



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

400 Seventh St., S.W.  
Washington, D.C. 20590

DEC 18 2000

AQ49-012

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

Mr. Koichi Amemiya  
President  
American Honda Motor Co., Inc.  
1919 Torrance Boulevard  
Torrance, CA 90501-2746

Re: MY 1996-99 Acura 3.5L and MY 1996-98 Acura 3.2L Vehicles, Transmission Extension Shaft Defect (NHTSA Recall 99V-227)

Dear Mr. Amemiya:

The National Highway Traffic Safety Administration (NHTSA) is investigating matters related to the timeliness of Honda Motor Company Ltd's ("HMC") July 28, 1999 decision that certain model year ("MY") 1996-1999 Acura 3.5 RL and MY 1996-1998 Acura 3.2 RL vehicles ("subject vehicles") contain a defect that relates to motor vehicle safety, and of American Honda Motor Company, Inc.'s ("American Honda") (collectively "Honda") August 18, 1999 notification to NHTSA ("Part 573 Report") of the defect.

The National Traffic and Motor Vehicle Safety Act as amended (Safety Act) requires manufacturers to report the existence of a safety-related defect to NHTSA within a "reasonable time" after the manufacturer decides that a defect exists. 49 U.S.C. §§ 30118 and 30119. Implementing regulations, 49 CFR § 573.5, provide that each report shall be submitted not more than five (5) working days after a safety-related defect has been determined to exist. Honda incurred its duty to provide notice to NHTSA when it actually determined, or it should have determined, that its vehicles contained a safety-related defect. The statutory precursor to section 30118(c) has been judicially construed as imposing upon a manufacturer the duty "to notify and remedy whether it actually determined, or it should have determined, that its vehicles are defective and the defect is safety-related." United States v. General Motors Corporation, 656 F. Supp. 1555, 1559 n.5 (D.D.C. 1987), aff'd, 841 F.2d 400 (D.C. Cir. 1988), citing United States v. General Motors Corporation, 574 F. Supp. 1047, 1050 (D.D.C. 1983).

The defect in this matter is the loosening of the transmission case bolt, which Honda acknowledges can fall out and allow the transmission to disengage from the differential. If this happens, the vehicle will lose power to the drive wheels, and stop, without warning. Also, if a vehicle that is missing its transmission bolt is shifted into Park, the wheels will not



be locked, and the parked vehicle could move unexpectedly if the parking brake is not set. Part 573 Report, § 573.5(c)(5). All of the subject vehicles have the same design and Honda has stated that all of them contain the safety-related defect. *Id.* at § 573.5(c)(4).

With respect to the issue of timeliness, we note the following. The Office of Defects Investigation (ODI) file in this matter (AQ99-010) indicates that HMC began using a redesigned "secondary driven gear" in the subject vehicles in early July 1995. The original part was a different shape from the redesigned one; also, the original part had reinforced ribs whereas the replacement did not. The change to this gear (especially, the absence of the reinforced ribs) increased the likelihood of contact between the transmission extension shaft and the transmission case bolt, which was installed with a thread/lock sealer.

Sealing bolt complaints, which were almost nonexistent through October 1997, began rising early in 1998; reached 0.2% of sales in June 1998; increased steadily to 0.4% of sales in December 1999; and climbed to almost 0.6 percent of sales by June 1999. By October 29, 1998, American Honda had prepared a "Q.I.D. Report" entitled "Vehicle Won't Move in Gear" to HMC, concerning a September 30, 1998 incident involving an MY 1997 Acura 3.5RL with the symptom "will not move in gear" at 32,277 miles. American Honda's report described the problem as follows:

The 36mm sealing plug was missing from the secondary driver gear shaft. The extension shaft was backed out and disconnected from the final drive pinion. In some cases the differential pinion seal leaks . . . differential oil. Most dealers, including this one, just install a new plug, check for leaks, and return the vehicle to the customer. This problem appears to occur after the vehicle has been in service for 40K miles. The actual defect rate is difficult to determine since many failures occur outside of the warranty period.

American Honda also requested that HMC both take an appropriate countermeasure for future models and suggest an appropriate field action.

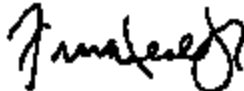
HMC received American Honda's Q.I.D. Report on November 2, 1998. On December 26, 1998, HMC's Quality Control Office, Sayama Factory ("Sayama") apparently prepared a "Problem Item Progress Sheet" that described the problem and its reported cause and outlined the steps in an investigation of the problem. HMC conducted an investigation, including testing, and the HMC Quality Committee did not meet about this issue until July 28, 1999. Furthermore, Honda of America did not file the Part 573 Report notifying NHTSA of the defect decision until August 18, 1999 or notify its customers of the defect until August 30, 1999. The belated decision and notification appear to violate the requirement in section 30119(c) of the Safety Act (49 U.S.C. § 30119(c)) to act in a "reasonable time" to notify customers, dealers, and NHTSA of the existence of this safety-related defect.

