NISSAN GROUP
OF NORTH AMERICA

NISSAN NORTH AMERICA, INC.

Corporate Headquarters
One Nissan Way
Franklin, TN 37068

Mailing Address: P.O. Box 685001
Franklin, TN 37068-5001

Telephone: 615.725.1000

July 24, 2019

Ms. Heidi King
Deputy Administrator
National Highway Traffic Safety Administration
1200 New Jersey Avenue, SE
Washington, D.C. 20590

RE: Petition for Determination of Inconsequential Noncompliance

Dear Ms. King:

Pursuant to 49 CFR Part 556, Nissan North America, Inc. (Nissan) is hereby requesting exemption from the notification and remedy requirements of 49 U.S.C. §§ 30118 - 30120 on the basis that a noncompliance is inconsequential to motor vehicle safety.

Enclosed is Nissan's Petition for Determination of Inconsequential Noncompliance related to Nissan's Noncompliance Information Report (NCIR) submitted on July 1, 2019. Portions of Nissan's petition contain confidential business information and, accordingly, we have submitted an unredacted version of this petition to the Office of Chief Counsel, along with a request for confidential treatment under 49 CFR Part 512.

Sincerely,

Derek Latta
Manager, Technical Compliance

cc: Mr. Jeff Giuseppe, Deputy Administrator for Enforcement

Enclosure:
Redacted Petition for Inconsequential Noncompliance

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Deputy Administrator
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1200 New Jersey Avenue, SE
Washington, D.C. 20590

RE: Petition for Determination of Inconsequential Noncompliance

Dear Ms. King:

Pursuant to 49 CFR Part 556, Nissan North America, Inc. (Nissan), a California corporation, is hereby requesting exemption from the notification and remedy requirements of 49 U.S.C. §§ 30118 - 30120 on the basis that a noncompliance is inconsequential to motor vehicle safety.

Noncompliance Information Report:
Filed July 1, 2019, pursuant to 49 CFR Part 573. (See Attachment 1)

Affected Vehicles:
2019 Model Year Nissan Armada vehicles manufactured from September 13, 2018 (start of production) to October 23, 2018 ("subject vehicles").

Standard:
49 CFR §571.108 S7.4 (FMVSS No. 108): Lamps, reflective devices, and associated equipment

Discussion:
In a Noncompliance Information Report (NCIR) dated July 1, 2019 Nissan informed NHTSA that a noncompliance may exist on approximately 3,009 Nissan Armada vehicles if the reflex reflector moves out of position due to an impact force being applied to the headlamp assembly.

Due to a manufacturing issue affecting only the driver's side marker lamp that has since been corrected, the reflex reflector may not be seated properly in the headlamp assembly, creating a gap between the forward edge of the reflector and the extension portion of the headlamp assembly (See Figs. 1-3 below). The reflector is restrained

from further movement by the outer lens of the headlamp and the maximum potential displacement is shown in Figure 3 below.

