance, CA 90501

NVS-212jfa
EA11-012

Dear Mr. Joseph:

The Office of Defects Investigation (ODI) at the National Highway Traffic Safety Administration (NHTSA) completed its Preliminary Evaluation (PE11-017) investigating allegations of simultaneous low beam headlight failure in model year (MY) 2002 through 2004 Honda CR-V vehicles made by the Honda Motor Co. and imported by the American Honda Motor Co., Inc. (collectively, "Honda"). Based on our analysis of the information received in PE11-017, ODI upgraded this matter to an Engineering Analysis (EA) on September 12, 2011. The NHTSA assigned identification number is EA11-012. As part of the EA investigation this letter requests updated and additional information from Honda.

Since June 1, 2011, when ODI sent Honda an Information Request during PE11-017, this office has received an additional 63 Vehicle Owner Questionnaires (VOQ) alleging low beam headlight failure. Of these reports, 52 are on the MY 2002 through 2004 CR-V. The remaining nine reports are on the MY 2001-2003 Civic (9) and the MY 2003-2005 Pilot (2). The reports indicate a loss of low beam headlight function, and many indicate the presence of heat-damaged combination light switches and its connector.

This letter requests information related to NHTSA's investigation on the MY 2002-2004 CR-V vehicles manufactured by Honda. NHTSA is also investigating other Honda vehicles that Honda identified as possessing the same two-bulb system that the MY 2002-2004 CR-V possesses. These vehicles include the MY 2003-2008 Element, the MY 2003-2005 Pilot, and the MY 2001-2003 Civic.

ODI is also requesting information concerning Honda's recalls of the MY 2007 and 2008 Honda Fit vehicles (*see* NHTSA assigned Recall No. 10V-624¹), and certain MY 2001-2002 Honda Civic vehicles (*see* NHTSA-assigned recall 04V-086²). According to the Defect and Information

¹ 10V-624: Safety recall of 2007 and 2008 Honda Fit for low beam headlight failure.

² Safety Recall No. 04V-086: Safety recall of certain 2001 and 2002 Honda Civic for low beam headlight failure.

Reports filed by Honda with NHTSA in these two recalls, Honda indicated that the recall was predicated on the unexpected loss of low beam headlights. Although not recalled, in 2007, Honda addressed issues of low beam headlight loss in Honda Pilots in a “Service Bulletin”³ that instruct dealers to use the Civic recall repair kit to replace the combination switch and repair a heat-damaged connector and low beam headlight circuit wire.

A copy of each of the reports noted above, and whose ODI numbers are listed at the end of this letter, have been sent to your office electronically for your information.

Please note that this letter requests data on other Honda vehicles beyond MY 2002 through 2004 CR-V vehicles for ODI’s comparative assessment.

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

- **Subject vehicles:** All MY 2002 through 2004 CR-V, MY 2003 through 2008 Element, MY 2003 through 2005 Pilot, MY 2000 through 2002 Insight, MY 2001 through 2003 Civic vehicles manufactured for sale or lease in the United States.
- **Subject components:** The headlight system, including all related switches, relays, control modules, associated wiring, wiring harnesses and connectors, head light bulbs, or other system components.
- **Safety Recall No. 04V-086:** Includes the MY 2001-2002 Honda Civic vehicles, remedy, defect and noncompliance report, and associated paperwork associated with NHTSA-assigned recall numbers Safety Recall No. 04V-086.
- **Safety Recall No. 10V-624:** Includes the MY 2007-2008 Honda Fit vehicles, remedy, defect and noncompliance report, and associated paperwork associated with NHTSA-assigned recall numbers 10V-624.

Honda: American Honda Motor Company, Inc., and its parent, Honda Motor Company, Ltd., all of its past and present officers and employees, whether assigned to their principal offices or any of their field or other locations, including all of their 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 1999, were involved in any way with any of the following related to the alleged defect in the subject vehicles:

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

³ Service bulletin: 07-027 “Low beam headlights intermittently do not come on”

- c. 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.
- **Alleged defect:** Loss of electrical power to the low beam headlights.
 - **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 the 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.

