



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



November 28, 2023

VIA Email – Delivery and Read Receipt Requested

Mr. J. S. Park
Vice President and Chief Safety Officer
North America Safety Office
Kia Motor America
111 Peters Canyon Road
Irvine, CA 92606
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NEF107CL
AQ23-002
16V-815
20V-518
20V-519
21V-137
21V-331
22V-051
22V-800
23V-652

Dear Mr.Park:

The Office of Defects Investigation (ODI), Recall Management Division (RMD), is conducting an Audit Query (AQ) in relation to eight (8) Part 573 Defect Reports from Kia America, Inc. (Kia) describing defects that may exist in Hydraulic Electronic Control Units (HECU) produced by Mando Corporation (Mando). The reports contain varying defect descriptions and differing remedy descriptions for the same or similar equipment supplied by Mando. This investigation has been assigned the identification AQ23-002.

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

- **Kia:** Kia America, 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 were involved in any way with recalls of Kia vehicles.
- **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 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 C.F.R. § 579.4.

The purpose of this request is to evaluate the timeliness and scoping of Kia's defect decision making and adherence with reporting requirements; and understand the varying defect descriptions and remedies between these recalls.

1. Accordingly, we require the following information for each of the recalls listed in the below table:
 - a. The date on which Kia determined a Part 573 defect report was necessary;
 - b. The date the initial Part 573 defect report was submitted to NHTSA;
 - c. The date(s) that Part 577 owner notification letters (or, where applicable, interim owner notification letters) were mailed to owners;

- d. The date(s) that Part 577 dealer notifications were issued to dealers and the form and manner in which that notification occurred;
- e. The determining reason(s) for the recalled scope;
- f. A detailed description of the defect;
- g. A detailed description of the root cause;
- h. A detailed description of the remedy and how it addresses 49 U.S.C. § 30120(a)(1)(A)(i) “by repairing the vehicle”;
- i. The HECU part number(s), as assigned by Kia, installed into each model and model year;
- j. The HECU part number(s), as assigned by Mando, installed into each model and model year;

1	16V-815 / Hydraulic Electronic Control Unit may Short
2	20V-518 / ABS Unit may cause Fire
3	20V-519 / Hydraulic Electronic Control Unit May Short
4	21V-137 / Engine Compartment Fire
5	21V-331 / Hydraulic Electronic Control Unit May Short
6	22V-051 / Engine Compartment Fire
7	22V-800 / Engine Compartment Fire
8	23V-652 / HECU May Cause Engine Compartment Fire

Provide your responses in a table in Microsoft Excel organized by recall number.

- 2. Identify who makes the safety defect decision at Kia and explain what information is considered by that person when they make a decision.
- 3. For each safety defect decision Kia has made regarding the recalls listed in the table above, produce a copy of any presentations, reports, summaries (including executive summaries), or other documents the decision-maker had at the time the decision was made.
- 4. Provide any additional information, including supporting documentation, that may be helpful to explain the timing and scope of Kia’s Part 573 reports for the recalls listed in the table above.

Legal Authority for This Request

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. It constitutes a new request for information.

Civil Penalties

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.) The Vehicle Safety Act, 49 U.S.C. § 30165(a)(3), provides for civil penalties of up to \$26,315 per violation per day, with a maximum of \$131,564,183 for a related series of daily violations, for failing or refusing to perform an act required under 49 U.S.C. § 30166. *See* 49 C.F.R. § 578.6(a)(3). This includes failing to respond completely, accurately, or in a timely manner 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.

Confidential Business Information

If Kia's response contains any information that you claim is confidential business information, Kia must request two secure electronic file transfer links from Choon Lee at choon.lee@dot.gov. One secure electronic file transfer link is for your request for confidential treatment in compliance with 49 C.F.R. part 512 and will be directed to NHTSA's Office of the Chief Counsel. The second secure electronic file transfer link is for your non-confidential response to this letter. Do not submit any confidential business information along with your non-confidential submission. Please refer to **AQ23-002** in Kia's response to this letter and in a request for confidential treatment that Kia may submit.

If you have any questions regarding submission of a request for confidential treatment, contact Dylan Voneiff, Trial Attorney, Office of Chief Counsel at dylan.voneiff@dot.gov.

DO NOT submit your numbered responses to this letter (or any responsive materials) through the Recalls Portal. Rather, send correspondence and materials directly to Choon Lee of my staff at choon.lee@dot.gov.

Due Date

Kia's response to this letter must be submitted to this office within 30 days of receipt of this letter. If Kia finds that it is unable to provide all the information requested within the time allotted, Kia must request an extension from me at (202) 366-0388 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 you have any questions concerning this matter, please contact Choon Lee at (202) 366-0388 or by e-mail at choon.lee@dot.gov.

Sincerely,

Alex Ansley, Chief
Recall Management Division
Office of Defects Investigation