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

1200 New Jersey Avenue SE
Washington, DC 20590

AUG 18 2010

Sutphen Corporation
700 Columbus-Marysville Rd
Amlin, OH 43002

NVS-215aa
EQ10-005
10E-005

Attn: President / Chief Counsel

Dear Sir or Madam,

On May 12, 2010, we wrote to your company as part of an ongoing investigation being conducted by the National Highway Traffic Safety Administration (NHTSA) about a safety issue involving Detroit Diesel EPA07 Series 60 engines sold to your company to be installed in new or used emergency vehicles. Your company's response to that letter was due to NHTSA within 10 days of receipt. At this time, we have not received your response.

A copy of our original letter is enclosed with this letter. We have also attached a copy of the certified mail receipt signed by a representative of your company on May 14, 2010.

This letter is being sent to you to remind you that you must respond to the earlier letter and that your company may have additional obligations under Federal law as we explained in the earlier letter.

A written response to our earlier letter must be submitted to this office within 7 days of your receipt of this letter. Should you need an electronic copy of our earlier letter, please e-mail Alex Ansley at alexander.ansley@dot.gov and a copy can be e-mailed to you. Response submission may be made by US Mail to the address listed therein, fax to (202) 366-7882, or e-mail rmd.odi@dot.gov. If you are unable to reply by that time, you may request an extension by calling me at (202) 366-0209.

If your company 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, Your company 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-111), National Highway Traffic Safety Administration, Room W41-227, 1200 New Jersey Avenue, S.E., Washington, D.C. 20590. Your company 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.

This letter is being sent to your company 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. It constitutes a new request for information. Your company's failure to respond promptly and fully to this letter could subject your company 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. A person that violates 49 U.S.C. § 30166 could be liable to the United States Government for a maximum penalty of $6,000 per violation per day. The maximum penalty for a related series of daily violations is $16,375,000.

I urge you to comply with this information request in order to ensure that these important issues relating to motor vehicle safety are promptly addressed.

Should you have any questions regarding this inquiry, please contact Alex Ansley of my staff at (202) 493-0481 or by e-mail at alexander.ansley@dot.gov.

Sincerely,

Jennifer T. Timian
Acting Chief, Recall Management Division
Office of Defects Investigation
Enforcement

Enclosures

ENDER: COMPLETE THIS SECTION

Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
Print your name and address on the reverse so that we can return the card to you.
Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:

Sutphen Fire Equipment Co
7000 Columbus-Marysville Rd
Amlin, OH 43002
Attn: Compliance/Warranty Dept.

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X [signature] ☐ Agent ☐ Addressee

B. Received by (Printed Name) Wesley L Jans
C. Date of Delivery 5-14-10

D. Is delivery address different from Item 1? ☒ Yes
If YES, enter delivery address below: ☐ No
P.O. Box 158
Amlin OH 43002

ail ☐ Express Mail
☐ Return Receipt for Merchandise
il ☐ C.O.D.
livery? (Extra Fee) ☐ Yes

Article Number
(Transfer from service label) 7008 1830 0001 4173 3004

S Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

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

1200 New Jersey Avenue SE
Washington, DC 20590

MAY 12 2010

Sutphen Corporation
7000 Columbus-Marysville Rd
Amlin, OH 43002

NVS-215aa
EQ10-005
10E-005

Attn: Compliance Dept. / Warranty Dept.

Dear Sir or Madam,

The purpose of this letter is to make you aware of a potential safety problem in vehicles that you manufactured and to remind you of your responsibilities under Federal law. We also request a written response from your company upon processing the required information outlined below.

The Office of Defects Investigation (ODI), Recall Management Division (RMD) is conducting a review of safety recall 10E-005. In a letter dated March 16, 2010 Daimler Trucks North America LLC (Daimler) reported that certain Detroit Diesel EPA07 Series 60 engines, produced between January 1, 2007 and April 20, 2009, with software versions earlier than V62.6 ZGS 114 were defective, and that the defect related to motor vehicle safety. These engines, installed as original equipment in emergency vehicles, contain software which may cause the engine to shutdown unexpectedly when a Diesel Particulate Filter over temperature condition is detected. Unexpected emergency vehicle engine shutdown could hamper rescue operations and put first responders and or the public at risk. NHTSA assigned recall number 10E-005 to this matter.

As of this date, Daimler (10V-112), Spartan Motors (10V-181), and Pierce Manufacturing, Inc (10V-195) have filed subsequent safety recalls for vehicles they manufactured with these engines.

