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July 29, 2020

Mr. Jeff Giuseppe
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

RE: Petition for Determination of Inconsequential Noncompliance

Dear Mr. Giuseppe:

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.

Noncompliance Information Report:

Filed June 29, 2020, pursuant to 49 CFR Part 573. (See Attachment 1)

Affected Equipment:

Nissan and Infiniti replacement windshield glass panes produced during the period from 2000 to 2008, shipped as service parts between April 1, 2000, and April 30, 2012 ("subject parts").

Standard:

49 CFR §571.205 S6.2 (FMVSS No. 205): Glazing Materials

Discussion:

In a Noncompliance Information Report (NCIR) dated June 29, 2020, Nissan informed NHTSA that a noncompliance may exist on approximately 1,934 windshield glass panes sold as replacement service parts.

The subject windshield glass panes sold as replacement service parts may contain the incorrect manufacturer's code mark located in the lower right-hand corner. Specifically, the certification mark may read "DOT44," when it should read "DOT166." This error occurred after, the glass manufacturer, Central Glass Co., Ltd., outsourced glass production to a subsidiary company, Japan Tempered & Laminated Glass Co., Ltd.

(JTLG), in April 2000. Instead of using its certification mark, DOT166, JTLG used the certification mark "DOT44," which is Central Glass Co.'s mark. The two manufacturers' certification marks are shown in Figure 1 and Figure 2 below for comparison.

Figure 1. Central Glass Co., Ltd.'s certification mark

LAMILEX
AS1
CENTRAL
DOT44 M194

Figure 2. JTLG's certification mark

LAMILEX
AS1
CENTRAL NTG
DOT166 M194

Although the code incorrectly identifies Central Glass Co., Ltd as the manufacturer of the subject part, the windshield glass panes are produced with a valid manufacturer certification code mark.. As such, the subject parts do not meet the requirements of Paragraph S6.2 of FMVSS no. 205: Glazing materials. See FMVSS 205, S6.2 ("a prime glazing manufacturer certifies its glazing by adding to the marks...a manufacturer's code mark that NHTSA assigns to the manufacturer.") However, the Supplier confirmed that the subject windshield glass panes met all other technical requirements of FMVSS No. 205.

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

1. Although the manufacturer code is incorrect, the certification mark affixed to the subject parts features the correct AS Item number and model number (*i.e.*, M number). In addition, the windshield glass panes were fabricated in full compliance with the technical requirements of 49 CFR §571.205 applicable to laminated glass for use in motor vehicles (See supporting test report issued by Central Glass Co., Ltd. attached as Attachment 2).
2. Many of the 1,934 windshield glass components that may contain an incorrect manufacturer's code are located in non-U.S. markets. For this reason, Nissan believes the actual number of subject parts is substantially lower than the 1,934 possible vehicles because only a small number of potentially affected windshield glass panes were shipped to the U.S. market for use as service parts between April 1, 2000 and April 30, 2012.
3. The part number remains accurate, despite the manufacturer's code discrepancy. The subject noncompliance, accordingly, is unlikely to result in use of an incorrect replacement part in an OEM application as because the part would be ordered using Nissan's unique part number and not the "DOT" number. In Nissan's ordering system, parts with the incorrect manufacturing code are indistinguishable from parts with the correct code. In fact, the parts are traceable to Central Glass Co., Ltd. since the incorrect code used by their subsidiary, JTLG is the code for the parent company, Central Glass Co., Ltd.


4. There is a low likelihood of a vehicle requiring this replacement part because the average age of potentially affected vehicles (Model Years 1991-1999) is 25+ years old. Currently, only one (1) replacement windshield glass service part (727120M010) is in stock and available. However, Nissan instructed the Sagamihara Part Center in Japan to suspend shipment for this part. Even so, if a vehicle previously received or were to receive a subject replacement part, the part fully complies with the technical requirements of 49 CFR §571.205. In no way is the actual safety aspect of the windshield glass compromised by the misprinted manufacturer's code.
5. In similar situations, NHTSA has granted the applications of other petitioners. For example:

[Docket No. NHTSA-2013-0124; Notice 2] Federal Register Vol. 80, No. 15; page 3737; January 23, 2015 (petition by Custom Glass Solutions Upper Sandusky Corporation)

- **Condition:** "Custom Glass explains that the noncompliance is that the labeling on the subject laminated glass panes does not fully meet the requirements of paragraph S6 of FMVSS No. 205. The panes were labeled with the incorrect manufacturer's code mark, incorrect manufacturer's trademark, and incorrect manufacturer's model number, and were incorrectly marked as Tempered."
- **NHTSA Rationale:** "NHTSA believes that the subject labeling errors are inconsequential to motor vehicle safety because; the marking of glazing as "Tempered" or "Laminated" is not required by FMVSS No. 205, the probability of anyone in the United States obtaining the subject incorrectly marked glazing as replacement glazing is very unlikely since the affected glazing is specifically designed for use in mining vehicles manufactured by Atlas Copco in Australia. In addition, there is no concern that the wrong model number on the subject glazing would result in an incorrect replacement part being used because replacement parts are ordered by referring to the glazing part number or by identifying the vehicle for which the replacement glazing is intended."

