



U.S. Department
of Transportation

**National Highway
Traffic Safety
Administration**

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

NOV 17 2008

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Robert Babcock, Manager
Government Affairs
Hyundai America Technical Center, Inc.
5075 Venture Drive
Ann Arbor, MI 48108

NVS-212kmb
EA03-015

Dear Mr. Babcock:

As you know, the Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA) upgraded its Preliminary Evaluation (PE03-016) to an Engineering Analysis (EA03-015) to investigate allegations of engine compartment fire due to an alleged fuel system leak in MY 2001 Kia Rio vehicles manufactured by Kia Motors America, Inc. Subsequent to the opening of EA03-015, Kia Motors America, Inc. submitted a defect information report pursuant to 49 C.F.R. Part 573 (Recall No. 03V-352) that recalled MY 2001 Kia Rio vehicles. The remedy prescribed by Kia would entail inspecting and replacing the fuel distributor and fuel connector assemblies in the affected vehicles as required. Kia's Part 573 Report was incomplete and it appears that vehicles not included in the company's recall have the same configuration in pertinent respects as the MY 2001 Kia Rio. This information request separately covers deficiencies in Kia's Part 573 report and addresses other Kia vehicles that use the same or substantially similar components involved in the fuel leaks and accompanying engine fires. In order for this office to complete the investigation and evaluate the defect reported by Kia, we request certain information.

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

- **Subject vehicles:** All MY 2001-2004 vehicles, such as, but not limited to, the Rio and Rio Cinco, manufactured for sale or lease in the United States that use the same fuel delivery system as that used in the vehicles covered by the subject recall identified below.
- **Subject components:** The rigid high-pressure fuel supply line mounted to the firewall (identified by Kia in the 2001 Rio as "Main Fuel Pipe" P/N 0K32A 45 111), the flexible high-pressure fuel supply line (identified by Kia in the 2001 Rio as "Main Fuel Tube Assembly" P/N 0K32A 13 49XB), and the fuel injector rail (identified by Kia in the 2001 Rio as "Fuel Distributor Assembly" P/N 0K30E 13 150), including the fuel injector rail service port valve, used in the subject vehicles identified above.



DOT AUTO SAFETY HOTLINE
888-DASH-2-DOT
888-327-4236

- **Subject Recall:** NHTSA Recall No. 03V-352.
- **Kia:** Kia Motors America, Inc., Kia Motors Corporation, Hyundai Motor America, Inc., Hyundai Motor Company, Hyundai America Technical Center, Inc., all of their 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 Kia (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;
 - 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;
 - 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; and
 - e. Communications to or from suppliers of the subject components.
- **Alleged defect:** Engine compartment fuel leaks or engine compartment fires.
- **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 Kia, 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 manufacturer 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 Kia has previously provided a document to ODI, Kia 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 Kia's response to each request, identify the source of the information and indicate the last date the information was gathered.

1. State, by model and model year, the number of subject vehicles Kia has manufactured for sale or lease in the United States. Separately, for each subject vehicle manufactured to date by Kia, state the following:
 - a. Vehicle identification number (VIN);
 - b. Make;
 - c. Model;
 - d. Model Year;
 - e. Date of manufacture;
 - f. Date warranty coverage commenced; and

- g. 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, EA03-015 Data Collection Disc, for a pre-formatted table which provides further details regarding this submission. Kia's response must adhere precisely to the format defined in the enclosure.

2. State the number of each of the following, received by Kia, or of which Kia is otherwise aware, which relate to, or may relate to, the alleged defect in the subject vehicles:
 - a. 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. Reports involving a fire, based on claims against the manufacturer involving a fire, notices received by the manufacturer alleging or proving that a fire was caused by a possible defect in a subject vehicle, property damage claims, consumer complaints, or field reports;
 - e. Property damage claims;
 - f. Third-party arbitration proceedings where Kia is or was a party to the arbitration; and
 - g. Lawsuits, both pending and closed, in which Kia is or was a defendant or codefendant.

For subparts "a" through "e" 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 "g," provide a summary description of the alleged problem and causal and contributing factors and Kia's assessment of the problem, with a summary of the significant underlying facts and evidence. For items "f" and "g," identify the parties to the action, as well as the caption, court, docket number, and date on which the complaint or other document initiating the action was filed.

3. Separately, for each item (complaint, report, claim, notice, or matter) within the scope of your response to Request No. 2, state the following information:
 - a. Kia's file number or other identifier used;
 - b. 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;
 - e. Vehicle's make, model and model year;

- f. Vehicle's mileage at time of incident;
- g. Incident date;
- h. Report or claim date;
- i. Whether a crash is alleged;
- j. Whether a fire is alleged;
- k. If a fire is alleged, the quadrant of the engine compartment where the fire started; use the terms "front driver," "front passenger," "rear driver," or "rear passenger" to identify the fire's origination;
- l. Whether property damage is alleged;
- m. Number of alleged injuries, if any;
- n. Number of alleged fatalities, if any;
- o. Relevance to the alleged defect of this investigation ("engine compartment fire due to an alleged fuel system leak") use the terms "likely," "possible," "unlikely," "unknown"; and
- p. Complaint summary description.