The Safety Act authorizes NHTSA to "require, by general or special order, any person to file reports or answers to specific questions . . . under oath." 49 U.S.C. § 30166(g)(1)(A). To assist NHTSA with its investigation of these apparent violations of the Safety Act, Honda is

hereby required to respond to the enclosed Special Order including Document Production Request ("Special Order") issued pursuant to 49 U.S.C. § 30166(g)(1) and 49 CFR Part 510, no later than January 22, 2001. This matter may result in civil penalties.

If you or your staff have any questions about the Special Order, please contact Ms. Enid Rubenstein of my staff at (202) 366-5252.

Sincerely,



Frank Scales, Jr.  
Chief Counsel

Enclosure

**NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION**  
400 Seventh Street, SW  
Washington, DC 20590

---

In re: Honda Motor Company Ltd. )  
American Honda Motor Company, Inc. )  
Recall 99V-227 )  
1996-99 Acura 3.5RL and 1996-98 Acura 3.2RL Vehicles )  
Alleged Violations Of 49 U.S.C. §§ 30118 and )  
30119 and 49 C.F.R. Part 573 )

---

**SPECIAL ORDER INCLUDING DOCUMENT PRODUCTION REQUEST**

To: Mr. Koichi Amemiya  
President  
American Honda Motor Co., Inc.  
1919 Torrance Boulevard  
Torrance, CA 90501-2746

Pursuant to 49 U.S.C. 30166(g) and 49 CFR Part 510, the National Highway Traffic Safety Administration ("NHTSA") issues this Special Order Including Document Production Request ("Special Order") to American Honda Motor Co., Inc. (Honda), relating to apparent violations by Honda of Title 49, Chapter 301 United States Code and regulations promulgated thereunder, including, but not limited to, 49 C.F.R. Part 573, regarding matters related to NHTSA safety recall # 99V-227. Honda is required to provide information and to produce documents as specified below.

I. **Instructions**

A. Honda's response to this Special Order must be accompanied by an affidavit(s), signed under oath by one or more corporate officers, together with an identification of each corporate officer's title and/or position, stating that the answers to the inquiries in Part III below are true, accurate and complete. A Honda affiant(s) must further state that he or she has caused the documents of Honda to be searched diligently for documents responsive to this Special Order and produced them to NHTSA and that documents provided to NHTSA in response to Part IV below are a full and complete response to this Special Order.

**B. The information and documents provided in response to this Special Order must include any and all information, from whatever source derived, which is known to, or in the possession or control of, Honda . This includes, but is not limited to, querying of Honda data bases.**

**C. Each inquiry in this Special Order must be answered separately and fully, in writing. Above each response, the question/interrogatory, or portion of such request, or request for production of documents must be repeated. All documents produced in response to this Special Order must be organized in accordance with and must identify the number of the document production request to which they respond.**

**D. Where documents responsive to this Special Order include photographs, actual photographs rather than photostatic copies must be provided.**

**E. Documents responsive to this Special Order that Honda has previously provided to NHTSA need not be resubmitted. However, insofar as Honda does not resubmit them, Honda must fully identify them by date, author and subject; describe the contents of each such document; and state the date on which each was submitted to NHTSA, and, where applicable, the question number of the information request letter in response to which the document was submitted to NHTSA.**

**F. Honda is requested to provide its original (except for any documents on a computer system (e.g., a data base created by direct data entry)) of each document. If Honda proceeds to provide a copy in lieu of the original, it must quality assure that all copies are complete and legible. If a copy is not fully legible (e.g., it is a copy of handwritten notes or a color depiction), Honda must provide the original.**

**G. If on the basis of attorney-client or other privilege, Honda does not submit one or more requested documents or items of information in response to this Special Order, Honda must provide a privilege log identifying each document or item withheld, and stating the date, subject or title, 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.**

**H. As to data produced, to the extent that such data, on their face, are not self-explanatory (e.g., the data do not set forth or reference the test procedure or what was tested), provide that explanatory information. To the extent that Honda deems improper or would otherwise object to this instruction with respect to a document production request on the grounds that it constitutes an information request (question or interrogatory), it may be regarded as, and must be responded to, as an information request (question or interrogatory).**

I. Each request for information and for documents is a continuing one. If, after serving a response, Honda obtains or becomes aware of any further information or documents responsive to any information request or document production request set forth below, Honda is required, to the full extent authorized pursuant to 49 C.F.R. § 510.10, to provide such information and/or documents to the undersigned within ten business days of their receipt. As part of these obligations, Honda is required to submit an amended response if Honda obtains information that reveals that a prior response was incorrect when it was made, or that reveals that the prior response, though correct when made, is no longer true and the circumstances are such that a failure to amend the response is in substance a knowing concealment.

