

BMW Group

VIA FEDERAL EXPRESS

September 28, 2018

The Honorable Heidi King
Deputy Administrator
National Highway Traffic Safety Administration
1200 New Jersey Ave., S.E.
Washington, DC 20590

**Re: 49 CFR 556 – Petition for Inconsequential Non-Compliance
Model Year 2016-18 BMW X1 SAV
FMVSS 205 (Glazing Materials)
18V-604**

Dear Ms. King:

BMW of North America, LLC, a subsidiary of BMW AG, Munich, Germany, ("BMW") is submitting this 49 CFR 556 Petition for Inconsequential Non-Compliance.

On September 6, 2018, BMW submitted a 49 CFR 573 report which stated that approximately 86,572 Model Year 2016-2018 BMW X1 SAV vehicles (the "affected vehicles") have been manufactured with rear window glazing that may not fully conform to FMVSS 205. NHTSA assigned Recall ID "18V-604" to our report. On September 10, 2018, BMW amended its report to update the number of potentially affected vehicles and the associated production date range. A copy of that report is included as Attachment 1.

BMW stated in its September 6, 2018 report that the possible noncompliance involved marking of the rear window glazing. Specifically, BMW stated that the rear window glazing of potentially affected vehicles may not conform to FMVSS 205 Section 6.3 regarding the DOT certification mark and the glazing manufacturer's code mark. In other words, the rear window glazing conforms to the FMVSS 205 performance requirements, but may not conform to certain marking requirements.

We believe that this issue is inconsequential to motor vehicle safety for the reasons set forth below.

FMVSS 205 Section 2 (Purpose)

Company
BMW of North America, LLC
BMW Group Company

Mailing address
PO Box 1227
Westwood, NJ
07675-1227

Office address
300 Chestnut Ridge Road
Woodcliff Lake, NJ
07677-7731

Telephone
(201) 307-4000

Fax
(201) 571-5479

Website
bmwusa.com

• FMVSS 205 Section 2 (Purpose) states, "The purpose of this standard is to reduce injuries resulting from impact to glazing surfaces, to ensure a necessary degree of transparency in motor vehicle windows for driver visibility, and to minimize the possibility of occupants being thrown through the vehicle windows in collisions."

• As noted herein and in Attachment 2, potentially affected vehicles conform to all of the FMVSS 205 performance requirements. Therefore, they satisfy the stated purpose of FMVSS 205 regarding a) injury reduction, b) driver visibility, and c) minimizing occupant ejection.

FMVSS 205 Performance Requirements

• Potentially affected vehicles conform to all of the FMVSS 205 performance requirements. Therefore, there is no safety performance implication associated with this potential noncompliance. Please refer to Attachment 2 for a copy of the FMVSS 205 certification test report.

Owner Contacts to BMW Customer Relations

• BMW has not received any contacts from vehicle owners regarding this issue. Therefore, BMW is unaware that any vehicle owner has encountered this issue.

Accidents / Injuries

- BMW is unaware of any accidents or injuries that may have occurred as a result of this issue.

Prior NHTSA Grants to Manufacturer Petitions

- NHTSA has previously granted Petitions for Inconsequential Non-Compliance regarding FMVSS 205 involving marking of window glazing. BMW believes that its petition is similar to other manufacturer's petitions in which NHTSA has granted approval. Examples of similar petitions, in which NHTSA has granted approval, include the following:
 - Ford Motor Company, NHTSA-2014-0054 N2, March 2, 2015.
 - Ford Motor Company, NHTSA-2010-0060 N2, May 30, 2013.
 - Ford Motor Company, NHTSA-1999-5210 N2, December 15, 1999.
 - General Motors, LLC, NHTSA-2013-0039 N2, September 25, 2015.
 - General Motors, LLC, NHTSA-2005-21675 N2, August 25, 2005.
 - Toyota Motor North America Inc., NHTSA-2002-12367 N2, March 4, 2003.
 - Fuji Heavy Industries USA, Inc., NHTSA-2013-0017 N2, September 25, 2013.
 - Mitsubishi Motors North America, Inc., NHTSA-2015-0066 N2, August 22, 2015.
 - Pilkington North America, Inc., NHTSA-2009-0092 N2, April 17, 2003.
 - Supreme Corporation, NHTSA-2015-0126 N2 October 21, 2016.
 - Custom Glass Solutions Upper Sandusky Corp., NHTSA-2013-0124 N2, January 23, 2015.

