



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

1200 New Jersey Avenue SE.
Washington, DC 20590

JUN 27 2013

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Robert Babcock, Director
Certification and Compliance Affairs
Hyundai-Kia America Technical Center, Inc.
6800 Geddes Road
Superior Township, MI 48198

NVS-212mjl
EA12-008

Dear Mr. Babcock:

The Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA) is continuing its investigation into the detachment of a metal bracket (or stiffener) from the headliner assembly during a side curtain air bag deployment. The investigation now focuses on model year (MY) 2009-2012 Hyundai Elantra Touring vehicles and certain MY 2007-2012 Hyundai Veracruz vehicles. This letter requests certain information from Hyundai-Kia.

In March 2013, Hyundai-Kia issued a recall to apply adhesive strips (tape) to further secure the stiffener to the headliner in MY 2011-2013 Hyundai Elantra vehicles built in Korea. Since then, Hyundai-Kia informed ODI that certain Hyundai models that utilize stiffeners in the headliners had the tape applied over the stiffeners during vehicle production but other models did not. The models that had the tape applied during production were certain Tucson, Accent, and Azera vehicles equipped with optional sunroofs. The models that did not have the tape applied during production were certain Elantra Touring (with or without sunroof) and Veracruz vehicles (with optional sunroofs).

In addition, as you are aware, this office recently identified a field incident involving a MY 2012 Hyundai Elantra vehicle in which a deploying driver-side curtain air bag appears to have caused the metal bracket originally glued to the headliner to become detached. Unlike the three previously-known failures on Elantra vehicles, this vehicle did not have a port-installed electronic rear view mirror.

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

- **Subject vehicles:** All model year (MY) 2009 through 2012 Hyundai Elantra Touring vehicles and those MY 2007 through 2012 Hyundai Veracruz vehicles equipped with optional sunroofs, manufactured in Korea for sale or lease in the United States.



- **Hyundai vehicles with stiffeners:** All model year (MY) 2011-2013 Elantra and MY 2009-2012 Elantra Touring vehicles, and those MY 2007-2012 Veracruz, MY 2010-2013 Tucson, MY 2012-2013 Accent and MY 2012-2013 Azera vehicles equipped with optional sunroofs.
- **Subject component:** Headliner assembly including the metal brackets or stiffeners attached to the headliner and located along the longitudinal direction of the vehicle and adjacent to the side curtain air bag assembly on the driver side and the passenger side.
- **Hyundai-Kia:** Hyundai-Kia America Technical Center, Hyundai Motor Company, Hyundai Motor America, 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 Hyundai-Kia (including all business units and persons previously referred to), who are or, in or after 2005, 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; or
 - d. Communication to, from or intended for zone representatives, fleets, dealers, or other field locations, including but not limited to people who have the capacity to obtain information from dealers.
- **Alleged defect:** Any detachment, separation, looseness, or displacement of the metal bracket or stiffener from the headliner assembly associated with a side curtain air bag deployment, or any improper deployment of the side curtain air bag.
- **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 Hyundai-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 Hyundai-Kia 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 Hyundai-Kia has previously provided a document to ODI, Hyundai-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 Hyundai-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 the subject vehicles that Hyundai-Kia has manufactured for sale or lease in the United States. Separately, for each subject vehicle manufactured to date by Hyundai-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 2010, or a compatible format, entitled "PRODUCTION DATA."

2. Separately, for each subject vehicle (all MY 2009-2012 Hyundai Elantra Touring vehicles and those MY 2007-2012 Hyundai Veracruz equipped with optional sunroof), state the number of each of the following, received by Hyundai-Kia, or of which Hyundai-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. Property damage claims;
 - e. Third-party arbitration proceedings where Hyundai-Kia is or was a party to the arbitration; and
 - f. Lawsuits, both pending and closed, in which Hyundai-Kia is or was a defendant or codefendant.

For subparts "a" through "f," 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 Hyundai-Kia'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. Hyundai-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 property damage is alleged;
- k. Number of alleged injuries, if any;
- l. Number of alleged fatalities, if any; and
- m. Summary of the problem with the deployment of the side curtain air bag.

Provide this information in Microsoft Access 2010, or a compatible format, entitled "REQUEST NUMBER TWO DATA."

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 Hyundai-Kia used for organizing the documents.
5. 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, Hyundai-Kia. This includes, but is not limited to, any and all actions by the subject component manufacturer relating to the alleged defect. 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. If an action is not complete, provide a detailed schedule for the work to be done, tentative findings and/or conclusions, and provide an update within 10 days of completion of the action.

6. Describe all modifications or changes made by or on behalf of Hyundai-Kia (e.g., by a supplier) in the design, material composition, manufacture, assembly, quality control, supply, or installation of the subject component in the subject vehicles, from the start of production to the end of production of the subject vehicles, which relate to, or may relate to, the alleged defect in the subject vehicles. For each such modification or change, separately, by model, 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 number(s) (engineering and service) of the original component;
- e. The part number(s) (engineering and service) of the modified component;
- f. Whether the original unmodified component was withdrawn from production and/or sale, and if so, when;
- g. When the modified component was made available as a service component; and
- h. Whether the modified component can be interchanged with earlier production components.