J. The singular includes the plural; the plural includes the singular. The masculine gender includes the feminine and neutral genders; and the neutral gender includes the masculine and feminine genders. "And" as well as "or" shall be construed either disjunctively or conjunctively, to bring within the scope of this Special Order all responses that might otherwise be construed to be outside its scope. "Each" shall be construed to include "every" and "every" shall be construed to include "each." "Any" shall be construed to include "all" and "all" shall be construed to include "any." The use of a verb in any tense shall be construed as the use of the verb in a past or present tense, whenever necessary to bring within the scope of the document request all responses which might otherwise be construed to be outside its scope.

K. If Honda claims that any of the information or documents provided in response to this Special Order 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, to the Office of Chief Counsel (NCC-30), National Highway Traffic Safety Administration, Room 5219, 400 Seventh Street, S.W., Washington, D.C. 20590.

L. Honda's response to this Special Order, in duplicate, together with a copy of any confidentiality request, must be submitted no later than January 22, 2001, to the Office of Chief Counsel, Attention Enid Rubenstein (NCC-10), National Highway Traffic Safety Administration, Room 5219, 400 Seventh Street, S.W., Washington, D.C. 20590. If you have any questions, Ms. Rubenstein may be reached at (202) 366-5252.

## **II. DEFINITIONS**

For the purpose of this Special Order, the following definitions apply (regardless of capitalization of the first letter of a word):

A. "Honda" means American Honda Motor Company, Inc. and/or Honda Motor Company Ltd., including all of their divisions, subsidiaries, and affiliated enterprises

(including, but not limited to, American Honda Motor Company, Inc.; American Honda Service Division; Honda R&D Co., Ltd. ("Honda R&D"); Quality Control Office, Sayama Factory; Market Quality BL, Saitama Factory; and Overseas Service Division (Head Office); and all of Honda's past and present officers, employees, agents, contractors, suppliers, consultants and attorneys that had any involvement with the design, testing, quality assurance/quality control, evaluation, analysis, parts verification (design, production), approval, procurement, ordering and/or replacement, fabrication or assembly or dealer communications related to the transmission case bolt, transmission extension shaft, or secondary driven gear in Acura 3.5RL vehicles manufactured prior to June 30, 1999 and Acura 3.2TL vehicles manufactured prior to April 17, 1998.

B. "AHM" means American Honda Motor Company, Inc.

C. "HMC" means Honda Motor Company, Ltd.

D. "Subject vehicle(s)" refers to all model year (MY) 1996-1999 Acura 3.5RL vehicles manufactured between December 14, 1995 and June 29, 1999 and all MY 1996-98 Acura 3.2TL vehicles manufactured between April 10, 1995 and April 16, 1998.

E. "Subject bolt" means the 36 mm transmission case bolt, Honda Part Number 90082-PY5-000, used in subject vehicles to permit service access to the transmission and the differential, and/or sold as replacement equipment for use in subject vehicles.

F. "Subject gear" means the redesigned transmission secondary driven gear with a thread lock sealer applied to the 36 mm case bolt, Honda Part Number 23231-PY4-EOO, that Honda installed in subject vehicles beginning on or about July 11, 1995, or sold as a replacement part on or after that date for use in subject vehicles.

G. "Subject extension shaft" means the transmission extension shaft, Honda Part Number 41211-PY5-010, that was installed in subject vehicles.

H. "Subject components" means the subject bolt, the subject gear, and/or the subject extension shaft.

I. "Subject defect" means loosening of the subject bolt, which can fall out and allow the subject extension shaft to back out and disconnect from the differential.

J. "Part 573 Report" means the report submitted by Honda on August 18, 1999 to Mr. K. N. Weinstein, Associate Administrator for Safety Assurance, NHTSA, citing 49 CFR § 573.5, and containing information with respect to Honda's decision that the subject vehicles contain a defect relating to motor vehicle safety.

K. "Document" means 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, 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 built, 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, 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 you, 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 Special Order, 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 the original and any non-identical copies are not available, "document" also means any identical copies of the original and all non-identical copies thereof. If a document is not in the English language, provide both the original document and an English translation of the document.

L. "Identify" or "identification," with respect to a person, means to provide that person's name, title or position and employing division and company at the time relevant to the subject matter of the question, present job title or description and employer, and last known business address and telephone number; with respect to a document means the date, subject or title, name and position of the person from, and the person to whom it was sent, and the name and position of any other recipient, and if not clear from the subject or title, the substantive nature of matters addressed in the document.