Vehicle Production

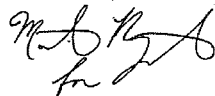
- Vehicle production has been corrected to conform to FMVSS 205 Section 6.3.

* * *

For the reasons set forth above, we believe that this issue is inconsequential to motor vehicle safety. Accordingly, BMW requests relief from the 49 CFR 573 notification and remedy requirements.

Sincerely,

BMW of North America, LLC

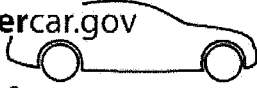


Samuel Campbell, III
Department Head
Safety Engineering and Intelligent Transportation Systems

Attachments

- Att. 1 – 18V-604, Part 573 Report (September 10, 2018)
- Att. 2 – FMVSS 205 Certification Report (AIB-VINCOTTE International n.v.), (May 26, 2016)

Cc: C. Covell, Chief, Equipment Division, Office of Vehicle Safety Compliance (OVSC), (Letter only)



Vehicle Report

Transaction ID: 18-0010039-21217-11 (Amendment 1)

Required fields indicated with *

Your report has been submitted. Your Transaction No. is 18-0010039-21217-11.

Manufacturer: BMW of North America, LLC

P.O. Box 1227
Westwood NJ 07675-1227

Martin Rapaport
201-571-5208,

This is a Noncompliance Report. Filing a petition pursuant to 49 CFR 556

Vehicle Information

BMW X1 xDrive28i, X1 sDrive28i 2016 - 2018

* Model Yr. Start: 2016 * Model Yr. End: 2018 Type: LIGHT VEHICLES
* Make: BMW Body Style: SUV
* Model: X1 xDrive28i, X1 sDrive28i Powertrain: GAS

Production Dates Begin: 03/10/2015
End: 08/16/2018

Descriptive Information:

Approximately 86,572 vehicles were equipped with a rear window which may not include the FMVSS 205 "DOT" certification marking and glazing manufacturer's code mark. Basis for recall population determination: Supplier production records were reviewed to determine the production period of potentially affected glazing (in which the "DOT" certification marking and glazing manufacturer's code mark was not included), and the corresponding production date range (3/10/2015 - 8/16/2018) of potentially affected vehicles. Recall component difference to non-recall component: N/A as BMW believes that this matter is inconsequential to motor vehicle safety and therefore will be filing a Petition for Inconsequential Noncompliance in accordance with the provisions of Part 556.

VIN Range(s): Begin: End:

Number potentially involved: 86572 Estimated percentage of involved with defect: 100%

Defect / Noncompliance Description

For this Defect/Noncompliance:

* Describe the defect or noncompliance:

This non-compliance involves the vehicle's rear window. FMVSS 205 Section S6.3 requires that glazing material must be marked in accordance with section 7 of ANSI/SAE Z26.1-1996, which includes the "DOT" marking and the manufacturer's code mark that NHTSA has assigned to the manufacturer. Due to a supplier production issue, rear windows may not have been marked with the "DOT" certification marking and the manufacturer's code mark.

If a noncompliance, provide the applicable FMVSS:
205 - Glazing materials

If applicable, provide any further FMVSS affected:

Describe the cause:

* Describe the safety risk:

BMW believes that this matter is inconsequential to motor vehicle safety and therefore will be filing a Petition for Inconsequential Noncompliance in accordance with the provisions of Part 556.

Identify any warning which can precede or occur:

This Recall affects all vehicles.

If applicable, identify the manufacturer of the defective or noncompliant component. If the manufacturer of the component is unknown, provide the information for the company that supplied the subject component.

Component manufacturer

Company Information

Company Name: AGC Glass Hungary Kft.

