



U.S. Department  
of Transportation

National Highway  
Traffic Safety  
Administration

1200 New Jersey Avenue, SE  
Washington, DC 20590

FEB 09 2012

**BY FEDERAL EXPRESS**

Mr. Don Snyder, CEO  
Snyder Systems, Inc./Wildfire Motors  
11 Technology Way  
Steubenville, OH 43952

NVS-221SSe  
PE-122-091218

Dear Mr. Snyder:

We have received your company's February 3, 2012 Amended Part 573 report of noncompliance (Amended Part 573 report or Amended noncompliance report) for MY 2009 Wildfire WF650-C motorcycles. We request that you submit a re-amended Part 573 report to address the following shortcomings in your February 3, 2012 submission:

1. Your Amended Part 573 report in part states, "according to NHTSA the service brakes fail to stop the motorcycle from 30 m.p.h. within a stopping distance not exceeding 54 feet as prescribed under FMVSS No. 122." This statement is not a clear and unequivocal statement by Wildfire that a noncompliance with FMVSS No. 122 S5.2.1 exists with respect to MY 2009 Wildfire WF650-C motorcycles. Therefore, we request that you again amend your Part 573 report. In your second amended Part 573 report, please delete the words "according to NHTSA" from the above-referenced statement. Your Amended Part 573 report also fails to specify the consequences associated with this noncompliance. Please describe the consequences of the noncompliance in your second amended Part 573 report.
2. Subsequent to a determination of a noncompliance, you need to identify the remedy. Your Amended Part 573 Report does not provide a valid remedy for the FMVSS No. 122 S5.2.1 stopping distance violation. You describe the remedy as follows: "Wildfire Motors will test the service brakes of each motorcycle to ensure each stop within the DOT prescribed distances." We do not believe that your purported remedy falls within any of the prescribed statutory options for remedying noncompliances under 49 U.S.C. § 30120(a)(1)(A), which are: (i) repairing the vehicle; (ii) replacing the vehicle with an identical or reasonably equivalent vehicle; or (iii) refunding the purchase price, less a reasonable allowance for depreciation. In addition, in view of the failure to meet the stopping distance requirement, further tests, as contrasted to a repair, do not reasonably meet the requirements to bring the vehicles into compliance with FMVSS No. 122 S5.2.1. We therefore request that you describe the remedy in terms of repairing, replacing, or refunding the purchase of the vehicle. If you plan to repair the vehicle, provide information about the technical aspects of your program for remedying the

noncompliance.<sup>1</sup>

Provide this information within 5 working days.

If you fail to re-amend your Amended Part 573 report to clearly state the noncompliance with FMVSS No. 122 S5.2.1 in 5 working days, the Agency may proceed to an initial decision that these vehicles are noncompliant in that regard under 49 U.S.C. § 30118(a). Such a decision would be published in the Federal Register along with a description of the alleged noncompliance and a summary of the testing. A public meeting would be conducted, and a press release issued to inform the public regarding this matter. If a public meeting is held, among other possible outcomes, this process may result in a Final Decision that MY 2009 Wildfire WF650-C motorcycles fail to comply with FMVSS No. 122 S5.2.1, and may result in an order compelling you to provide notification of that noncompliance to owners, purchasers, and dealers and to provide a free remedy for the noncompliance.

If you fail to re-amend your Amended Part 573 in 5 working days to provide a valid remedy for the noncompliance with FMVSS No. 122 S5.2.1, the Agency may decide to hold a public hearing on whether Wildfire has reasonably met the remedy requirements under 49 U.S.C. § 30120. *See* 49 C.F.R. 557.6(d) and 49 CFR 557.7. Such a decision would be published in the Federal Register and a public hearing would be conducted. If such public hearing is held, it may result in a final decision that you have not reasonably met your obligation to remedy such failure to comply, and may result in an order compelling you to take specified action to bring the MY 2009 Wildfire WF650-C motorcycles into compliance with FMVSS No. 122 S5.2.1.

If you fail to re-amend your Amended Part 573 within 5 working days to clearly state the noncompliance with FMVSS No. 122 S5.2.1 and to provide a valid remedy for this noncompliance, the Agency may decide to hold a combined public meeting and public hearing.

This request should not delay the remedy process for the three noncompliances identified in your January 31, 2012 Part 573 report of noncompliance. We note that there are other concerns that apply to your January 31, 2012 Part 573 report of noncompliance. You will be informed of these concerns in an acknowledgement letter sent by our Recall Management Division.

We also note that 49 CFR 573.8 requires that you maintain “a list of the names and addresses of registered owners, as determined through State motor vehicle registration records or other sources or the most recent purchasers where the registered owners are unknown, for all vehicles involved in a defect or noncompliance notification campaign initiated after the effective date of this part. The list shall include the vehicle identification number for each vehicle and the status of remedy with respect to each vehicle, updated as of the end of each quarterly reporting period

---

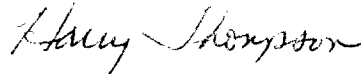
<sup>1</sup> Please note that any repair you make to the MY 2009 Wildfire WF650-C will need to bring the vehicle into complete compliance with FMVSS No. 122 beyond the first effectiveness stopping distance requirements in FMVSS No. 122 S5.2.1 and the three noncompliances with FMVSS No. 122 identified in your January 31, 2012 Part 573 report. Additional requirements of FMVSS No. 122 that must be met include: S5.3, *Service brake system – second effectiveness*; S5.4, *Service brake system – fade and recovery*; S5.5, *Service brake system – final effectiveness* (includes S5.5.2, *Hydraulic service brake system – partial failure*), S5.6, *Parking brake system*; and S5.7, *Service brake system – water recovery*. Please bear in mind that once your repairs are complete, we may request the data underlying your certification that the vehicle complies with all applicable FMVSS.

specified in §573.7.” Please provide the complete list of VINs for the vehicles included in your January 31, 2012 Part 573 report.

Address your response to:

U.S. Department of Transportation, NHTSA/OVSC  
Attn: Mr. Harry Thompson, Division Chief, OVSC Room: W45-314  
1200 New Jersey Avenue, S.E.  
Washington, D.C. 20590

Sincerely yours,

  
for Claude H. Harris, Director  
Office of Vehicle Safety Compliance