Figure 1. Diagram of headlamp in affected condition

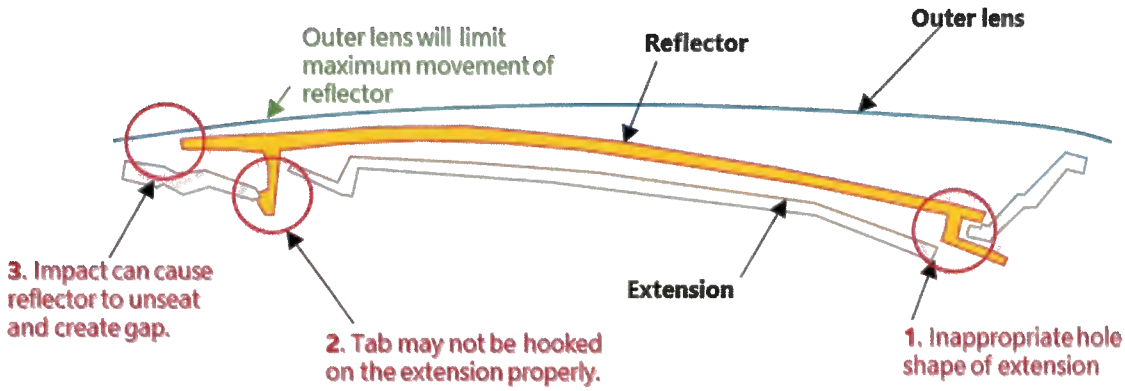


Figure 2. Photo of reflector in normal condition

Figure 3. Photo of reflector in worst-case condition

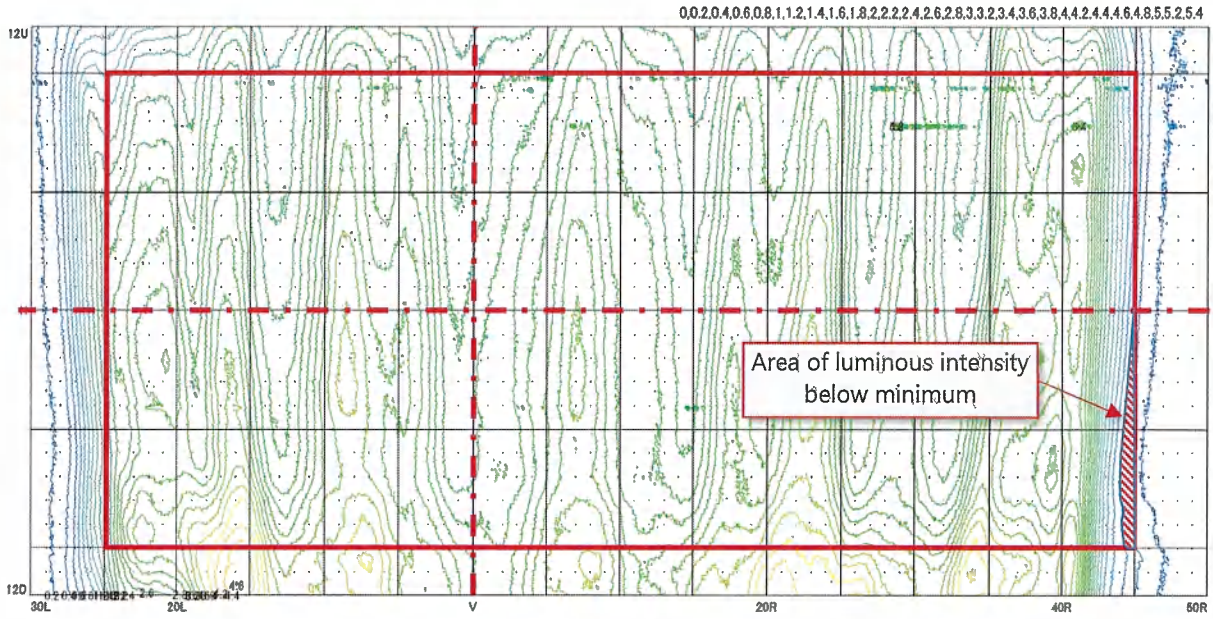
Nissan inspected 1,790 subject vehicles, and it found and collected 14 headlamp assemblies in which the reflex reflector had moved. Nissan also collected several headlamp assemblies in which the reflex reflector had not moved. A "worst case" scenario for displacement of the reflector was also simulated in a test environment where the reflex reflector contacted the inside of the headlamp lens (Fig. 3). Nissan then conducted testing to determine any effect of the displacement on the lamp's performance.

The reflective performance of the reflex reflector inside of the headlamp assembly continues to meet FMVSS 108 requirements even when it has moved out of position.

