



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

1200 New Jersey Avenue SE.
Washington, DC 20590

FEB 2 - 2010

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Tony Kim
President
Hyosung Motors America, Inc.
5815 Brook Hollow Parkway
Suite B
Norcross, GA 30071

NVS-214jry
RQ10-001

Dear Mr. Kim:

As you know, we recently opened this "Recall Query" (RQ) after receiving an allegation of fracturing handlebar retaining bolts on a MY 2007 GV650. This apparent failure was addressed by Hyosung's recall (07V-015) in February 2007, an action addressing only MY 2006 GV650's. Both the allegation and the recall notice have been e-mailed to Chris Birkle.

To assess whether the scope of 07V-015 is reasonable, we are requesting the following information. Unless otherwise stated in the text, the following definitions apply to this information request:

Subject Component: The allen bolts securing the handlebars on a subject vehicle.

Subject Vehicle: MY 2007 Hyosung GV650 motorcycles produced for sale in the United States.

Alleged Defect: loosening and/or fracturing of a subject component.

Hyosung: Hyosung Motors America, Inc., its parent company, and all of its past and present officers and employees, whether assigned to its principal offices or any of its field or other locations, including all of its divisions, subsidiaries (whether or not incorporated) and affiliated enterprises and all of their headquarters, regional, zone and other offices and their employees, and all agents, contractors, consultants, attorneys and law firms and other persons engaged directly or indirectly (e.g., employee of a consultant) by or under the control of Hyosung (including all business units and persons previously referred to), who were involved in any way with any of the following related to the alleged defect:

- 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; or
- d. Communication to, from or intended for zone representatives, field quality engineers, assembly plant engineers, component suppliers, assembly wholesalers, retailers, or other field locations, including but not limited to people who have the capacity to obtain information from wholesalers or retailers, all officers, employees, agents, contractors, and consultants of Hyosung, whether assigned to its principal office or to any of its field locations, and all records or files maintained by the company either in hard copy form or in electronic storage media.

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 Hyosung, 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 containing 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 Hyosung 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 Hyosung has previously provided a document to ODI, Hyosung 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 Hyosung’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 Hyosung has manufactured for sale or lease in the United States. Separately, for each subject vehicle manufactured by Hyosung, state the following:
 - a. Vehicle identification number (VIN);
 - b. Model (e.g., F650GS, F650GS Dakar, etc.);
 - c. Model Year;
 - d. Date of manufacture;
 - e. Warranty coverage start date;
 - f. Original purchaser first and last name; and
 - g. The selling dealer (DBA dealer name and contact information).

Provide this information in Microsoft Access 2000, or a compatible format, entitled “PRODUCTION DATA.” We have sent to Chris Birkle, by E-mail, a pre-formatted template, titled “RQ10-001 IR Attachments,” illustrating the requested information format.

2. State the number of each of the following, received by Hyosung, or of which Hyosung is otherwise aware, which relate to, or may relate to, the alleged defect:
 - a. Consumer complaints;
 - 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 and/or notices received by the manufacturer alleging or proving that a death or injury was caused by a possible defect in a subject component.
 - d. Property damage claims;
 - e. Third-party arbitration proceedings where Hyosung is or was a party to the arbitration; and
 - f. Lawsuits, both pending and closed, where Hyosung is or was a defendant or codefendant.

For subparts "a" through "d," state the total number of each item (e.g., consumer complaints, field reports, etc.) separately. Multiple incidents involving the same vehicle are to be counted separately. Multiple reports of the same incident are also to be counted separately (i.e., a consumer complaint and a field report involving the same incident in which a crash occurred are to be counted as a crash report, a field report and a consumer complaint).

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

3. Separately, for each item (complaint, report, claim, notice, or matter) within the scope of your response to Request No. 2, state the following information:
 - a. Hyosung'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 name, address, and telephone number;
 - d. Vehicle's VIN;
 - e. Vehicle 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 property damage is alleged;
 - k. Number of alleged injuries, if any; and
 - l. Number of alleged fatalities, if any.

Categorize each complaint in the following manner:

- a. In recall scope, not repaired;
- b. In recall scope, repaired; and
- c. Not in recall scope.

Provide this information in Microsoft Access 2000, or a compatible format, entitled "COMPLAINT DATA." We have sent to Chris Birkle, by E-mail, a pre-formatted template, titled "RQ10-001 IR Attachments," illustrating the requested information format.