M. "You" or "your" refers to Honda.

N. "Describe in detail" or "explain in detail" or "state in detail" as used herein, mean the following:



- (1) Describe fully by reference to underlying facts rather than ultimate facts or conclusions of law or fact.
- (2) Particularize as to:
  - (a) the identity of each person involved in each such event, including, but not limited to, persons employed by Honda and those persons purporting to act for Honda ;
  - (b) the specific acts of each person participating in each such event;
  - (c) the date and time of each such event;
  - (d) the address and location of each such event; and
  - (e) the identity of each person present during each such event.

O. "Information Request" or "IR" means the Information Request issued to Honda by NHTSA's Office of Defects Investigation (ODI) on December 17, 1999, in recall audit investigation AQ99-10.

P. "Information Request Response" or "IR Response" means Honda's March 8, 2000 response to ODI's December 17, 1999 Information Request.

### III. Questions/Interrogatories

1. Explain in detail why Honda decided to install a redesigned secondary driven gear in the subject vehicles, effective approximately July 11, 1995 and why Honda decided to change the shape of the previous version of the secondary driven gear, as installed in earlier models of the subject vehicles, and to eliminate the reinforced ribs from the previous version of that gear. Also explain in detail why Honda used the same part number (23231-P44-E00) for both the original and the redesigned gear.
2. Did Honda, at any time before its introduction on or about July 11, 1995, ever conduct testing of the subject gear to ascertain whether its performance would be satisfactory in high-speed driving conditions? If so, state when any such test(s) occurred, and provide a detailed description of each such test and the results of that test(s), to include a statement of the test speed. If Honda did not conduct such a test(s) prior to July 11, 1995, explain in detail why not.
3. Identify separately each and every test, study, simulation, evaluation, analysis, inquiry, survey, investigation, or similar action (collectively "action") that Honda performed, or which Honda is aware was performed, upon any or all of the subject components between July 11, 1995 and August 7, 1996, when AHM's "Techline" hotline reportedly received its first complaint about the subject defect. With respect to each such action identified above, state the following: (i) when each such action was taken or performed; (ii) who performed that action; (iii) the results of that action; and (iv) to whom those results were communicated.

4. Identify separately each and every test, study, simulation, evaluation, analysis, inquiry, survey, investigation, or similar action (collectively "action") which Honda performed, or which Honda is aware was performed, upon any or all of the subject components, between August 7, 1996 and October 29, 1998. With respect to each such action identified above, state the following: (i) when each such action was taken or performed; (ii) who performed that action; (iii) the results of that action; and (iv) to whom those results were communicated, directly and indirectly.
5. State whether Honda received or possessed, in any form, any (a) complaints, (b) warranty claims, (c) field reports, or (d) other reports from vehicle owners, Honda employees or contractors, or Honda dealers that relate to the subject defect, prior to September 30, 1998. If the answer to any subpart of the foregoing question is affirmative, for each such subpart, state the number (of complaints, claims or reports) received and, for each such item, identify the submitter and the date of Honda's receipt of the item. Also explain in detail all acts by Honda in response to each such item.
6. State whether Honda received or possessed, in any form, any (a) complaints, (b) warranty claims, (c) field reports, or (d) other reports from vehicle owners, Honda employees or contractors, or Honda dealers that relate to the subject defect, between September 30, 1998 and August 18, 1999. If the answer to any subpart of the foregoing question is affirmative, for each such subpart, state the number (of complaints, claims or reports) received and, for each such item, identify the submitter and the date of Honda's receipt of the item. Also explain in detail all acts by Honda in response to each such item.
7. Explain in detail what an "A.H. Q.I.D. Report" is and describe in detail the circumstances in which such reports are prepared; who initiates such reports; the expected contents of such reports; and for whom such reports are prepared. Identify "JH," whose initials appear on the October 29, 1998 AHM Q.I.D. Report (Number AVC 276) ("QID Report") about a September 30, 1998 incident involving an MY 1997 Acura 3.5 RL with the symptom "will not move in gear" (Attachment 2A to Honda's IR Response) and describe in detail JH's role in preparing the QID Report and the reasons why he or she prepared it. Identify all individuals at American Honda who received or reviewed this report, as well as the four individuals with Japanese names to whom the report was addressed. Explain in detail the bases and reasons for the request in the QID Report that HMC "review the possible cause of this failure and take an appropriate countermeasure on future models. Also, suggest an appropriate field action to use on affected vehicles in the field."
8. Describe in detail the "healthy vehicle check" performed by AHM from January 1999 to March 1999, described in Honda's response to IR Question 3 at page 6. Identify the person(s) who decided to conduct this study; the goals of the study; the AHM personnel who participated in the study; and the role of each such participant. Identify every Honda dealership that participated in this study, by name, address, and "dealership number."