The photometric intensity of the side marker lamp was confirmed to fully comply with FMVSS No. 108 for nineteen (19) of the twenty (20) tested lamp assemblies. However, in one lamp assembly with the worst-case displacement, the side marker lamp fell below the minimum photometric intensity at one test point. Specifically, S7.4.13.1 of FMVSS No. 108 requires a minimum photometric intensity (cd) of the amber side marker lamp of 0.62cd. For one of the tested lamps with the reflector out of position to the worst case of displacement, the minimum photometric intensity of the amber side marker lamp was below the specified minimum (0.53cd, or 85% of the required

intensity) in a very limited area (approximately 1% of the required area and 1 of 14 test points). The results of this test are shown in Figure 4 below. The full set of results from all 20 parts are provided as CONFIDENTIAL Attachment 2.

Figure 4. Photometric performance of an unseated reflex reflector at maximum displacement



As seen in Figure 4 above and CONFIDENTIAL Attachment 2 (Test 1), for this lamp, the area of photometric intensity below the minimum standard is completely in the downward direction (10 degrees downward, 45 degrees to the front), and only for the last few degrees of the forward direction. At the specific test points, only one (1) of fourteen (14) tested below the standard. The rearward and upward direction are compliant throughout the required range of values for all other test results.

Nissan has not received any reports from the field of customer complaints, warranty claims, crashes, injuries or fatalities related to this issue.

Nissan believes the noncompliance is inconsequential to motor vehicle safety for the following reasons:

Even in the worst-case displaced position, the side marker lamp is only minimally below the regulatory standard at one test point. Nissan has judged that the minimal difference in photometric intensity between the lamp that tested below standard and a lamp meeting the minimum standard is not perceptible to the human observer. (*See also*, Subaru of America, Grant of Petition, 56 Fed. Reg. 59,971 (Nov. 26, 1991); Hella, Inc., Grant of Petition, 55 Fed. Reg. 37,601 (Sept. 12, 1990)).

Moreover, the parking lamp in the subject vehicles wraps around the corners of the headlamp assembly (Fig. 5) and adds additional illumination in the region where testing showed the photometric intensity of the side marker lamp to be slightly below standard (Fig. 6). On the affected 2019 Model Year Armada vehicles, the parking lamps are on the same circuit as the side marker lamps and therefore always illuminate in conjunction with the side marker lamps.