Country: Hungary

Company Contact Information

First Name:

Last Name:

Position:

| | | | |
|-------------------------|----------------|---------------|------------|
| Address 1: | Uveggyar ut 1. | Email: | |
| Address 2: | | Phone: | 3634887100 |
| City: | Kornye | | |
| State: | FOREIGN STATES | | |
| Zip/Postal Code: | HU-2851 | | |

Chronology of Defect / Noncompliance Determination

Provide the chronology of events leading up to the defect decision or test data for the noncompliance decision.:

On August 2, 2018, BMW was notified by the supplier that certain rear windows which were delivered may not have been marked with the "DOT" certification marking and the manufacturer's code mark. Supplier production records, and BMW vehicle assembly information, were checked to identify potentially affected models. A comprehensive review of other vehicle model's glazing, and associated suppliers, was conducted. Worldwide glazing requirements were reviewed, along with engineering drawings, technical specifications and certification documentation. The review suggested that a possible non-compliance with FMVSS 205 Section 6.3 might exist on a single vehicle model. Supplier production records, and BMW vehicle assembly information, were reviewed to determine the number, and production date range, of potentially affected vehicles. On August 29, 2018, BMW determined that the potentially affected vehicles may not fully conform to FMVSS 205. BMW has not received any reports, nor is BMW otherwise aware, of any accidents or injuries related to this issue.

Identify the Remedy

Describe the defect/noncompliance remedy program, including the manufacturer's plan for reimbursement.

BMW believes that this matter is inconsequential to motor vehicle safety and therefore will be filing a Petition for Inconsequential Noncompliance in accordance with the provisions of Part 556.

Describe what distinguishes the remedy component from the recalled component.

BMW believes that this matter is inconsequential to motor vehicle safety and therefore will be filing a Petition for Inconsequential Noncompliance in accordance with the provisions of Part 556.

Identify and describe how and when the recall condition was corrected in production.

Identify the Recall Schedule

Describe the recall schedule for notifications.:

BMW believes that this matter is inconsequential to motor vehicle safety and therefore will be filing a Petition for Inconsequential Noncompliance in accordance with the provisions of Part 556.

Planned Dealer Notification Begin Date:

Planned Dealer Notification End Date:

Planned Owner Notification Begin Date:

Planned Owner Notification End Date:

Manufacturer's identification code for this recall (if applicable):

Please be reminded that owner notification letters must be mailed no more than 60 days from submission of this report.

Manufacturer Comments to NHTSA Staff

BMW believes that this matter is inconsequential to motor vehicle safety and therefore will be filing a Petition for Inconsequential Noncompliance in accordance with the provisions of Part 556. As of Sep 6th, the number of potentially affected vehicles and associated production date range is preliminary, and will be updated upon receipt of revised figures. 10 Sep 2018 – Production volume and associated date range has been updated.

Document Upload

There are 0 documents associated with this report.



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 Safety, quality and environmental services

AUTOMOTIVE CERTIFICATION

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E-mail: homologation@vincotte.be

1. SUBJECT : SAFETY GLAZING

CMVSS 205

2. REF.: Report number : **H1660060769/064** No. of pages : 4 No. of annexes : 1
Category/Type : AS3 M101 DOT 24

3. GENERALITIES :

Make of Vehicle : (all makes)
Glazing Type(s) : tempered safety float glass
Nominal thickness (mm) : 3.15
Trade names or trade marks : SPLINTEX, SPLINTEX SOLID TEMPERED,
AGC Automotive, AGC Automotive TEMPERLITE
Name and address of the manufacturer :
AGC Automotive Europe
Avenue Jean Monnet 4
1348 Ottignies Louvain-la-Neuve
Belgium

4. TESTS : Date and place : 2011.06.22 AGC, Tatabanya, Hungary
2011.11.03 INISMa, Mons, Belgium
2016.01.19 AGC, Teplice, Czech Republic
2016.02.01 AGC, Teplice, Czech Republic

Reference of the application : 2016H.40

AVI Inspector : Mr W. CORNELIS

5. CONCLUSIONS :


The tests were carried out according to the following specifications :

- CMVSS 205 (Canada Motor Vehicle Safety Standard).

The models presented comply with the requirements of the specifications to be applied.