Explain the criteria by which dealerships surveyed during this study were selected, and by whom they were selected. State whether any other dealerships were considered for participation in this study and, if so, why those dealerships did not participate. State whether any of the sealing bolts identified in the March, 29, 1999 document entitled "Sealing Bolt Dealer Survey" ("dealer survey") (see Attachment 2J to Honda's IR response) were in fact sent to AHM. If so, identify each such sealing bolt that was received at AHM and describe in detail the disposition of each such bolt and Honda's findings with respect to each such bolt. Also explain why the dealer survey includes information about sealing bolts from 10 Legends manufactured between MY 1992 and MY 1995.

9. Other than the "healthy vehicle check" referred to in Interrogatory No. 8, identify separately each and every test, study, simulation, evaluation, analysis, inquiry, survey, investigation, or similar action (collectively "action") which American Honda performed or commissioned upon any or all of the subject components, from October 29, 1998 up to and including August 18, 1999. With respect to each such action identified above, state the following: (i) when each such action was taken or performed; (ii) who performed that action; (iii) the results of that action; and (iv) to whom those results were communicated.
10. Other than any actions identified in response to Interrogatory No. 9, identify separately each and every test, study, simulation, evaluation, analysis, inquiry, survey, investigation, or similar action (collectively "action") which Honda performed, or which Honda is aware was performed, upon any or all of the subject components, from July 1995 up to and including November 2, 1998, the date when HMC received the QID Report. With respect to each such action identified above, state the following: (i) when each such action was taken or performed; (ii) who performed that action; (iii) the results of that action; and (iv) to whom those results were communicated.
11. Other than any actions identified in response to Interrogatory No. 9, identify separately each and every test, study, simulation, evaluation, analysis, inquiry, survey, investigation, or similar action (collectively "action") which Honda performed, or which Honda is aware was performed, upon any or all of the subject components, from November 3, 1998, up to and including December 26, 1998, the date when, according to Honda, the undated "Problem Item Progress Sheet," entitled "Market Quality Information" ("Progress Sheet"), was issued by Honda's Sayama Factory. See Attachment 2C to Honda's IR response; see also Honda's Response No. 2 to ODI's Information Request. With respect to each such action identified above, state the following: (i) when each such action was taken or performed; (ii) who performed that action; (iii) the results of that action; and (iv) to whom those results were communicated.
12. Explain in detail why and by whom the Progress Sheet was prepared and issued. State whether the December 26, 1998 date assigned to this Progress Sheet in Honda's response No. 2 to ODI's Information Request is correct. If it is not correct, state the correct date of

the Progress Sheet and explain in detail the basis for Honda's statement of the date in its response to Question Number 2 of ODI's Information Request. If it is correct, explain why December 26, 1998, is not by implication the date Honda determined, or the latest date by which Honda should have determined, that the subject vehicles contained the subject defect. State when the timetable that appears in the far left-hand column of the Progress Sheet was prepared and whether the dates contained therein were assigned on the same date that the remainder of the Progress Sheet was prepared. If not, state when the timetable was (a) prepared and (b) completed, and explain in detail why the completed timetable was included in Attachment 2C to Honda's IR Response without an explanation of the lag in preparation time. Explain in detail what is meant on the left-hand side of the Progress Sheet by "Information Gathering," and by the "completion date" for that item of December 22, 1998, and provide a detailed chronology and explanation of all steps in HMC's "Information Gathering" program with respect to the subject defect and every finding thereof. Explain in detail what is meant on the left-hand side of the Progress Sheet by "Investigation and Analysis" and by the "completion date" for that item of December 26, 1998, and provide a detailed chronology and explanation of all steps in HMC's Investigation and Analysis program with respect to the subject defect and every finding thereof. Explain in detail what is meant in the column on the left-hand side of the Progress Sheet by "Improvement Request" and by the "Completion date" of December 26, 1998 for that item. Also identify all changes that HMC made to the Progress Sheet on May 27, 1999, when according to Honda's IR Response, Response No. 2, page 4, HMC "update[d] (the) Problem Item Progress Sheet with identification of the cause of sealing bolt loosening." *Id.* at Response No. 2, page 4. Provide a copy of the Progress Sheet as of May 26, 1999, before it was updated, and provide dated copies of all other non-identical versions of the Progress Sheet.