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

7. State, by vehicle model, model year, and production date, whether adhesive strips (tape) were used or whether adhesive strips were not used during vehicle production for the Hyundai vehicles with stiffeners.
8. In further to your answer to Number 7, explain in detail why the adhesive strips (tape) were used in particular Hyundai vehicles with stiffeners. Provide a separate response for each model and model year of the subject vehicles. Separately, provide, by model, all documents that relate to, or may relate to, Hyundai-Kia and/or its supplier's decision to use the tape.
9. Explain in detail why the adhesive strips (tape) were not used in some of the Hyundai vehicles with stiffeners. Provide a separate response for each model and model year not produced with the adhesive strips. Separately, provide, by model, all documents that relate to, or may relate to, Hyundai-Kia and/or its supplier's decision not to use the tape.
10. Describe in detail by model, the process used to attach the stiffener to the headliner substrate in each of the Hyundai vehicle models with stiffeners (this is all MY 2011-2013 Elantra and MY 2009-2012 Elantra Touring vehicles, and those MY 2007-2012 Veracruz, MY 2010-2013 Tucson, MY 2012-2013 Accent and MY 2012-2013 Azera vehicles equipped with optional sunroofs, manufactured for sale or lease in the United States that had side curtain air bags). Describe and discuss significant differences, if any, in the manufacturing processes among the models and/or model years. If there were no significant differences in the manufacturing processes, so state.
11. Describe in detail by model, the process used to apply the hot melt glue to the ends of the stiffener and headliner substrate in each model of the Hyundai vehicles with stiffeners. Describe and discuss significant differences, if any, in the manufacturing processes among the models and/or model years. If there were no significant differences in the manufacturing processes, so state.
12. For each model and model year of Hyundai vehicles with stiffeners, provide photographs of finished headliner assemblies, including a close-up of the front portion of the stiffener.
13. Furnish Hyundai-Kia's assessment of the potential for the alleged defect occurring in the subject vehicles, separately, by vehicle model, including:

- a. The causal or contributory factor(s);
- b. The failure mechanism(s);
- c. The failure mode(s); and
- d. The risk to motor vehicle safety that it poses.

Legal Authority for This Request

This letter is being sent to Hyundai-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.

Civil Penalties

Hyundai-Kia's failure to respond promptly and fully to this letter could subject Hyundai-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.) The Vehicle Safety Act, as amended, 49 U.S.C. § 30165(b), provides for civil penalties of up to \$7,000 per day, with a maximum of \$17,350,000 for a related series of violations, for failing or refusing to perform an act required under 49 U.S.C. § 30166. *See* 49 CFR 578.6 (as amended by 77 Fed. Reg. 70710 (November 27, 2012)). This includes failing to respond completely to ODI information requests. If Hyundai-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, Hyundai-Kia does not submit one or more requested documents or items of information in response to this information request, Hyundai-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.

Confidential Business Information

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 EA12-008 in Hyundai-Kia's response to this letter and in any confidentiality request submitted to the Office of Chief Counsel.

If Hyundai-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, Hyundai-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, to the Office of Chief Counsel (NCC-111), National Highway Traffic Safety Administration, Room W41-227, 1200 New Jersey Avenue, S.E., Washington, D.C. 20590. Hyundai-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. Please remember that the phrase "ENTIRE PAGE CONFIDENTIAL BUSINESS INFORMATION" or "CONTAINS CONFIDENTIAL BUSINESS INFORMATION" (as appropriate) 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. If you submit a request for confidentiality for all or part of your response to this IR, that is in an electronic format (e.g., CD-ROM), your request and associated submission must conform to the new requirements in NHTSA's Confidential Business Information Rule regarding submissions in electronic formats (49 CFR 512.6(c)). See Federal Register, volume 72, page 59434 (October 19, 2007).

If you have any questions regarding submission of a request for confidential treatment, contact Otto Matheke, Senior Attorney, Office of Chief Counsel at otto.matheke@dot.gov or (202) 366-5253.

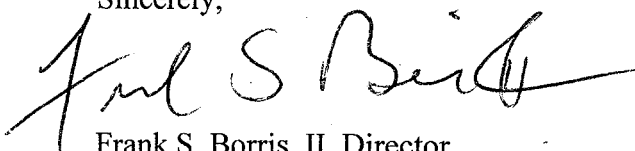
Due Date

Hyundai-Kia's response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office by July 24, 2013. If Hyundai-Kia finds that it is unable to provide all of the information requested within the time allotted, Hyundai-Kia must request an extension from Scott Yon at (202) 366-0139 no later than five business days before the response due date. If Hyundai-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 Hyundai-Kia then has available, even if an extension has been granted.

Please send email notification to Michael Lee at Michael.Lee@dot.gov and to ODI_IRresponse@dot.gov when Hyundai-Kia sends its response to this office and indicate whether there is confidential information as part of Hyundai-Kia's response.

If you have any technical questions concerning this matter, please call Michael Lee of my staff at (202) 366-5236.

Sincerely,



Frank S. Borris, II, Director
Office of Defects Investigation
Enforcement