Date : 2016.05.26

Signature :

 **AIB-VINÇOTTE INTERNATIONAL**
Wouter CORNELIS
Automotive Certification



APPLICATION

Renewal application for the production of grey tinted (FGY1 and FGY2) tempered safety float glass with a nominal thickness of 3.15 mm

with or without conductors
with or without obscuration band

TEST ITEMS

- 2 Luminous Transmittance
- 6 Impact Ball, 3.05 m (10 ft.)
- 7 Fracture test
- 8 Impact Shot Bag, 2.44 m (8 ft.)

TEST RESULTS

Nominal thickness: 3.15 mm
Color: Grey (FGY1 and FGY2)

Test No. 2: Luminous Transmittance

Testing conditions: - 305x305 mm substantially flat specimens

| Specimen No. | Colour | Thickness (mm) | Light transmittance (%) |
|--------------|-------------|----------------|-------------------------|
| 1 | Grey (FGY1) | 3.15 | 24.9 |
| 2 | | 3.15 | 25.0 |
| 3 | | 3.13 | 25.1 |
| 1 | Grey (FGY2) | 3.15 | 27.6 |
| 2 | | 3.14 | 27.8 |
| 3 | | 3.13 | 27.5 |

Criteria: - LT < 70 %.

**Test No. 6: Impact Ball, 3.05 m (10 ft.)**

Testing conditions: - steel ball of 224 ~ 230 g
- 305x305 mm substantially flat specimens
- striking outer face of the specimen within 25 mm of its centre
- 4 h conditioning at 21 ~ 29 °C

Specimens with color: Grey (FGY1)
obscuration band (yes / ñ)
conductors (yes / ñ)

| Specimen No. | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
|----------------|------|------|------|------|------|------|------|------|------|------|------|------|
| Thickness (mm) | 3.14 | 3.13 | 3.13 | 3.17 | 3.15 | 3.15 | 3.15 | 3.12 | 3.17 | 3.13 | 3.16 | 3.14 |
| Result | ok | NG | ok | ok | ok | ok | ok | ok | ok | ok | NG | ok |

Criteria: - ≤ 2 specimens crack or break

Specimens with color: Grey (FGY2)
obscuration band (yes / ñ)
conductors (yes / ñ)

| Specimen No. | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
|----------------|------|------|------|------|------|------|------|------|------|------|------|------|
| Thickness (mm) | 3.19 | 3.16 | 3.22 | 3.20 | 3.19 | 3.17 | 3.21 | 3.21 | 3.20 | 3.16 | 3.21 | 3.16 |
| Result | ok | ok | ok | ok | ok | ok | ok | ok | ok | ok | ok | ok |

Criteria: - ≤ 2 specimens crack or break

Test No. 7: Fracture test

Testing conditions: - spring-loaded center punch or hammer ~ 75 g
- production parts
- break point = 25 mm inboard of the edge at the mid-point of the longest edge

| Specimen No. | 1 | 2 | 3 | 4 | 5 | 6 |
|----------------|------|------|------|------|------|------|
| Thickness (mm) | 3.13 | 3.14 | 3.14 | 3.13 | 3.14 | 3.15 |
| Result (g) | 0.49 | 0.43 | 0.85 | 0.85 | 1.07 | 0.74 |

Criteria: - no individual fragment > 4.25 g within 3 min

**Test No. 8: Impact Shot Bag, 2.44 m (8 ft.)**

Testing conditions: - shot bag of 4.99 kg
- 305x305 mm substantially flat specimens
- striking inner face of the specimen
- 4 h conditioning at 21 ~ 29 °C

Specimens with color: Grey (FGY1)
obscuration band (yes / \neq)
conductors (yes / \neq)

| Specimen No. | 1 | 2 | 3 | 4 | 5 |
|----------------|------|------|------|------|------|
| Thickness (mm) | 3.12 | 3.11 | 3.12 | 3.13 | 3.17 |
| Result | ok | ok | ok | ok | ok |

Criteria: - \leq 1 specimen cracks or breaks

Specimens with color: Grey (FGY2)
obscuration band (yes / \neq)
conductors (yes / \neq)

| Specimen No. | 1 | 2 | 3 | 4 | 5 |
|----------------|------|------|------|------|------|
| Thickness (mm) | 3.17 | 3.15 | 3.21 | 3.20 | 3.19 |
| Result | ok | ok | ok | ok | ok |