Provide this information in Microsoft Access 2000, or a compatible format, entitled "COMPLAINT DATA." See Enclosure 1, EA03-015 Data Collection Disc, for a pre-formatted table which provides further details regarding this submission. Kia's response must adhere precisely to the format defined in the enclosure.

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 Kia used for organizing the documents.
5. State, by model and model year, a total count for all of the following categories of claims, collectively, that have been paid by Kia 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:

- a. Kia's claim number;
- b. 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. Repairing dealer's or facility's name, telephone number, city and state or ZIP code;
- g. Labor operation number;
- h. Problem code;
- i. Replacement part number(s) and description(s);
- j. Concern stated by customer; and
- k. Comment, if any, by dealer/technician relating to claim and/or repair.

Provide this information in Microsoft Access 2000, or a compatible format, entitled "WARRANTY DATA." See Enclosure 1, EA03-015 Data Collection Disc, for a pre-formatted table which provides further details regarding this submission. Kia's response must adhere precisely to the format defined in the enclosure.

6. Describe in detail the search criteria used by Kia 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 Kia 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 Kia 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 Kia 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 Kia 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, Kia. 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;
 - e. 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. For each subject component part number, provide the supplier's name, address, and appropriate point of contact (name, title, and telephone number). Identify any changes made to the supplier of the subject components, the date at which the change occurred, and the reason given for the change.

10. In its August 13, 2003, letter to ODI regarding the MY 2001 Rio, Kia provided information in response to a question by ODI requesting material related to warranty claims. Attachment 1 lists warranty claims paid pertaining to the flexible high-pressure fuel supply line and the fuel injector rail. Certain part numbers listed in the column labeled "REPL PART NO" are succeeded by an asterisk that notes "** Part not replaced as part of repair." However, according to Kia's Labor Time Standard manual, the labor operation code listed for the claim states the operation (e.g., 31347R00) was for a part replacement. Please clarify the apparent discrepancy between the labor operation code and the asterisk on replacement of the part(s).
11. In its September 22, 2003, letter to ODI regarding the subject recall, Kia provided a defect information report. Kia made a determination that fuel leaks may develop because of quality deviations in the fuel injector rail service port valve or the flexible high-pressure fuel supply line. Pursuant to 49 C.F.R. § 573.6(c)(5), please describe in detail the exact nature of the quality deviations – e.g. material composition, dimensional tolerances, etc. – and furnish Kia's assessment of the defect in the subject recall, including:
- The causal or contributory factor(s);
 - The failure mechanism(s);
 - The failure mode(s);
 - The risk to motor vehicle safety that it poses; and
 - 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.
12. In its August 13, 2003, letter to ODI regarding the subject recall, Kia reports that "neither [the Fuel Distributor Assembly or the Main Fuel Tube Assembly] has been substantially modified since their introduction in the 2001 model year." Explain in detail how Kia determined that the defect is limited to only the MY 2001 Kia Rio and why the scope of Kia's recall does not extend to subsequent model year vehicles such as new Rio and Rio Cinco vehicles that use the same or similar fuel system components as the MY 2001 Rio.

This letter is being sent to Kia 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. Kia's failure to respond promptly and fully to this letter could subject Kia 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 \$15 million for a related series of violations, for failing or refusing to perform an act required under 49 U.S.C. § 30166. This includes failing to respond to ODI information requests.

If Kia 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,

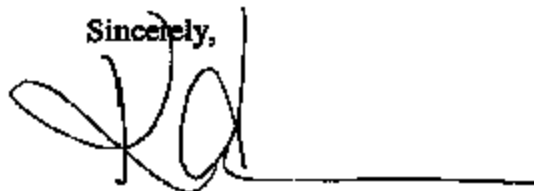
Kia does not submit one or more requested documents or items of information in response to this information request, Kia must provide a privilege log identifying each document or item withheld, and stating the date, subject or title, the name and position of the person(s) from, and the person(s) to whom 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.

Kia's response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office by January 13, 2004. Please refer to EA03-015 in Kia's response to this letter. If Kia finds that it is unable to provide all of the information requested within the time allotted, Kia must request an extension from Mr. Thomas Cooper of my staff at (202) 366-5218 no later than five business days before the response due date. If Kia 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 Kia then has available, even if an extension has been granted.

If Kia 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, Kia 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 (68 Fed. Reg. 44209 et seq; July 28, 2003), to the Office of Chief Counsel (NCC-113), National Highway Traffic Safety Administration, Room 5219, 400 Seventh Street, S.W., Washington, D.C. 20590. Kia 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 Mr. Kyle Bowker of my staff at (202) 366-9597.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kd', with a long horizontal line extending to the right.

Kathleen C. DeMeter, Director
Office of Defects Investigation
Enforcement

Enclosure 1: One CD-ROM titled EA03-015 Data Collection Disc containing three files