In Daimler's Defect Information Report, Sutphen Corporation (your company) was identified as a purchaser of 1 of these defective engines. A copy of Daimler's Defect Information Report is enclosed for your information.

Pursuant to Federal law, manufacturers of motor vehicles sold, offered for sale, delivered, or imported into the United States must notify NHTSA whenever a safety defect or a noncompliance with a Federal Motor Vehicle Safety Standard is identified in one of their vehicles. In the case of a defect or noncompliance in original equipment installed in the vehicles of more than one manufacturer, notification to NHTSA must be made by the original

equipment manufacturer as to the equipment item, and by each vehicle manufacturer as to those vehicles it manufactured in which the defective equipment was installed. The content of that notification is specified in 49 U.S.C. 573.6, Defect and Noncompliance Information Report. As of this date, we have not received the required report from your company.

This letter serves to remind you of your company's responsibilities, and to request that you supply a report if required. Guidance is provided in the following paragraphs to assist you in determining whether or not you are required to file a report. If you are required to file a report, please provide the information required by 49 CFR 573.6. Detailed information about that report follows. Additionally, please include the date on which you received notification of this matter from Daimler.

If you primarily sell new vehicles or equipment for purposes other then resale, please identify yourself as a dealer. If you primarily sell new vehicles or equipment for resale, please identify yourself as a distributor. If you manufacture new motor vehicles, please identify yourself as a vehicle manufacturer. Please keep in mind trailers are defined by the U.S. Safety Act as motor vehicles. If you manufacture original equipment for new motor vehicles, please identify yourself as an original equipment manufacturer. If you manufacture motor vehicle equipment for resale, please identify yourself as a replacement equipment manufacturer. (For more detailed definitions please see 49 U.S.C. § 30102). Only vehicle and equipment manufacturers are required to file 573 Defect and Noncompliance Reports with NHTSA. Defect and Noncompliance Report guides and quarterly report guides are available at http://www-odi.nhtsa.dot.gov/recalls/forms/index.cfm.

If your company has not received any of this equipment, or if your products are not available to be sold, offered for sale, delivered, or imported into the United States, please so state.

In view of this safety risk, and your company's obligations under Federal law, we are also reminding your company that it is required to issue timely notification to owners who may have purchased vehicles with the defective power seat bases. In advance of issuing its owner notification letters, your company must submit a draft of its letter to NHTSA for review. Your company is reminded that this letter must meet the requirements of 49 CFR 577.5, "Notification pursuant to a manufacturer's decision." Your company is further reminded that notifications must be sent to those persons registered under State law as the owners of the vehicles. If particular owners cannot be reasonably ascertained by State records, notifications must be sent to those persons you identify as the most recent purchasers. We are also reminding your company that it is required to notify dealers and distributors as required by 49 CFR 577.13.

In addition to the Defect Information Report and the draft owner notification letter, please also provide a proposed schedule for conducting the owner notification that includes the following information:

a. the date on which the search of current state motor vehicle registration records will be initiated in order to update the original owner list;

b. the approximate date on which the revised owner list will be available to initiate owner notification;

c. the approximate date on which the owner notification will begin;

d. the approximate date on which the owner notification will be completed (if the owner notification is to be staggered, give the beginning and ending owner notification date for each segment); and

e. the approximate date on which the dealer notification will be completed.

Please further note that you must file six quarterly recall status reports as required by 49 CFR 573.7. These reports are to be filed on consecutive yearly quarters beginning with the quarter in which notification to owners begins.

This letter is being sent to your company 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. Your company's failure to respond promptly and fully to this letter could subject your company 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.

If your company 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, your company 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-111), National Highway Traffic Safety Administration, Room W41-227, 1200 New Jersey Avenue, S.E., Washington, D.C. 20590. Your company 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.

Your company's written response must be submitted to this office within 10 days of receiving this letter. In your response, please be certain to include a reference to this matter's identification number which is EQ10-005.

If you have any questions concerning this matter, please contact Alex Ansley of my staff at (202) 493-0481 or by e-mail at alexander.ansley@dot.gov. Response submissions may be made by US Mail, fax (202) 366-7882, or e-mail rmd.odi@dot.gov.