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 Hyosung 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 Hyosung to date that relate to, or may relate to, the alleged defect: 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. Hyosung's claim number;
- b. Vehicle owner and telephone number;
- c. VIN;
- d. Repair date;
- e. Vehicle mileage at time of repair;
- f. Repairing dealer name (DBA);
- 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." We have sent to Chris Birkle, by E-mail, a pre-formatted template, titled "RQ10-001 IR Attachments," illustrating the requested information format.

In addition to the total counts requested above, provide Hyosung's assessment, by model and model year, of the number of claims within each of the counts given that relate to, or may relate to, the alleged defect.

6. Describe in detail the search criteria used by Hyosung 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 components. State, by make and model year, the terms of the new vehicle warranty coverage offered by Hyosung on the subject components (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 Hyosung offered for the subject components 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 that Hyosung 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 Hyosung 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 that have been conducted, are being conducted, are planned, or are being planned by, or for, Hyosung. *This should include all Hyosung actions that it relied*

upon when limiting the scope of 07V-015 to the 2006 model year GV650'. 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. Describe all modifications or changes made by, or on behalf of, Hyosung in the design, material composition, manufacture, quality control, supply, or installation of the subject component, from the start of production to date, which relate to, or may relate to, the alleged defect. For each such modification or change, provide the following information:
 - a. The date or approximate date on which the modification or change was incorporated into vehicle production;
 - b. A detailed description of the modification or change;
 - c. The reason(s) for the modification or change;
 - d. The part numbers (service and engineering) of the original component;
 - e. The original subject component supplier (Corporate name and contact information);
 - f. The part number (service and engineering) of the modified component;
 - g. The modified subject component supplier (Corporate name and contact information);
 - h. Whether the original unmodified component was withdrawn from production and/or sale, and if so, when;
 - i. When the modified component was made available as a service component; and
 - j. Whether the modified component can be interchanged with earlier production components.
10. Also, provide the above information for any modification or change that Hyosung is aware of which may be incorporated into vehicle production within the next 120 days.
11. Provide a listing of all Hyosung brand motorcycle dealers in the United States and its territories. Please include the dealer name and contact information.
12. Please fully explain Hyosung's rationale when limiting the scope of 07V-015 to only MY 2006 GV650's.

This letter is being sent to Hyosung 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. Hyosung's failure to respond promptly and fully to this letter could subject Hyosung 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 \$16,375,000 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 71 Fed. Reg. 28279 (May 16, 2006)). This includes failing to respond to ODI information requests.

If Hyosung 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, Hyosung does not submit one or more requested documents or items of information in response to this information request, Hyosung 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.

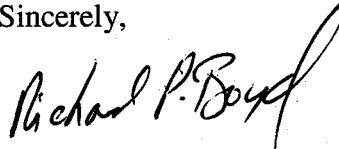
Hyosung's response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office by March 12, 2010. **All business confidential information must be submitted directly to the Office of Chief Counsel as described in the following paragraph and should 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 RQ10-001 in Hyosung's response to this letter and in any confidentiality request submitted to the Office of Chief Counsel. If Hyosung finds that it is unable to provide all of the information requested within the time allotted, it must request an extension from me at (202) 366-4933 no later than five business days before the response due date. If Hyosung 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 Hyosung then has available, even if an extension has been granted.

If Hyosung 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, Hyosung must submit supporting information together with the materials that are the subject of the confidentiality request, in accordance with 49 CFR Part 512, as amended (69 Fed. Reg. 21409 et seq; April 21, 2004), to the Office of Chief Counsel (NCC-113), National Highway Traffic Safety Administration, 1200 New Jersey Ave., S.E., Washington, D.C. 20590. Hyosung 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 Bob Young (Robert.young@dot.gov) and to ODI_IRresponse@dot.gov when Hyosung sends its response to this office and indicate whether there is confidential information as part of its response.

If you have any technical questions concerning this matter, please Mr. Young at (202) 366-4806.

Sincerely,

A handwritten signature in black ink, reading "Richard P. Boyd". The signature is fluid and cursive, with the first name "Richard" and last name "Boyd" clearly legible.

Richard P. Boyd, Chief
MHDT Division
Office of Defects Investigation