13. Other than any actions identified in response to Interrogatory No. 9, identify separately each and every test, study, simulation, evaluation, analysis, inquiry, survey, investigation, or similar action (collectively "action") which Honda performed, or which Honda is aware was performed, upon any or all of the subject components, or actual or proposed replacements for any or all of the subject components, from December 26, 1998, up to and including August 18, 1999. With respect to each such action identified, state the following: (i) when each such action was taken or performed; (ii) who performed that action; (iii) the results of that action; and (iv) to whom those results were communicated.
14. With regard to each and every communication or meeting (in person or by telephone) within Honda, or between Honda and/or any other person or entity, at which the possibility of the existence of a problem with or defect in any of the subject components was discussed, state the approximate date on which each such communication or meeting was held and the name, job title, telephone number and employer of each participant and provide a detailed summary of each meeting.

15. From the start of production of the subject gear, in or about July 1995, through August 18, 1999, identify and describe each and every revision, rework, redesign, modification or change, including prototypes, made by, on behalf of, or known to Honda in the design, material, composition, supplier, requirements, manufacture, testing, quality control, or installation of the subject gear in the subject vehicles. The following information must be stated for each modification or change:
- a. The time period when the modification or change was developed;
  - b. The date(s) when the modification or change was approved;
  - c. The date on which the modification or change was incorporated into production;
  - d. A description of the modification or change, providing blueprints, sketches or diagrams where available;
  - e. The reason for the modification or change;
  - f. The part numbers of the original, and of the modified or changed components (if any);
  - g. The disposition of the unmodified/unchanged components in Honda production inventory, furnishing the date(s) if such components were removed or withdrawn from sale or inventory;
  - h. Whether the modified or changed components could be interchanged with earlier production components; and
  - i. Whether the modification or change corrected the problem it was designed to correct, and performed as it was design to perform.
16. From July 1, 1995, through August 18, 1999, identify and describe each and every revision, rework, redesign, modification or change, including prototypes, made by, on behalf of, or known to Honda in the design, material, composition, supplier, requirements, manufacture, testing, quality control, or installation of the subject bolt in the subject vehicles. The following information must be stated for each modification or change:
- a. The time period when the modification or change was developed;
  - b. The date(s) when the modification or change was approved;
  - c. The date on which the modification or change was incorporated into production;
  - d. A description of the modification or change, providing blueprints, sketches or diagrams where available;
  - e. The reason for the modification or change;
  - f. The part numbers of the original, and of the modified or changed components (if any);
  - g. The disposition of the unmodified/unchanged components in Honda production inventory, furnishing the date(s) if such components were removed or withdrawn from sale or inventory;
  - h. Whether the modified or changed components could be interchanged with earlier production components; and

- i. Whether the modification or change corrected the problem it was designed to correct, and performed as it was design to perform.
  
17. From July 1, 1995, through August 18, 1999, identify and describe each and every revision, rework, redesign, modification or change, including prototypes, made by, on behalf of, or known to Honda in the design, material, composition, supplier, requirements, manufacture, testing, quality control, or installation of the subject shaft in the subject vehicles. The following information must be stated for each modification or change:
  - a. The time period when the modification or change was developed;
  - b. The date(s) when the modification or change was approved;
  - c. The date on which the modification or change was incorporated into production;
  - d. A description of the modification or change, providing blueprints, sketches or diagrams where available;
  - e. The reason for the modification or change;
  - f. The part numbers of the original, and of the modified or changed components (if any);
  - g. The disposition of the unmodified/unchanged components in Honda production inventory, furnishing the date(s) if such components were removed or withdrawn from sale or inventory;
  - h. Whether the modified or changed components could be interchanged with earlier production components; and
  - i. Whether the modification or change corrected the problem it was designed to correct, and performed as it was design to perform.
  
18. Identify, by name, business address and title, every person within Honda who has, or had, any responsibility for supervising, managing, designing, testing, procuring from or communicating with a supplier concerning the subject components and state the responsibilities and role of each with regard to each subject component. With regard to each person listed, state whether that person is still employed at Honda.
  
19. Explain in detail why October 29, 1998 (the date of the QID Report) is not by implication the date Honda determined, or the latest date by which Honda should have determined, that the subject vehicles contained a safety-related defect.
  
20. Explain in detail why November 2, 1998 (the date HMC received the QID Report (see Attachment 2C to Honda's IR response)), is not by implication the date Honda determined, or the latest date by which Honda should have determined, that the subject vehicles contained a safety-related defect.
  
21. Explain in detail why December 26, 1998, the date when the Quality Control Office, Sayama Factory, issued the Progress Sheet (Attachment 2C to Honda's IR response), which describes the subject defect and its probable cause; states that "[i]t is necessary

to develop an effective improvement;" and describes the probable nature of that improvement (i.e., adding an O-ring to the sealing bolt) is not by implication the date Honda determined, or the latest date by which Honda should have determined, that the subject vehicles contained a safety-related defect.

