



September 21, 2021

VIA EMAIL

Ms. Julia Hatcher
LG Energy Solutions
1 LG Way
Holland, MI 49423
Julia.Hatcher@LW.com

NEF-101lt

Dear Ms. Hatcher,

This letter is to inform you that the Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA) has opened a Preliminary Evaluation (PE20-016) to investigate allegations of vehicle fires due caused by battery shorts. To assist us at this stage of the investigation, we are requesting certain information concerning all batteries, bi-cells, battery cell packs, and battery modules manufactured for vehicles by LG Energy Solutions, Inc. (LGES).

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

- **Subject component:** All batteries, bi-cells, battery cell packs, and battery modules manufactured for vehicles by LGES
- **Alleged defect:** Battery defects that can cause thermal runaway, short, or fire
- **LGES:** LGES, 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 LGES (including all business units and persons previously referred to), who are or, in or after April 26, 2011, 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.
- **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 LGES, 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 LGES 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 LGES has previously provided a document to ODI, LGES 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 LGES's response to each request, identify the source of the information and indicate the last date the information was gathered.

1. Identify all automobile manufacturing companies (OEM) and battery suppliers to whom LGES provided the subject components. Separately, for each OEM (i.e. customer) and supplier, provide the following additional information in tabular form:
 - a. Customer name (i.e. General Motors);
 - b. Customer contact information including the name(s) and title(s) of person(s) familiar with the subject components, address, phone number(s), email address(es) and other pertinent information;
 - c. Customer part number;
 - d. LGES part number;
 - e. LGES manufacturing location (including assembly line if pertinent);
 - f. Address the parts were shipped to;
 - g. Any information LGES possesses regarding the final stage user/OEM of the part number;
 - h. Any information LGES possesses regarding the market (US or foreign) the part was intended for; and
 - i. Total number of parts provided (for the manufacturing location in item e) by year of manufacture.
2. Describe in detail all quality control or assurance policies, processes, procedures, and other governing provisions that are currently in use at LGES for components purchased from suppliers that are used to produce the subject components. The response should include, but not be limited to, any policies, processes, procedures that address the issue of manufacturing defect mitigation.
3. Describe in detail all quality control or assurance policies, processes, procedures, and other governing provisions that are currently in use at LGES for end product subject components. The response should include, but not be limited to, any policies, processes, procedures that address the issue of manufacturing defect mitigation.

4. Describe in detail the quality control (quality monitoring) processes LGES utilizes to ensure the subject components produced meet all internal (LGES imposed), external (customer or other imposed) and regulatory quality and safety requirements. The response should include, but not be limited to, any processes, that address the issue of manufacturing defect mitigation.
5. Describe in detail the manufacturing processes LGES utilizes to manufacture the subject components including a description of the operations performed at each manufacturing station. Provide an illustration of the overall layout of the assembly line depicting each station. Describe or otherwise provide detailed information for any processes or specialized equipment LGES utilizes to prevent the alleged defect from occurring in the subject components.
6. Describe in detail the storage and transport procedure for components used in the manufacture of the subject components and the vehicle the subject component(s) is used in. Include the following information in the description:
 - a. Component;
 - b. Containers used for storage;
 - c. Storage environment (i.e. climate controlled)
 - d. Transport method and container used; and
 - e. Any other pertinent information.

Provide this information in tabular form.

7. Describe in detail the testing process and tests used for Production Validation and Design Validation used by LGES for the subject components.
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 components that have been conducted, are being conducted, are planned, or are being planned by, or for, LGES. 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, LGES in the design, material composition, manufacture, quality control, supply, or installation of the subject components,

from the start of production to date, which relate to, or may relate to, the alleged defect in the subject vehicles. 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 number(s) (service and engineering) of the original component;
- e. The part number(s) (service and engineering) 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 LGES is aware of which may be incorporated into battery production within the next 120 days.

10. List all OEMs that have reported to LGES any issues with the subject components. For each such allegation, furnish:
 - a. OEM;
 - b. Date of allegation;
 - c. LGES part number;
 - d. Platform / model / model year of vehicle component installed in; and
 - e. LGES's assessment of the cause and effect

11. List all the instances LGES is aware of involving fire with the subject components.
 - a. Reporting entity
 - b. Date of allegation;
 - c. LGES part number
 - d. Platform / model / model year of vehicle component installed in; and
 - e. LGES's assessment of the cause and effect

12. Furnish LGES's assessment of the alleged defect in the subject components, including:
 - a. The causal or contributory factor(s);
 - b. The failure mechanism(s);
 - c. The failure mode(s);
 - d. The risk to motor vehicle safety that it poses; and
 - e. 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; and
 - f. The reports included with this inquiry.

Legal Authority for This Request

This letter is being sent to LGES 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

LGES's failure to respond promptly and fully to this letter could subject LGES 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(a)(3), provides for civil penalties of up to \$22,723 per violation per day, with a maximum of \$113,611,635 for a related series of daily violations, for failing or refusing to perform an act required under 49 U.S.C. § 30166. *See* 49 CFR 578.6 (as amended by Fixing America's Surface Transportation Act (the "FAST Act"), Pub. L. 114-94, § 24110(a)(2), 129 Stat. 1312 (Dec. 4, 2015)). This includes failing to respond completely, accurately, and in a timely manner to ODI information requests.

If LGES 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, LGES does not submit one or more requested documents or items of information in response to this information request, LGES 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 PE21-010 in LGES's response to this letter and in any confidentiality request submitted to the Office of Chief Counsel.

If LGES 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, LGES must submit supporting information together with the materials that are the subject of the confidentiality request, in accordance with 49 CFR Part 512. Additional information can be found here: <https://www.nhtsa.gov/coronavirus/submission-confidential-business-information>.

If you have any questions regarding submission of a request for confidential treatment, contact Daniel Rabinovitz, Trial Attorney, Office of Chief Counsel at daniel.rabinovitz@dot.gov or (202) 366-8534.

Due Date

LGES's response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office by **October 29, 2021**. LGES's response must include all non-confidential attachments and a redacted version of all documents that contain confidential information. If LGES finds that it is unable to provide all the information requested within the time allotted, LGES must request an extension from me at (202) 366-9590 no later than five business days before the response due date. If LGES is unable to provide all the information requested by the original deadline, it must submit a partial response by the original deadline with whatever information LGES then has available, even if an extension has been granted.

Please send email notification to Tanya Topka at tanya.topka@dot.gov and to ODI_IRresponse@dot.gov when LGES sends its response to this office and indicate whether there is confidential information as part of LGES's response.

If you have any technical questions concerning this matter, please call me at (202) 366-9590.

Sincerely,



Tanya Topka, Chief
Vehicle Defect Division A
Office of Defects Investigation