Figure 5. Location of Parking and Side Marker Lamps

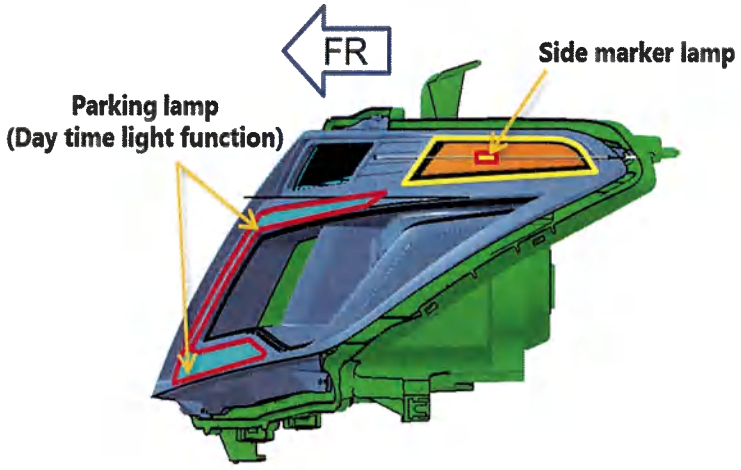
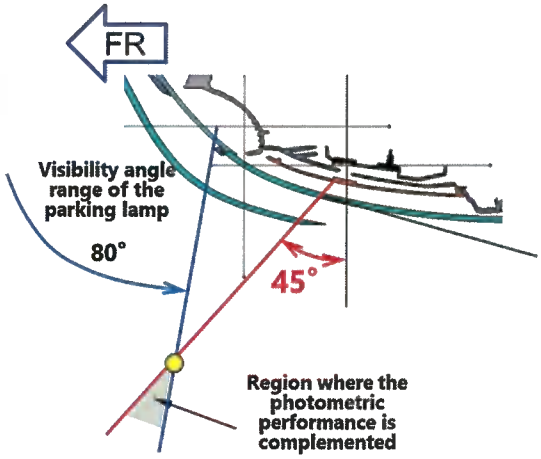
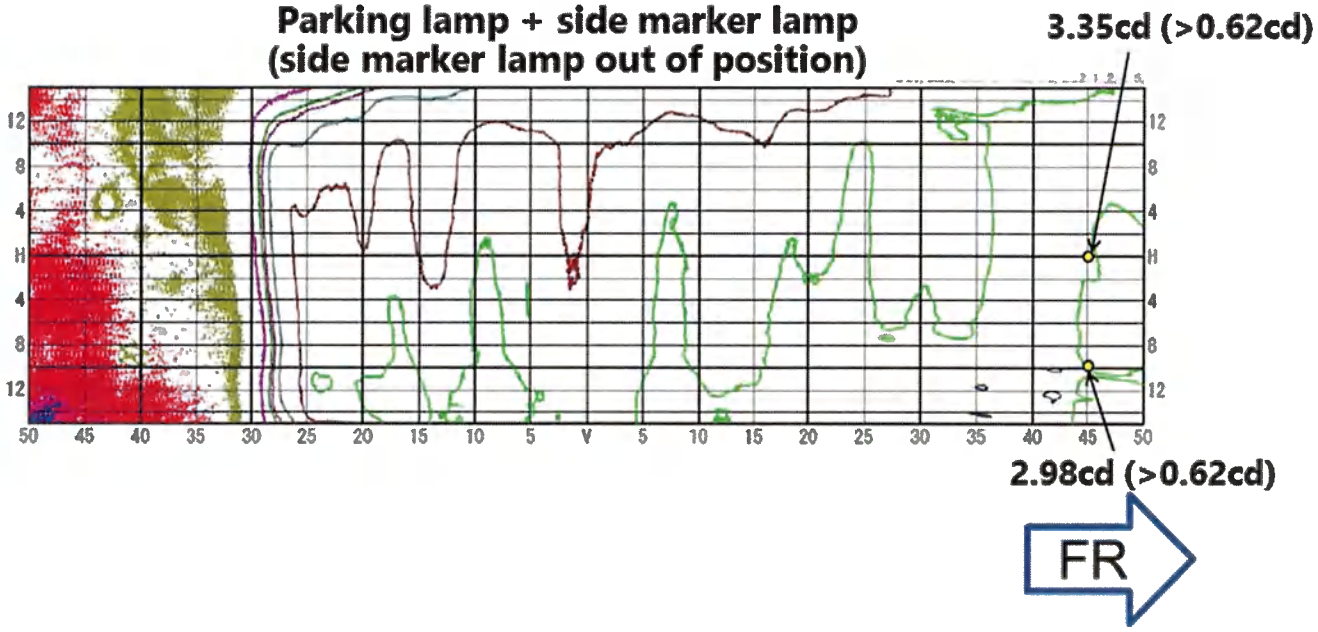


Figure 6. Complimentary illumination of Parking Lamps



When tested as a unit in real world conditions, the photometric intensity of the combined parking and side marker lamps is above the required 0.62cd for all test points and approximately 5x the test point where the side marker lamp alone was below 0.62cd, as shown in Figure 7 below.

Figure 7. Photometric performance of Parking + Side Marker Lamp



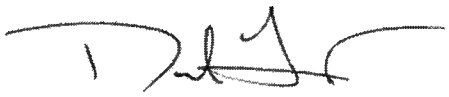
In the event the reflector were to move out of position, the complimentary illumination from the parking lamp compensates for the slight reduction in photometric intensity of the side marker lamp over an exceedingly small range. Therefore, in actual usage conditions, the presence of an affected vehicle is conspicuous and there is no perceivable difference in visibility of the subject vehicles compared to compliant vehicles to drivers and pedestrians on the road.