1. 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:
 - a. Consumer complaints;
 - 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 the alleged defect in a subject vehicle, property damage claims, consumer complaints, or field reports;
 - d. Third-party arbitration proceedings where Honda is or was a party to the arbitration; and,
 - e. Lawsuits, both pending and closed, in which Honda is or was a defendant or codefendant.

For subparts “a” through “e,” state the total number of each item (e.g., consumer complaints, reports from retailers, etc.) separately. Multiple incidents involving the same vehicles 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 item “c” 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 “d” and “e,” 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.

2. 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., consumer complaint, report from retailer, etc.);
- c. Vehicle owner's name, address, and telephone number;
- d. Vehicle identification number (VIN);
- e. Model;
- f. Model year;
- g. Date of manufacture;
- h. Incident date;
- i. Report or claim date;
- j. Whether the report is alleging a headlight electrical circuit failure (yes/no);
- k. Whether the report is alleging a dual headlight bulb failure (yes/no);
- l. Number of alleged crashes;
- m. Number of alleged injuries;
- n. Number of alleged fatalities;
- o. Whether the vehicle was identified as a vehicle that should receive a recall remedy in Safety Recall No. 04V-086 (yes/no);
- p. Whether the recall was performed (yes/no); and
- q. The date the recall remedy was performed.

Provide this information in Microsoft Access 2007, or a compatible format, entitled "REQUEST NUMBER TWO DATA."

3. 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, reports from retailers, etc.) and describe the method Honda used for organizing the documents.
4. State a total count for all of the following categories of claims, collectively, that have been paid by Honda 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; 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's name and telephone number;
- c. Vehicle identification number (VIN);
- d. Model;
- e. Model Year;
- f. Vehicle date of manufacture;
- g. Repair date;
- h. Repairing facility's name, telephone number, city and state or ZIP code;
- i. Labor operation number;
- j. Problem code;

- k. Replacement part number(s) and description(s);
- l. Whether the headlight switch was replaced (yes/no);
- m. Whether the headlight switch wiring harness was repaired (yes/no);
- n. Whether the headlight bulbs were replaced (yes/no);
- o. Concern stated by customer; and
- p. Comment, if any, by the technician or person(s) making the repair, and/or the person(s) processing the claim that relate to the claim and/or repair.

Provide this information in Microsoft Access 2007, or a compatible format, entitled “WARRANTY DATA.”

5. Describe in detail the search criteria used by Honda to identify the claims identified in response to Request No. 4, 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 the terms of the new vehicle warranty coverage offered by Honda on the subject vehicles (i.e., the number of months for which coverage is provided and the vehicles systems that are covered). Describe any extended warranty coverage option(s) related to the alleged defect 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.
6. 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 retailers or distributors, regional or zone offices, field offices, or other such 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 business days.
7. Question No. 8 of ODI’s June 1, 2011 information request letter asked, in part, for Honda to provide a detailed technical description of the subject vehicle’s headlight system, the features and functionality that it offers, and the components that it consists of. As part of that question, ODI asked Honda to describe how the components interact with each other to illuminate the headlights when the headlight switch is activated by the operator. While documents and diagrams were provided, a written description was not provided in Honda’s response. ODI requests Honda provide the following for each model and model year of the subject vehicles:
 - a. Provide a comprehensive written description of each component in the subject vehicle headlight systems;
 - b. Describe in detail the features and functionality the headlight system contains;
 - c. Describe how the system’s components interact to illuminate the headlights and provide the functionalities described above; and

- d. Describe how the operator utilizes the headlight control to access the systems functionality, including a description of how the driver can use the vehicle's high beam headlights.

Additionally, ODI requests that Honda provide the relevant sections of the owner's manuals for the subject vehicles that discuss or describe the headlight system and its functionality, including any instructions, maintenance items, technical details, warnings, or other advice in the owner's manual that may be related.

