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PHENIX

TRUCK BODIES & EQUIPMENT
SINCE 1978

Safety Defect and Noncompliance Report Guide for Vehicles
PART 573 Defect and Noncompliance Responsibility and Reports¹

On November 8, 2012, Phenix Enterprises, Inc. decided that a defect related to a battery separator exists in the motor vehicles listed below, and is furnishing notification to the National Highway Traffic Safety Administration in accordance with 49 CFR Part 573 **Defect and Noncompliance Responsibility and Reports**.

Date this report was prepared: November 28, 2012 _____

Furnish the manufacturer's identification code for this recall (if applicable): N/A

1. Identify the full corporate name of the fabricating manufacturer of the vehicle being recalled. If the recalled vehicle is imported, provide the name and **mailing address** of the designated agent as prescribed by 49 U.S.C. §30164.

Phenix Enterprises, Inc.

Identify the corporate official, by name and title, whom the agency should contact with respect to this recall.

Rick Albertini, CEO

Telephone Number: 909-469-0411 Fax No.: 909-469-1064

Name and Title of Person who prepared this report.

Rick Albertini
CEO

Signed:



¹ Each manufacturer must furnish a report, to the Associate Administrator for Enforcement, for each defect or noncompliance condition which relates to motor vehicle safety.

This guide was developed from 49 CFR Part 573, "Defect and Noncompliance Responsibility and Reports" and also outlines information currently requested. Any questions, please consult the complete Part 573 or contact Jennifer Timian at (909) 366-0209, by FAX at (909) 366-7882, or by E-Mail to RMD.ODI@dot.gov.

I. Identify the Vehicle Models Involved in the Recall

2. Identify the Vehicles Involved in the Recall, for each make and model or applicable vehicle line (provide illustrations or photographs as necessary to describe the vehicle), provide:

Make(s): Freightliner **Model Years Involved:** 2011 **Model(s):** M2112 FLR - CNG

Production Dates: Beginning: 2/8/2011 **Ending:** 12/16/2011

VIN Range: Beginning: BN6077 **Ending:** BN6081

Vehicle Type: Truck **Bodystyle:** B-truck J7494

Descriptive information which characterizes/distinguishes the recalled vehicles from those model vehicles not included in the recall:

2011 So Cal Gas CNG B-truck on FLR M2112 cab chassis. SCG Unit numbers 45126, 45127, 45128
45129, 45130

Make(s): Ford **Model Years Involved:** 2011 **Model(s):** F-650

Production Dates: Beginning: 4/19/2011 **Ending:** 12/16/2011

VIN Range: Beginning: BV595773 **Ending:** BV595793

Vehicle Type: Truck **Bodystyle:** B-truck J7596

Descriptive information which characterizes/distinguishes the recalled vehicles from those model vehicles not included in the recall:

2011 So Cal Gas B-truck on Ford F-650 cab chassis. SCG unit numbers 45096-45116

Make(s): Isuzu **Model Years Involved:** 2011 **Model(s):** NQR

Production Dates: Beginning: 4/20/2011 **Ending:** 10/14/2011

VIN Range: Beginning: See VIN below **Ending:** _____

Vehicle Type: Truck **Bodystyle:** M&R truck J7597

Descriptive information which characterizes/distinguishes the recalled vehicles from those model vehicles not included in the recall:

2011 So Cal Gas M&R truck on Isuzu NQR cab chassis. VIN B7901601 Unit 40049,
VIN B7901230 Unit 40050, VIN b7901502 Unit 40051, VIN B7901699 Unit 40052

Make(s): Ford **Model Years Involved:** 2009 **Model(s):** F-650

Production Dates: Beginning: 7/22/2008 **Ending:** 6/05/2009

VIN Range: Beginning: See Below **Ending:** _____

Vehicle Type: Truck **Bodystyle:** SDGE Crew Truck J6762 & J6763

Descriptive information which characterizes/distinguishes the recalled vehicles from those model vehicles not included in the recall:

2009 SDGE Gas Crew Truck on Ford F-650 cab chassis. VIN V075613 Unit 5075,
VIN V075614 Unit 5076, VIN V072253 Unit 5073, VIN V072254 Unit 5074

Make(s): Ford **Model Years Involved:** 2009 **Model(s):** F-650

Production Dates: Beginning: 7/22/2008 **Ending:** 10/26/2009

VIN Range: Beginning: V133504 **Ending:** V133509

Vehicle Type: Truck **Bodystyle:** So Cal Gas PC Truck J6764

Descriptive information which characterizes/distinguishes the recalled vehicles from those model vehicles not included in the recall:

2009 So Cal Gas PC truck on Ford F-650 cab chassis. SCG Unit 45072 thru 450777

Identify the approximate percentage of the production of all the recalled models manufactured by your company between the inclusive dates of manufacture provided above, that the recalled model population represents. For example, if the recall involved Vehicles equipped with certain items of equipment from January 1, 1996 through April 1, 1997, then what was the percentage of the recalled Vehicles of all Vehicles manufactured during that time period.

This list of vehicles represents the entire production of vehicles supplied with the Sure Power model 1314 battery separator during the affected period of Feb 2009 thru June 2011.

