



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

1200 New Jersey Avenue, SE
Washington, DC 20590

**BY FACSIMILE OR E-MAIL AND
CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

August 8, 2008

Mr. Harold King
Global Safety & Standards Manager
Kalmar Industries Corporation
415 East Dundee Street
Ottawa, KS 66067

Subject: Non-Acceptance of Petition for Inconsequential Noncompliance with
FMVSS No. 106 – Brake hose assemblies on Ottawa Model 30, 50, and
60 Terminal Tractors. Re, NHTSA Recall Number 07V-256.

Dear Mr. King:

This office has received Kalmar Industries Corporation's (Kalmar) petition for inconsequential noncompliance, submitted with reference to 49 CFR Part 556, *Exemption for Inconsequential Defect or Noncompliance*. Kalmar requests that the National Highway Traffic Safety Administration (NHTSA) determine that a noncompliance with Federal Motor Vehicle Safety Standard (FMVSS) No. 106, Brake Hoses is inconsequential to motor vehicle safety.

As reflected in your Part 573 report, on June 1, 2007, you determined that the subject brake hose assemblies were not in compliance with FMVSS No. 106.

Your petition for inconsequential noncompliance is untimely and will not be accepted. Under the applicable regulation, "[i]n the case of defects related to motor vehicle safety or noncompliances determined to exist by a manufacturer, petitions under this part must be submitted not later than 30 days after such determination." 49 CFR 556.4(c). The petition was submitted to NHTSA on July 28, 2008 - more than 30 days



after Kalmar determined that the subject noncompliance existed - and NHTSA did not receive the subject petition until July 31, 2008, almost 14 months later. In view of the fact that the petition does not comply with the regulation requiring that petitions be submitted within 30 days of the determination of noncompliance, NHTSA will not accept Kalmar's petition for inconsequential noncompliance.

Accordingly, Kalmar, as manufacturer of the brake hose assemblies, must provide notification according to 49 U.S.C. 30118, 30119 and provide a suitable remedy according to 49 U.S.C 30120 and NHTSA's implementation regulations. You must submit an amended Noncompliance Information Report to my office no later than five (5) working days from your receipt of this letter. That report shall include the following information: (1) recall population, (2) problem description, (3) remedy, and (4) recall schedule. If a portion of the information, which is required to fully describe the recall, is unknown, the report must still be submitted on time. The remaining information is to be provided as it becomes available.

If you have any questions regarding your recall obligations, you may call Mr. George Person, at 202-366-5210.

If you have any questions about the filing of petitions pursuant 49 CFR Part 556, feel free to contact Mr. George Stevens at 202-366-5308.

Sincerely,

Claude H. Harris
Director, Office of Vehicle
Safety Compliance