In similar situations, NHTSA has granted the applications of other petitioners in which a minor deviation from the standard was deemed imperceptible and therefore inconsequential to safety (See, e.g., BMW of N.Am., LLC Grant of Petition, 82 Fed. Reg. 55484 (Nov. 21, 2017); Osram Sylvania Prods., Inc. Grant of Petition, 78 Fed. Reg. 46000 (July 30, 2013)). While Nissan recognizes that NHTSA has denied petitions claiming complimentary illumination, those petitions are distinguishable due to the greater extent of the reduction in illumination over a wider affected area.

In consideration of the foregoing, Nissan requests that the NHTSA make a determination that the subject noncompliance is inconsequential to motor vehicle safety and grant Nissan an exemption from the recall and remedy requirements of the National Traffic and Motor Vehicle Safety Act.

Sincerely,

Derek Latta



Manager, Technical Compliance

Enclosures:
Noncompliance Information Report
REDACTED CONFIDENTIAL Supplier Testing Report for 20 returned side marker lamps

Attachment 1
49 CFR Part 573 Noncompliance Information Report dated July 1, 2019

NISSAN GROUP
OF NORTH AMERICA

Nissan North America, Inc.
One Nissan Way
Franklin, TN 37067

Mailing Address:
PO Box 685001
Franklin, TN 37068

July 1, 2019

Mr. Jeff Giuseppe
Acting Associate Administrator for Enforcement
National Highway Traffic Safety Administration
Attn: Recall Management Division (NVS-215)
Room W48-302
1200 New Jersey Avenue, SE
Washington, D.C. 20590

Dear Mr. Giuseppe:

We are transmitting the enclosed Noncompliance Information Report in accordance with 49 CFR Part 573. Nissan plans to petition the National Highway Traffic Safety Administration for a determination that the subject noncompliance is inconsequential as it relates to motor vehicle safety. The petition will be submitted to the Administrator within 30 days of the date of the noncompliance determination.

Very truly,

Derek Latta
Manager,
Technical Compliance

Encl.

NONCOMPLIANCE INFORMATION REPORT

1. Manufacturer:

   Nissan Motor Co., Ltd., Japan

2. Vehicles Potentially Involved:

   Model Year 2019 Nissan Armada vehicles shown in the table below:

Make/Model	Plant	Dates of Manufacture
MY 2019 Nissan Armada	Nissan Shatai - Kyushu	September 13, 2018 to October 23, 2018
MY 2019 Nissan Armada	Nissan Shatai - Shonan	September 17, 2018 to October 22, 2018

   No other vehicles are affected because the issue (described in Section 6 below) is unique to the vehicles specifically identified during the period of manufacture through supplier production records.

   The supplier of the headlamp assembly is:

   Koito Manufacturing Co., LTD
   4-8-3, Takanawa, Minato-ku
   Tokyo 108-8711, Japan

   Shinji Watanabe
   Director, Quality Assurance Department
   Shinji-yatanabe@koito.co.jp
   +81-54-345-4489

   The name, description and part number(s) of the head lamp assembly is below:

Part Name	Part Description	Part Number(s)
LAMP ASSY-HEAD,LH	Headlamp assembly	26060 5ZW0A

3. Total Number of Vehicles Potentially Involved:

   Approximately 3,009 vehicles are affected.

Make/Model	Plant	Vehicles Affected
MY 2019 Nissan Armada	Nissan Shatai - Kyushu	2,021
MY 2019 Nissan Armada	Nissan Shatai - Shonan	988

4. Percentage of Vehicles Estimated to Actually Contain the Noncompliance:

100%

5. Description of the Noncompliance:

The driver's side marker lamp may not fully meet S7.4 of FMVSS no. 108: Lamps, reflective devices, and associated equipment. More specifically, during a side marker lamp impact resistance test of an affected lamp, the minimum photometric intensity (cd) of the amber side marker lamp was 0.53cd at one test point. This value for the side marker lamp is slightly below the minimum required photometric intensity of 0.62cd specified in S7.4.13.1, Table X – Side Marker Lamp Photometry Requirements.