II. Identify the Recall Population

3. Furnish the total number of vehicles recalled potentially containing the defect or noncompliance.

<u>Model</u>	<u>Year</u>	<u>Number of Vehicles Potentially Involved</u>
Freightliner M2112 - CNG	2011	5
Ford F-650	2011	21
Isuzu NQR	2011	4
Ford F-650	2009	10
N/A Replacement Part	2010	2

Total Number Potentially Affected by the Recall: 42

4. Furnish the approximate percentage of the total number of vehicles estimated to actually contain the defect or noncompliance: 40 vehicles

Identify and describe how the recall population was determined--in particular how the recalled models were selected and the basis for the beginning and final dates of manufacture of the recalled vehicles:

Based on the product recall 11E-045 issued by Cooper-Bussmann covering the Sure Power model 1314 battery separator the production dates fall between Feb 2009 & June 2011. During that period of time our firm purchased a total of 42 units. Forty of which were installed in vehicles and two which were sold as replacement parts. Based on the time period and our purchase records we could determine which vehicles were equipped with the Sure Power model 1314 product.

III. Describe the Defect or Noncompliance

5. Describe the defect or noncompliance. The description should address the nature and physical location of the defect or noncompliance. Illustrations should be provided as appropriate.

The Sure Power model 1314 battery separator is located near the vehicle auxiliary battery.

It has been stated by Cooper-Bussmann that an internal circuit board failure could occur on these units.

Describe the cause(s) of the defect or noncompliance condition.

It has been stated by Cooper-Bussmann that an internal circuit board failure could occur on these units.

Describe the consequence(s) of the defect or noncompliance condition.

Internal circuit board failure could lead to overheating, smoke and, possibly a fire during or following use.

Identify any warning which can (a) precede or (b) occur.

There could be overheating, smoke and possibly fire near at the battery separator or near the auxiliary battery.

If the defect or noncompliance is in a component or assembly purchased from a supplier, identify the supplier by corporate name and address.

Cooper-Bussmann

114 Old State Rd

Ellisville, MO 63021

Identify the name and title of the chief executive officer or knowledgeable representative of the supplier:

James M. Henley, Director, Quality Assurance.

IV. Provide the Chronology in Determining the Defect/Noncompliance

If the recall is for a defect, complete item 6, otherwise item 7.

- 6. With respect to a defect, furnish a chronological summary (including dates) of all the principle events that were the basis for the determination of the defect. The summary should include, but not be limited to, the number of reports, accidents, injuries, fatalities, and warranty claims.**
- 7. With respect to a noncompliance, identify and provide the test results or other data (in chronological order and including dates) on which the noncompliance was determined.**

6) August 2012 - We were notified by NHTSA of the safety issue involving defective Sure Power Inc.

battery separators and told we potentially purchased 10 units.

Sept/Oct 2012 – Researched purchase records and determined that during the affected period of
time we purchased a total of 42 units.

November 2012 – Submitted report to NHTSA.

V. Identify the Remedy

8. A description of the manufacturer's program for remedying the defect or noncompliance. This program shall include a plan for reimbursing an owner or purchaser who incurred costs to obtain a remedy for the problem addressed by the recall within a reasonable time in advance of the manufacturer's notification of owners, purchasers and dealers, in accordance with §573.13 of this part. A manufacturer's plan may incorporate by reference a general reimbursement plan it previously submitted to NHTSA, together with information specific to the individual recall. Information required by §573.13 that is not in a general reimbursement plan shall be submitted in the manufacturer's report to NHTSA under this section. If a manufacturer submits one or more general reimbursement plans, the manufacturer shall update each plan every two years, in accordance with §573.13. The manufacturer's remedy program and reimbursement plans will be available for inspection by the public at NHTSA headquarters.

We shall procure replacement battery separators from Sure Power Inc, and provide them to
the affected customers at no charge. Additionally, we shall provide a reimbursement for the
labor associated with the replacement of the part up to \$75 per unit or we will perform the
replacement of the part at no charge/no cost to the current owner of the vehicle.

9. Furnish a description of the manufacturer's remedy for the defect or noncompliance. Clearly describe the differences between the recall condition and the remedy.

Sure Power, Inc. is supplying a replacement battery separator at no charge.

Clearly describe the distinguishing characteristics of the remedy component/assembly versus the recalled component/assembly.

Sure Power has replaced the internal circuit board in the battery separators.

Identify and describe how and when the recall condition was corrected in production. If the production remedy was identical to the recall remedy in the field, so state. If the product was discontinued, so state.

The product was corrected by Sure Power after June 2011. The remedy in the field will be to
replace the defective battery separators on the affected vehicles.

VI. Identify the Recall Schedule

10. Furnish a schedule or agenda (with specific dates) for notification to other manufacturers, dealers/retailers, and purchasers. Please, identify any foreseeable problems with implementing the recall.

Upon approval by NHTSA of the draft Part 577 owner notification letter we will notify the fleet
vehicle owners of the recall within 5 days. We have already contacted our Sure Power distributor
for replacement units required.

VII. Furnish Recall Communications

11. Furnish a final copy of all notices, bulletins, and other communications that relate directly to the defect or noncompliance and which are sent to more than one manufacturer, distributor, or purchaser. This includes all communications (including both original and follow-up) concerning this recall from the time your company determines the defect or noncompliance condition on, not just the initial notification. A DRAFT copy of the notification documents should be submitted to this office by Fax (202-366-7882) or by E-Mail to RMD.ODI@dot.gov for review prior to mailing.

Note that these documents are to be submitted separately from those provided in accordance with Part 579.5 requirements.