Criteria: - \leq 1 specimen cracks or breaks

Annex

1. Type of marking

Part 573 Safety Recall Report

18V-604

Manufacturer Name : BMW of North America, LLC**Submission Date :** SEP 10, 2018**NHTSA Recall No. :** 18V-604**Manufacturer Recall No. :** NR**Manufacturer Information :**

Manufacturer Name : BMW of North America, LLC

Address : P.O. Box 1227

Westwood NJ 07675-1227

Company phone : 18005257417

Population :

Number of potentially involved : 86,572

Estimated percentage with defect : 100 %

Vehicle Information :

Vehicle 1 : 2016-2018 BMW X1 xDrive28i, X1 sDrive28i

Vehicle Type : LIGHT VEHICLES

Body Style : SUV

Power Train : GAS

Descriptive Information : Approximately 86,572 vehicles were equipped with a rear window which may not include the FMVSS 205 "DOT" certification marking and glazing manufacturer's code mark.

Basis for recall population determination: Supplier production records were reviewed to determine the production period of potentially affected glazing (in which the "DOT" certification marking and glazing manufacturer's code mark was not included), and the corresponding production date range (3/10/2015 – 8/16/2018) of potentially affected vehicles.

Recall component difference to non-recall component: N/A as BMW believes that this matter is inconsequential to motor vehicle safety and therefore will be filing a Petition for Inconsequential Noncompliance in accordance with the provisions of Part 556.

Production Dates : MAR 10, 2015 - AUG 16, 2018

VIN Range 1 : Begin :

NR

End : NR

 Not sequential**Description of Noncompliance :**

Description of the Noncompliance : This non-compliance involves the vehicle's rear window. FMVSS 205 Section S6.3 requires that glazing material must be marked in accordance with section 7 of ANSI/SAE Z26.1-1996, which includes the "DOT" marking and the manufacturer's code mark that NHTSA has assigned to the manufacturer. Due to a supplier production issue, rear windows may not have been marked with the "DOT" certification marking and the manufacturer's code mark.

FMVSS 1 : 205 - Glazing materials

FMVSS 2 : NR

Description of the Safety Risk : BMW believes that this matter is inconsequential to motor vehicle safety and therefore will be filing a Petition for Inconsequential Noncompliance in accordance with the provisions of Part 556.

Description of the Cause : NR

Identification of Any Warning that can Occur : NR

Supplier Identification :

Component Manufacturer

Name : AGC Glass Hungary Kft.

Address : Uveggyar ut 1.
Kornye FOREIGN STATES HU-2851

Country : Hungary

Chronology :

On August 2, 2018, BMW was notified by the supplier that certain rear windows which were delivered may not have been marked with the "DOT" certification marking and the manufacturer's code mark.

Supplier production records, and BMW vehicle assembly information, were checked to identify potentially affected models. A comprehensive review of other vehicle model's glazing, and associated suppliers, was conducted.

Worldwide glazing requirements were reviewed, along with engineering drawings, technical specifications and certification documentation. The review suggested that a possible non-compliance with FMVSS 205 Section 6.3 might exist on a single vehicle model.

Supplier production records, and BMW vehicle assembly information, were reviewed to determine the number, and production date range, of potentially affected vehicles.

On August 29, 2018, BMW determined that the potentially affected vehicles may not fully conform to FMVSS 205.

BMW has not received any reports, nor is BMW otherwise aware, of any accidents or injuries related to this issue.

Description of Remedy :

Description of Remedy Program : BMW believes that this matter is inconsequential to motor vehicle safety and therefore will be filing a Petition for Inconsequential Noncompliance in accordance with the provisions of Part 556.

How Remedy Component Differs from Recalled Component : BMW believes that this matter is inconsequential to motor vehicle safety and therefore will be filing a Petition for Inconsequential Noncompliance in accordance with the provisions of Part 556.

Identify How/When Recall Condition was Corrected in Production : NR

Recall Schedule :

Description of Recall Schedule : BMW believes that this matter is inconsequential to motor vehicle safety and therefore will be filing a Petition for Inconsequential Noncompliance in accordance with the provisions of Part 556.

Planned Dealer Notification Date : NR - NR

Planned Owner Notification Date : NR - NR

* NR - Not Reported