6. Basis for Determination of the Existence of a Noncompliance

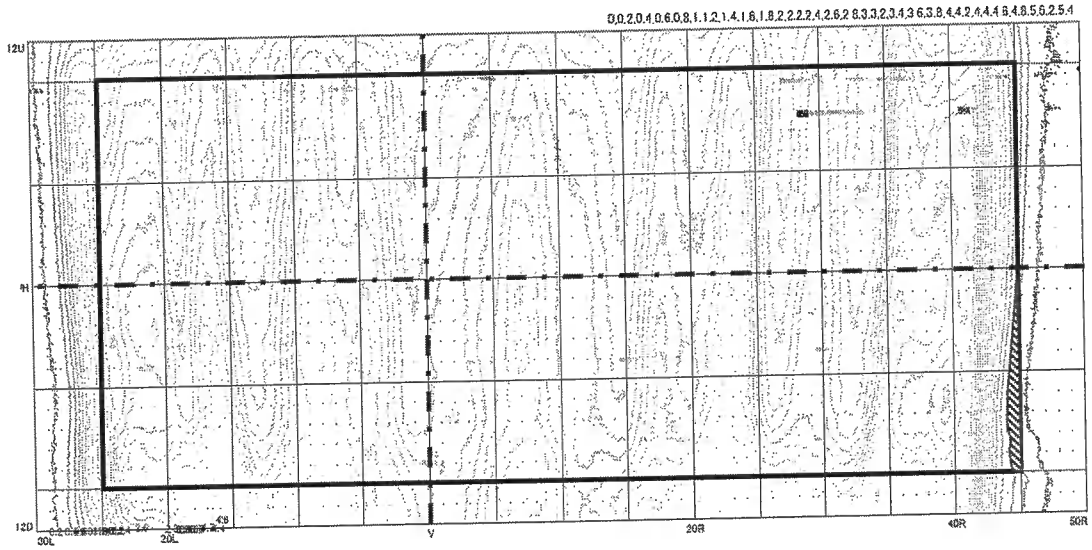
In February 2019, Nissan became aware of an issue where the reflex reflector inside of the driver-side headlamp housing moved out-of-position on a Model Year 2019 Armada. Nissan immediately began investigating the issue.

March 2019 through April 2019 - Nissan, together with the supplier (Koito), determined that the reflex reflector tabs did not attach with sufficient force to hold the reflector in place under certain conditions. Upon further investigation, Nissan concluded that during a period of Supplier's production, contamination on the die surface caused the shape of the reflex reflector housing to be out-of-specification. As a result, the reflector was able to move out of position when enough impact force was applied to the headlamp housing.

May 2019 – Nissan conducted both plant and port audits to determine if additional vehicles were affected by this issue. Out of 776 vehicles inspected at the Nissan Shatai Shonan and Kyushu, Japan plants, nine (9) cases were found where the reflex reflector moved out of position. Out of 1,014 vehicles inspected at the port in the U.S., five (5) cases were found where the reflex reflector moved out-of-position.

Nissan and the supplier conducted confirmation testing on the recovered headlight assemblies to determine what effect the displaced reflector had on regulatory compliance, if any. Additional testing of headlight assemblies in addition to the recovered headlight assemblies was performed. A "worst-case" scenario for displacement of the reflector was also simulated in a test environment.

June 2019 – The testing results showed that out of twenty two (22) subject headlamps that were tested, one (1) headlight assembly failed to meet the minimum luminous intensity requirements at one test point for an amber lamp (0.62cd) specified in S7.4.13.1, Table X – Side Marker Lamp Photometry Requirements. This headlamp represented the "worst-case" condition where the reflex reflector was at its maximum displacement. Even in this scenario, the luminous intensity was below the minimum specification (0.53cd) in a very small area. This area is shown in Figure 1 below,



represented by the red cross-section on the lower right-hand side of the photometric performance test report.

