



April 23, 2024

**VIA Email – Delivery and Read Receipt Requested**

AQ23-002

Mr. Bruce Kim  
Chief Executive Officer  
Mando America Corporation  
4201 Northpark Dr.  
Opelika, AL 36801  
[bruce.kim@halla.com](mailto:bruce.kim@halla.com)

<b>Mando</b>	<b>Hyundai</b>	<b>Kia</b>
21E-038	20V-520	16V-815
21E-039	20V-543	20V-518
23E-073	21V-160	20V-519
	21V-161	21V-137
	21V-303	21V-331
	22V-056	22V-051
	22V-810	22V-800
	23V-651	23V-652

Dear Mr. Kim:

The Office of Defects Investigation (ODI), Recall Management Division (RMD), is conducting an Audit Query (AQ) in relation to sixteen (16) Part 573 Defect Reports from vehicle manufacturers Hyundai Motor America (Hyundai) and Kia America, Inc. (Kia) describing defects that may exist in Antilock Braking Systems (ABS) or 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:

- **Mando**: Mando Corporation, Mando America Corporation, Mando Pyeongtaek Plant, Mando Corporation Mexico, HL Mando America Corporation, 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 Mando (including all business units and persons previously referred to), who are or were involved in any way with any of the following related to the alleged defect in the subject equipment:
  - 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, lawsuits or arbitrations; 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.
- **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.
  - **Hyundai**: 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 (including all business units and persons previously referred to), who are or were involved in any way with recalls of Hyundai 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 Mando, 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 Mando 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 Hyundai and Kia’s defect decision-making and adherence with reporting requirements related to Mando supplied equipment; and understand the varying defect descriptions and remedies between these recalls.

Accordingly, we require the following information:

1. For each of the recalls listed in the below table, provide the following:
  - a. The date in which Mando determined a defect exists;
  - b. The date(s) on which Mando notified its purchasers of the defects and the form and manner in which that notification occurred;
  - c. The identity of the purchasers, the Mando part numbers, the quantities provided and the vehicle application, including make, model and model year, if known;
  - d. The ABS or HECU part number(s), as assigned by Mando, installed in each Hyundai or Kia model and model year, if known;
  - e. A detailed description of the defect;
  - f. A detailed description of the root cause;
  - g. Identify the Hyundai and/or Kia recall that is covered by each Mando recall;

<b>1</b>	Mando	21E-038 / Anti-Lock Brake System Module May Short Circuit
<b>2</b>	Mando	21E-039 / Anti-Lock Brake System Module May Short Circuit
<b>3</b>	Mando	23E-073 / ABS Unit 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 Mando and explain what information is considered by that person when they make a decision.

3. For each safety defect decision Mando 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. Copies of all written communications, including but not limited to mail and email, initiated by Mando and sent to its purchasers regarding the same or similar ABSs or HECUs recalled by Hyundai and Kia.

### **Legal Authority for This Request**

This letter is being sent to Mando 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**

Mando's failure to respond promptly and fully to this letter could subject Mando 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 \$27,168 per violation per day, with a maximum of \$135,828,178 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 Mando 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, Mando does not submit one or more requested documents or items of information in response to this information request, Mando 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 Mando's response contains any information that you claim is confidential business information, Mando must request two secure electronic file transfer links from Choon Lee at [choon.lee@dot.gov](mailto: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 Mando's response to this letter and in a request for confidential treatment that Mando may submit.

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](mailto:daniel.rabinovitz@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](mailto:choon.lee@dot.gov).

**Due Date**

Mando's response to this letter must be submitted to this office within 30 days of receipt of this letter. If Mando finds that it is unable to provide all the information requested within the time allotted, Mando must request an extension from Choon Lee at (202) 366-0388 no later than five business days before the response due date. If Mando 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 Mando 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](mailto:choon.lee@dot.gov).

Sincerely,



Alex Ansley, Chief  
Recall Management Division  
Office of Defects Investigation