8. In Honda's response to question No. 9 of ODI's June 1, 2011 information request letter⁴, Honda stated it was conducting an investigative action relating to headlight failure in MY 2002-2006 CR-V vehicles. The action, identified as "MV20110530104500", was to conduct failure analyses using failed combination switches, terminals and harnesses returned from vehicles in the "market". The action was started on May 16, 2011 and was scheduled to be completed by the end of August 2011. To date, Honda has not provided the results of this action. ODI requests Honda provide the following:
 - a. If action "MV20110530104500" has not been completed, provide a written explanation as to why this action has not been completed and the current projection as to when this action will be completed;
 - b. If action "MV20110530104500" is complete, provide the date of completion;
 - c. Regardless of whether action "MV20110530104500" is complete, provide a detailed and comprehensive description of the action, including its objectives and the work that has been conducted;
 - d. Regardless of whether action "MV20110530104500" is complete, provide copies of all documents related to the action, regardless of whether the documents are in interim, draft, or final form, organizing the documents chronologically; and
 - e. If action "MV20110530104500" is complete, state Honda's assessment of the results, and state any action it plans in response to the result.

9. In Honda's response to question No. 11 of ODI's June 1, 2011 information request letter⁵ Honda included a comparison of recall claims vs. recall repair kit⁶ part sales for Safety Recall No. 04V-086. Honda stated that there were more kits sold than were installed in Civic vehicles for recall repairs. Honda further stated, "[T]he difference in demand indicates that the Civic recall repair kit was applied to other models to remedy similar contentions for applicable vehicles."⁷ Provide the following information:
 - a. Provide Honda's meaning of the word "contentions" as used in the statement quoted above, stating specifically whether or not that means an allegation by a consumer that their Honda vehicle suffered a failure of the headlight system that resulted in a loss of low beam headlights;

⁴ Question No. 9 related to assessments, analyses, tests, etc., related to the alleged defect.

⁵ Question No. 11 related to part sales of subject components or kits for use in service repairs.

⁶ Combination Light Switch Kit, Part number: 35012-S5A-307.

⁷ See Honda's IR Response dated July 19, 2011, p. 14.

- b. State by make, model and model year the specific vehicle(s) that the recall repair kits, identified by Honda as Combination Light Switch Kit, Part number: 35012-S5A-307, can or likely were applied to or used on for repairing similar headlight system failures;
 - c. State whether Honda, and/or its representatives, have notified, advised, or otherwise directed or instructed any dealership personnel to use the Safety Recall No. 04V-086 recall repair kit to remedy other Honda vehicles that have experienced the same, or a similar low beam headlight failure as the one addressed by Safety Recall No. 04V-086; and
 - d. Provide copies of any and all documents, in any form, that relate to, or may relate to, any such notification, advice, direction or instruction.
10. On February 4, 2004, Honda submitted a “Defect and noncompliance information report” to notify the agency of its decision to conduct a safety recall on certain MY 2001 and MY 2002 Civic and MY 2000-2002 Insight vehicles to remedy a defect in the of the low beam headlight circuit that rendered the low beam headlights inoperative. NHTSA assigned Safety Recall No. 04V-086 to Honda’s recall action. Regarding Safety Recall No. 04V-086:
- a. Provide the following information in a Microsoft Access 2007 database, or a compatible format, entitled “CIVIC_RECALL” containing a list of the VINs of vehicles that were recalled, and for each VIN;
 - i) The vehicle production date;
 - ii) The warranty start date;
 - iii) The U.S. state the vehicle was originally sold in, or delivered for sale;
 - iv) Whether the recall was conducted on the vehicle (Y/N), and;
 - v) The date of application of the remedy, if one was applied.
 - b. State the part number(s) of the recall remedy repair kit(s), the vehicle make, model, and model year it was intended for, and Honda’s total sales by part number and by month and year of sale from February 4, 2004 to the present;
 - c. Provide the total number (counts) of each of the following that Honda received, or was otherwise aware of, as of the date that Honda determined that a safety recall should be initiated in the U.S., and, for the vehicles within the scope of the recall action, state by make, model, and model year, the total number (counts) of each of the following that Honda received, or was otherwise aware of;
 - i) Consumer complaints;
 - ii) Warranty claims
 - iii) Crashes or crash allegations;
 - iv) Injuries or injury allegations;
 - v) Fatalities or fatality allegations;
 - d. Provide a narrative description on any and all similarities or differences between the lighting system(s) of the vehicles within the scope of Safety Recall No. 04V-086 and the subject components of the subject vehicles;