22. Explain in detail why April 22, 1999, the date when Honda's Tochigi R&D Center ("Tochigi R&D"), Honda R&D Co., Ltd., conducted a high speed test in which the subject sealing bolt, torqued to the lower control limit, came loose and fell out and "the end face of the bolt bore traces of having been beaten by the extension shaft" (see Attachment 2K to Honda's IR Response), or May 10, 1999, the date when Tochigi R&D issued its test report describing the April 22, 1999 test (*id.*), is not by implication the date Honda determined, or the latest date by which Honda should have determined, that the subject vehicles contained a safety-related defect.
23. Explain in detail why May 7, 1999, the date when Honda's Design Department issued Mass Production Spec. Notice ("Notice") Y4X-1-581, "99 Legend – Improvement of Ease of Inserting Ext[ension] Shaft," to add a snap ring groove to the secondary gear shaft and reduce the overall length of that shaft by 1mm (see Attachment 12-B1 to Honda's IR Response), is not by implication the date Honda determined, or the latest date by which Honda should have determined, that the subject vehicles contained a safety-related defect. Provide the complete chronology of HMC's Design Department's adoption of Notice Y4X-1-581. Explain in detail why the changes adopted in that revision were not "applied . . . until after stocks were exhausted" and were not incorporated into production until June 29, 1999 and August 2, 1999, respectively. (See Attachment 12-B2 to Honda's IR Response.)
24. Explain in detail why June 9, 1999, the date when Honda's Design Department issued Mass Production Spec. Notice ("Notice") Y4X-1-748, "99M Legend - Improved Marketability of Sealing Bolt" to (1) stop applying the 36 mm sealing bolt with sealer and add an O-ring to the sealing bolt; (2) provide a "set drawing" of the sealing bolt set, Part 90082-PY5-3050 for "servicing use;" and (3) change the surface roughness of the O-ring seating surface (see Attachment 12-C1 to Honda's IR response), is not by implication the date Honda determined, or the latest date by which Honda should have determined, that the subject vehicles contained a safety-related defect. Provide the complete chronology of HMC's Design Department's adoption of Notice Y4X-1-748. Explain the statement in Attachment 12-C2 to Honda's IR Response that "[m]arket monitoring of the effectiveness of this measure continued up to July 16, 1999." Specifically define the term "market monitoring" and explain in detail what was learned from this "market monitoring," why it continued until July 16, 1999 and why it could not have been concluded sooner. Explain in detail when the redesigned parts became available and why the redesigned parts were not used in production until August 2, 1999. See *id.*

25. Explain in detail why Parts Nos. 23231-P44-EOO and 41211-P45-010 were not withdrawn from inventory or stock or sale (a) when HMC issued Mass Production Spec. No. Y4X-1-581 on May 7, 1999 or (b) when the revised secondary gear and extension shaft became available on June 29, 1999, and August 2, 1999, respectively (See Attachment 12-B-2 to Honda's IR response).
26. State whether, prior to mid-July, 1999, Honda considered convening a meeting of the HMC Quality Committee to discuss the question of whether to provide a remedy for the subject defect. If the answer to this question is yes, state in detail when and by whom this was considered, and explain in detail why the meeting did not take place until July 28, 1999.
27. Explain in detail why American Honda did not submit the Part 573 Report until August 18, 1999 when Honda decided that the defect existed on July 28, 1999 and American Honda telephoned ODI to report the defect decision on August 4, 1999.
28. State whether the one-page document entitled "The Minutes" (of the Quality Committee Meeting conducted on July 28, 1999) (see Attachment 3 to Honda's IR Response), which appears to contain only a conclusion, is an excerpt from the minutes or the complete document. If the former, provide a complete copy (in the original and in translation) of the minutes and explain why the remainder of the text was omitted from the document Honda submitted to ODI in Attachment 3.
29. State when, and by whom, the undated flow charts submitted in Attachments 4 and 5 of Honda's IR response were prepared. Identify all participants at each stage of the process, as portrayed in the flow charts, that led to the July 28, 1999 decision to conduct Recall 99V-227, and state the date on which each step in the process was (a) initiated and (b) completed. If the undated flow charts submitted in Attachments 4 and 5 to Honda's IR Response are not the flow charts that were in existence between August 7, 1996, when American Honda reportedly received the first report of failure of a subject component, and July 28, 1999, submit copies of any or all such flow charts that were in existence during this time frame; state when and by whom each such flow chart was prepared; identify each person or Honda subdivision or office shown on each such chart who did not participate in the decision-making that led to Recall 99V-227.
30. For each test conducted by Honda after November 2, 1998 on any or all of the subject components, explain in detail why it was necessary for Honda to conduct that test or series of tests prior to deciding that a safety-related defect existed in the subject components in the subject vehicles. Also, explain in detail why Honda did not initiate the testing described in Attachments 2K, 2L, 2M, 2N and 2P to Honda's IR Response until February, 1999 and why Honda conducted the tests described in Attachments 2K, 2L, 2M, 2N and 2P to the IR Response sequentially, over a period of approximately four months, rather than concurrently.