Figure 1. Area of Luminous Intensity Below Minimum

June 25, 2019 – Because the photometric intensity value drops slightly below 0.62cd when the reflex reflector is at its maximum displacement position (worst-case condition), there is a technical noncompliance with S7.4 of FMVSS No. 108. However, because there is only a very limited area where the luminous intensity is below the minimum standard (shown in Figure 1. above) and Nissan's engineering judgment that the difference is imperceptible to the human eye, Nissan believes that any noncompliance is inconsequential. Further details of Nissan's position will be presented to the agency during the Part 556 petition process.

7. Description of Corrective Action:

For reasons indicated above, Nissan believes this noncompliance is inconsequential to safety and intends to file a petition pursuant to 49 CFR Part 556.

8. Copy of Notices:

Not Applicable.

REDACTED CONFIDENTIAL Attachment 2
Internal Testing Report for Photometric Performance of side marker lamps after impact resistance testing.

Part 573 Safety Recall Report 19V-506

Manufacturer Name : Nissan North America, Inc.
Submission Date : JUL 01, 2019
NHTSA Recall No. : 19V-506
Manufacturer Recall No. : NR

Manufacturer Information :

Manufacturer Name : Nissan North America, Inc.
Address : P. O. BOX 685001
Franklin TN 37068-5009
Company phone : 800-647-7261

Population :

Number of potentially involved : 3,009
Estimated percentage with defect : 100 %

Vehicle Information :

Vehicle 1 : 2019-2019 Nissan Armada
Vehicle Type : LIGHT VEHICLES
Body Style : SUV
Power Train : GAS
Descriptive Information : No other vehicles are affected because the issue is unique to the vehicles specifically identified during the period of manufacture through supplier production records.

Production Dates : SEP 13, 2018 - OCT 23, 2018
VIN Range 1 : Begin : NR End : NR ☐ Not sequential

Description of Noncompliance :

Description of the Noncompliance : The driver's side marker lamp may not fully meet S7.4 of FMVSS no. 108: Lamps, reflective devices, and associated equipment. More specifically, during a side marker lamp impact resistance test of an affected lamp, the minimum photometric intensity (cd) of the amber side marker lamp was 0.53cd at one test point. This value for the side marker lamp is slightly below the minimum required photometric intensity of 0.62cd specified in S7.4.13.1, Table X – Side Marker Lamp Photometry Requirements.

FMVSS 1 : 108 - Lamps, reflective devices, and assoc. Equipment
FMVSS 2 : NR

Description of the Safety Risk : Nissan believes this noncompliance is inconsequential to safety and intends to file a petition pursuant to 49 CFR Part 556.

Description of the Cause : NR

Identification of Any Warning that can Occur : NR

Supplier Identification :

Component Manufacturer

Name :	Koito Manufacturing Co., LTD
Address :	4-8-3, Takanawa, Minato-ku Tokyo FOREIGN STATES 108-8711
Country :	Japan

Chronology :

See Part 573 report for chronology.

Description of Remedy :

Description of Remedy Program :	For reasons indicated above, Nissan believes this noncompliance is inconsequential to safety and intends to file a petition pursuant to 49 CFR Part 556.
How Remedy Component Differs from Recalled Component :	The name, description and part number(s) of the head lamp assembly is below: Part Name: LAMP ASSY-HEAD,LH Part Description: Headlamp assembly Part Number(s): 26060 5ZW0A
Identify How/When Recall Condition was Corrected in Production :	NR

Recall Schedule :

Description of Recall Schedule :	For reasons indicated above, Nissan believes this noncompliance is inconsequential to safety and intends to file a petition pursuant to 49 CFR Part 556.
Planned Dealer Notification Date :	NR - NR
Planned Owner Notification Date :	NR - NR

* NR - Not Reported