- e. Describe all assessments, analyses, tests, test results, studies, surveys, simulations, investigations, inquiries and/or evaluations (collectively, “actions”) that led to, or preceded the determination to conduct Safety Recall No. 04V-086 and its remedy. For each such action, provide the following information:
- i) Action title or identifier;
 - ii) The actual or planned start date;
 - iii) The actual or expected end date;
 - iv) Brief summary of the subject and objective of the action;
 - v) Engineering group(s)/supplier(s) responsible for designing and for conducting the action;
 - vi) A brief summary of the findings and/or conclusions resulting from the action; and
 - vii) Whether each action is identified in the and/or described in the Chronology (Part 573.5 (c)(6)) section of the Safety Recall No. 04V-086 defect and non-compliance report.

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.

- f. For the defect issue addressed by Safety Recall No. 04V-086, provide any and all assessments, analysis, testing, and/or investigations involving the failure mode, failure mechanism, failure rate, failure trend, failure projection(s), failure consequence(s), and /or the effectiveness of the recall remedy, that Honda has, or had conducted.

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

11. Provide a detailed technical description comparing the headlight system for the vehicles within the scope of Safety Recall No. 04V-086 with the subject vehicles. Include a description comparing any similarities or differences in the features and functionality that are offered, and the components in the headlight system.
12. Provide an electrical and mechanical schematic for the headlight system for the vehicles associated with Safety Recall No. 04V-086 that shows the components, how power and ground is provided to each, and the functionality and features of the electrical circuits that connect them. Provide a diagram that shows where the components are located on each vehicle. Describe any optional features that are offered for the headlight system, such as automatic dimming or illumination.
13. On December 15, 2010, Honda submitted a “Defect and noncompliance information report” to notify the agency of its decision to conduct a safety recall on certain MY 2007 and MY 2008 Fit vehicles to remedy a defect in the of the low beam headlights that rendered the low beam headlights inoperative. NHTSA assigned Safety Recall number 10V-624 to Honda’s

recall action. Regarding Safety Recall No. 10V-624:

- a. Provide the following information in a Microsoft Access 2007 database, or a compatible format, entitled "FIT_RECALL" containing a list of the VINs that were recalled, and for each VIN;
 - i) The vehicle production date;
 - ii) The warranty start date;
 - iii) The U.S. state the vehicle was originally sold in, or delivered for sale;
 - iv) Whether the recall was conducted on the vehicle (Y/N), and;
 - v) The date of application of the remedy, if one was applied.
- b. State the part number(s) of the recall remedy repair kit(s), the vehicle make, model, and model year it was intended for, and Honda's total sales by part number and by month and year of sale from December 15, 2010 to the present;
- c. Provide the total number (counts) of each of the following that Honda received, or was otherwise aware of, as of the date that Honda determined that a safety recall should be initiated in the U.S., and, for the vehicles affected by the recall action, state by make, model, and model year, the total number (counts) of each of the following that Honda received, or was otherwise aware of;
 - i) Consumer complaints;
 - ii) Warranty claims
 - iii) Crashes or crash allegations;
 - iv) Injuries or injury allegations;
 - v) Fatalities or fatality allegations;
- d. Provide a narrative description on any similarities or differences between the lighting system(s) of the vehicles within the scope of Safety Recall No. 10V-624 and the subject vehicles by model and model year.
- e. Describe all assessments, analyses, tests, test results, studies, surveys, simulations, investigations, inquiries and/or evaluations (collectively, "actions") that led to, or may have led to, the determination to conduct recall Safety Recall No. 10V-624 and its remedy. For each such action, provide the following information:
 - i) Action title or identifier;
 - ii) The actual or planned start date;
 - iii) The actual or expected end date;
 - iv) Brief summary of the subject and objective of the action;
 - v) Engineering group(s)/supplier(s) responsible for designing and for conducting the action;
 - vi) A brief summary of the findings and/or conclusions resulting from the action; and
 - vii) Whether each action is identified in the and/or described in the Chronology (Part 573.5 (c)(6)) section of the Safety Recall No. 10V-624 defect and non-compliance report.