Sincerely,

George H. Person
Chief, Recall Management Division
Office of Defects Investigation
Enforcement

Enclosures

RECEIVED
By Recall Mgt Div. at 1:06 pm, Mar 19, 2010

DAIMLER

10E-005
(3 pages)

Daimler Trucks North America
Nasser Zamani
Senior Manager
Compliance and Regulatory Affairs

March 16, 2010

Dan Smith
Associate Administrator for Enforcement
National Highway Traffic Safety Administration
Attention: Recall Management Division (NVS-215)
1200 New Jersey Avenue S.E.
Washington D.C. 20590

Re: Defect Information Reports 10C-2 and FL-575,
EPA07 Series 60 Emergency Vehicle DPF Over Temperature Shutdown

Mr. Smith

In accordance with Part 573 of Title 49 of the Code of Federal Regulations, Daimler Trucks North America LLC herewith reports a safety campaign to recall approximately 1,227 Detroit Diesel Corporation EPA07 Series 60 engines manufactured January 1, 2007, through April 20, 2009, and designed for emergency vehicle service including 16 engines installed in specific Daimler Trucks vehicles. The affected engines contain software which may cause the engine to shutdown unexpectedly when a Diesel Particulate Filter over temperature condition is detected.

Attached are Daimler Trucks North America's Defect Information Reports.

Please contact me if you have any questions.

Sincerely yours,

Nasser Zamani

Cc: Michael Mason, CAL-OSHA
Enclosure
Certified Mail# 7006 3450 0000 3866 7843

Daimler Trucks North America LLC
4747 N. Channel Avenue
Portland OR 97217-7699
503-745-6910 Phone
503-745-5544 Fax
Nasser.Zamani@Daimler.com

DAIMLER

Defect Information Report

(Section 573.6)

March 16, 2010

(c)(1) Manufacturer: Daimler Trucks North America LLC
P.O. BOX 3849
Portland, Oregon 97208
(503) 745-5219

Make: Detroit Diesel Corporation

(c)(2) (iii) Equipment Identification: EPA07 Series 60 engines manufactured January 1, 2007, through April 20, 2009, with software versions earlier than V62.6 ZGS 114, and designed for use in emergency vehicle applications

(v) Affected Manufacturers:

Sutphen Corporation - **Sutphen Fire Equipment Co.** 7000 Columbus-Marysville Road Amlin, OH 43002 Phone: 614-889-1005	**Spartan Motors** 1165 Reynolds Road Charlotte, MI 48813 Phone: 517-543-6400 Contact: Scott Marshall
Pierce Manufacturing, Inc. 2600 American Drive Appleton, WI 54912 Phone: 507-775-3300 Contact: Tom Van Susteren	**Kovatch Mobile Equipment** One Industrial Complex Nesquehoning, PA 18240 Phone: 800-235-3928 Contact: Mr. Mel Lomax
Progressive Industries, Inc. 6133 N. Northwest Highway Chicago, IL 60631 Phone: 773-763-9566	**American LaFrance** 1116 Newton Way Summerville, SC 29483 Phone: 843-486-7670 Contact: Neil Gorski

(c)(3) Total number of engines potentially affected: 1,227

Vehicle Manufacturer	Units Involved
Sutphen Fire Equipment Co.	1
Spartan Motors	167
Pierce Manufacturing, Inc.	827
Kovatch Mobile Equipment	66
Progressive Industries, Inc.	8
American LaFrance	18

(c)(4) Percentage of engines estimated to contain the defect: 100%

(c)(5) **Description of the defect:** Engine may shut down unexpectedly when a Diesel Particulate Filter over-temperature condition is detected.

49CFR Section 577.5(f) Evaluation of the risk to motor vehicle safety: Unexpected emergency vehicle engine shutdown under certain conditions could hamper rescue operations and place the public at risk.

(c)(6) **Chronology of principal events:** Oct 2008 – Received complaint from fire truck body installer indicating the engine shut down due to DPF over-temperature. April 2009 - released emergency vehicle engine software version V62.6 ZGS 114 to illuminate a Malfunction Indicator Light without requesting engine shutdown.

(c)(7) **Noncompliance-test or other data:** Not Applicable

(c)(8) **(i) Remedial program:** The engine control logic will be reprogrammed to illuminate a Malfunction Indicator Light without requesting engine shutdown. Repairs will be performed by Detroit Diesel Corporation (DDC) Authorized Repair Facilities and Direct Warranty customers, i.e., customers approved by DDC to do their own warranty repairs.
Reimbursement Plan: Copies will be submitted as a supplemental report when available.

(ii) Estimated Owner and Dealer Notification Date: Customer notification will be completed approximately May 14, 2010, by first class mail using Daimler Trucks North America records to determine the customers affected. Dealer notification will be completed approximately May 14, 2010

(c)(9) **Information for tire recalls:** Not Applicable

(c)(10) **Communications sent to manufacturers, dealers and owners:** Copies will be submitted as a supplemental report when available.

(c)(11) **Manufacturer's campaign number:** 10C-2