



SPARTAN MOTORS, INC.

11V-606
(3 pages) Amended

1541 Reynolds Road Charlotte, MI 48813 USA

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RECEIVED

By Recall Management Division at 9:13 am, Aug 16, 2012

August 16, 2012

Nancy L. Lewis
Associate Administrator for Enforcement
National Highway Traffic Safety Administration
1200 New Jersey Ave., SE
Washington, DC 20590

RE: Utilimaster Corporation – Supplemental Part 573 Notification and Possible Appeal of Denial of Petition for Determination of Inconsequential Noncompliance

Dear Ms. Lewis:

On December 30, 2011, Utilimaster Corporation (a subsidiary of Spartan Motors, Inc.) notified NHTSA in accordance with 49 C.F.R. Part 573, *Defect and Non-Compliance Responsibility and Reports*, that certain work trucks may not comply with paragraph S4.2.1 of Federal Motor Vehicle Safety Standard (FMVSS) 206, *Door Locks and Door Retention Components*. On January 23, 2012, Utilimaster submitted a petition for determination of inconsequential noncompliance in accordance with 49 C.F.R. Part 556, *Exemption for Inconsequential Defect or Noncompliance*. NHTSA's denial of the petition was published in the *Federal Register* on August 9, 2012.

Pursuant to the provisions of 49 C.F.R. §556.7, Utilimaster is considering an appeal of the denial of the petition. Any appeal would be submitted within 30 days after the denial was published in the Federal Register, i.e., on or before September 8, 2012. In accordance with the requirements of 49 CFR 573.6(c)(8)(iii), Utilimaster is submitting the enclosed Supplemental Part 573 Notice. As noted therein, should the Agency deny the appeal, Utilimaster will proceed with its obligations under 49 C.F.R 573 and 49 C.F.R. 577 within a reasonable amount of time.



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Please contact me directly with any questions or concerns regarding this matter.

Sincerely,

Wesley D. Chestnut
Lead, Compliance



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cc: Ms. Jennifer Timian, NHTSA ODI/RMD (by email)
Mr. George Stevens, NHTSA OVSC (by email)
Mr. Christopher Grigorian, Foley & Lardner, LLP



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Utilimaster's Supplement to Part 573 Defect and Noncompliance Report (11V606)

Utilimaster Corporation hereby supplements its December 30, 2012 Defect and Noncompliance Report related to a noncompliance to FMVSS 206 involving certain work trucks. In particular, Utilimaster is providing the following additional information described in 49 C.F.R. §573.6(c)(8):

Furnish a description of the manufacturer's remedy for the defect or noncompliance.

In accordance with 49 C.F.R. 556, *Exemption for Inconsequential Defect or Non-Compliance*, Utilimaster submitted a Petition for Exemption for Inconsequential Noncompliance. The petition was denied and Utilimaster may submit an appeal pursuant to 49 C.F.R. §556.7. The appeal will be submitted on or before September 8, 2012 (i.e., 30 days after the denial was published in the Federal Register). If the Agency denies the petition after consideration of the appeal, Utilimaster will proceed with customer notification within an appropriate time after it receives notice of the Agency's final decision.