31. With respect to (a) the changes announced in Mass Production Spec. Notice Y4X-1-581 (providing a snap ring groove in the secondary gear shaft and reducing the overall length of the extension shaft by 1mm) (see attachment 12-B1 to Honda's IR Response); and (b) the changes announced in Mass Production Spec. Notice Y4X-1-748 (ceasing application of the 36 mm sealing bolt with sealer; providing a "set drawing for servicing use" of the sealing bolt set, Part Number 90082-PY5-3050 (sic); and changing the surface roughness of the O-ring seating surface on the shaft of the secondary gear (see attachment 12-C1 to Honda's IR Response) provide a detailed explanation of (1) when Honda began the developmental work on each of the revised components; (2) all steps during the process of developing, testing and approving the revised components; and (3) when and by whom the revised components were approved. Also explain whether Mass Production Spec. Notice Y4X-1-748 applies to new production vehicles, to subject vehicles, or to both.
32. Explain in detail Honda's choice of a "market measure" (field remedy) for the subject defect (the "sealing bolt set," Part 90082-PY5-305) (see Honda's IR Response, page 16) and provide a complete description and chronology of the decision process leading up to that choice that identifies every major participant in that decision. State whether the "sealing bolt set," Part 90082-PY5-305, identified in Honda's IR response at page 16 is the same as the "sealing bolt set," Part 90082-PY5-3050, identified in Mass Production Spec. Notice Y4X-1-748 (Attachment 12-C1 to Honda's IR Response), and, if not, describe all differences between Part 90082-PY5-305 and Part 90082-PY5-3050. Also explain in detail why the field remedy and the production change to the subject components are not identical and why the field remedy is adequate to correct the subject defect.
33. Identify all persons who participated in preparing the 14-page presentation entitled "96-99 YM,3.5RL/3.2TL, "How Loosening of Sealing Bolt Eventually Disables Vehicle From Running," that was presented to HMC's Quality Committee on July 28, 1999; all persons who made the July 28, 1999 presentation on this subject to the Quality Committee; and all members of the Quality Committee that met about this subject on July 28, 1999.

#### **IV. Document Requests**

1. Separately, with respect to the subject matter of Interrogatories 3, 4, 9, 10, 11 and 13 above, produce a copy of each and every document relating to any such action and/or any communication concerning that action regardless of whether the documents are in interim, draft, or final form.
2. Separately, with respect to the subject matter of Interrogatory 14 above, produce a copy of each and every document (e.g., memo, notes, e-mail) relating to each such communication or meeting.

3. Separately, with respect to the subject matter of Interrogatories 15 through 17 above, produce a copy of each and every document, including but not limited to test plans and reports, blueprints or other similar prints, digitized prints, sketches, test data or results, or other documentation concerning or relating in any manner whatsoever to the change, modification, revision, rework or redesign and any testing of it.
4. Produce a copy of each and every document within Honda's possession or control which pertains to: (a) the design, testing, construction, manufacture, implementation or adequacy of the subject gear. This request includes copies of all relevant test results.
5. Produce a copy of each and every document within Honda's possession or control which pertains to: (a) the design, testing, construction, manufacture, implementation or adequacy of the component revisions adopted in Mass Production Spec. Notice Y4X-1-581; or (b) the design, testing, construction, manufacture, implementation or adequacy of the component revisions adopted in Mass Production Spec. Notice Y4X-1-748. This request includes copies of all relevant test results.
6. Produce complete documentation of Honda's decisions (a) to provide a remedy for the subject defect and (b) to use the "sealing bolt set," Honda Part Number 90082-PY5-305 as that remedy.
7. Produce a copy of each and every document which pertains in any way to reports or recommendations to the HMC Quality Committee, or to the decision of the HMC Quality Committee with respect to the subject defect.
8. Produce a copy of all documents (e.g., notes, memos) regarding or amounting to communications between Honda and any supplier of any subject component relating to the adequacy or inadequacy of the subject components or to the subject defect.
9. To the extent not already provided, produce copies of each and every document referred to in, relied upon in, or used in connection with, any response you gave to any of the above Interrogatories, and for each document identify by Interrogatory number to which Interrogatory that document is responsive.

Dated: December 18, 2000

  
Frank Seales, Jr.

Chief Counsel

National Highway Traffic Safety Administration  
Room 5219; Mail Code NCC10  
400 Seventh Street, SW  
Washington, D.C. 20590

cc: William R. Willen, Esq., Managing Counsel, Product Regulatory Office, AHM