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.

- f. For the defect issue addressed by Safety Recall No. 10V-624, provide any and all assessments, analysis, testing, and/or investigations involving the failure mode, failure mechanism, failure rate, failure trend, failure projection(s), failure consequence(s), and /or the effectiveness of the recall remedy, that Honda has, or had conducted.

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

14. Provide a detailed technical description comparing the headlight system for the vehicles within the scope of Safety Recall No. 10V-624 with the subject vehicles. Include a description comparing any similarities or differences in the features and functionality that are offered, and the components in the headlight system.
15. Provide an electrical and mechanical schematic for the headlight system for the vehicles associated with Safety Recall No. 10V-624 that shows the components, how power and ground is provided to each, and the functionality and features of the electrical circuits that connect them. Provide a diagram that shows where the components are located on each vehicle. Describe any optional features that are offered for the headlight system, such as automatic dimming or illumination.
16. Provide a list of all recalls, campaigns, or similar actions, since January 1, 2001, where Honda determined a defect or problem condition existed in the low beam headlights of a vehicle manufactured by Honda for sale or lease outside of the United States. Include the following information:
 - a. Model of vehicle affected;
 - b. Model Years of Vehicle affected;
 - c. Name of the substantially similar U.S.-market model, if one exists;
 - d. Description of the defect or problem condition;
 - e. Description of the remedy for the defect or problem condition;
 - f. The part number(s) associated with the remedy of the defect or problem condition;
 - g. Name of the country where the recall, campaign, or similar action was performed;
 - h. Date on which a government or quasi-governmental agency was notified of the recall, campaign, or similar action;
 - i. Name of the governmental or quasi-governmental agency that was informed; and
 - j. Date in which NHTSA was informed of the recall.

Provide a copy of any documents submitted to a governmental or quasi-governmental

agency regarding a defect or problem condition listed above.

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, 2010)). 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 April 6, 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 PE10-037 in Honda's response to this letter and in any confidentiality request submitted to the Office of the 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. 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 (69 Fed. Reg. 21409 et seq; April 21, 2004), 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" 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.

Please send email notification to John Abbott (John.Abbott@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.

If you have any technical questions concerning this matter, please call John Abbott of my staff, at (202) 366-5221.

Sincerely,

Frank Borris, Director
Office of Defects Investigation
Enforcement

VOQ #'s:

10402804, 10403641, 10404564, 10405805, 10407268, 10407704, 10410086, 10412341, 10416365, 10417026, 10417000, 10416641, 10413120, 10421245, 10421515, 10423378, 10423130, 10423230, 10423849, 10424322, 10425021, 10425952, 10427179, 10427846, 10428049, 10428296, 10428768, 10429498, 10429605, 10430570, 10430850, 10434239, 10434342, 10434380, 10435356, 10435593, 10435556, 10432613, 10432827, 10432839, 10432997, 10433591, 10433076, 10434083, 10436132, 10436192, 10436586, 10437276, 10438009, 10439653, 10439025, 10439020, 10440313, 10440828, 10441312, 10442097, 10442724, 10442838, 10443189, 10443936, 10445123, 10445070, 10447729

| NHTSA:NVS:ODI

| NVS-212:JAbbott:vrj:65221:021/~~xx~~15/12:revised:02/21/2012

cc:

NVS-210 Chron

NVS-212 Subj/Chron

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