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 notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act.

Sincerely,



Derek Latta
Manager, Technical Compliance

Enclosures:

Noncompliance Information Report

CONFIDENTIAL Supplier Testing Report for FMVSS 205 Windshield Glass Pane Certification

Attachment 1
49 CFR Part 573 Noncompliance Information Report dated June 29, 2020.

**NISSAN GROUP
OF NORTH AMERICA**



Nissan North America, Inc.

One Nissan Way
Franklin, TN 37067

Mailing Address:
PO Box 685001
Franklin, TN 37068

June 29, 2020

Mr. Jeff Giuseppe
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,

A handwritten signature in black ink, appearing to read "Derek Latta".

Derek Latta
Manager,
Technical Compliance

Encl.

NONCOMPLIANCE INFORMATION REPORT

1. Manufacturer:

Nissan Motor Co., Ltd., Japan; Nissan North America Inc.; Nissan Mexicana, S.A. De C.V., whose manufactured vehicles may have later received the subject windshield glass panes as service parts from the manufacturer Central Glass Co., Ltd.

2. Equipment Potentially Involved:

Nissan or Infiniti replacement windshield glass panes produced during the period from 2000 to 2008, as service parts shown in the table below:

<u>Part Number</u>	<u>Description</u>	<u>Applicable Model</u>
727120M010	Windshield	1995-1999 Nissan Sentra
727120M020	Windshield	
727120E701	Windshield	1993-1997 Nissan Altima
727120E711	Windshield	
727124E220	Windshield	
G27124E400	Windshield	
727120J217	Windshield	
727120J307	Windshield	1991-1996 INFINITI G20
7271262J10	Windshield	
7271262J17	Windshield	
7271264J07	Windshield	
7271264J17	Windshield	
G27120J217	Windshield	

The windshield glass panes listed above shipped between April 1, 2000 and April 30, 2012 may potentially be affected by the certification marking issue described below. Using supplier production records, the date range was determined using the earliest and latest dates that certain windshield glass panes were manufactured and subsequently shipped with the incorrect manufacturer code mark. Windshield glass panes shipped prior to and after these dates are not affected.

The windshield glass manufacturer is:

Central Glass Co., Ltd.
Kowa-Hitotsubashi Building,
7-1 Kanda-Nishikicho 3-chome
Chiyoda-ku, Tokyo 101-0054, Japan

The country of origin of the windshield glass manufacturer is:

Japan

U.S. Contact Information:

Mike Gentine
Counsel, Schiff Hardin LLP
901 K St NW
Ste 700
Washington, DC 20001

mgentine@schiffhardin.com
202-778-6458 (office)
202-465-9285 (cell)

3. Total Number of Parts Potentially Involved:

Total number of affected windshield glass panes: Approximately 1,934

Note that the number listed above includes markets outside of the U.S. market. Nissan believes the actual number of parts involved is substantially lower due to a small number of affected windshield glass panes being shipped to the U.S. market for use as service parts. However, due to insufficient supplier traceability records, we are unable to limit the affected population.

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

100%

5. Description of the Noncompliance:

Paragraph S6.2 of FMVSS No. 205 requires the symbol "DOT" and a manufacturer's code mark be applied to the glazing material for certification pursuant to section 114 of the National Traffic and Motor Vehicle Safety Act of 1966 (49 U.S.C. §30115).

The subject windshield glass panes sold as a replacement service parts may contain the incorrect manufacturer's code mark. The glass manufacturer, Central Glass Co., Ltd. outsourced glass production to a subsidiary company Japan Tempered & Laminated Glass Co., Ltd. (JTLG) in April 2000. The certification mark "DOT166" applies to JTLG. However, JTLG inadvertently used the certification mark "DOT44" that applies to Central Glass Co., Ltd. The two manufacturer certification marks are shown in the illustration below for comparison.

LAMILEX
AS1
CENTRAL
DOT44 M194

Central Glass Co.,
Ltd. code

LAMILEX
AS1
CENTRAL NTG
DOT166 M194

Japan Tempered &
Laminated Glass code

As such, the windshield glass panes produced with a valid, but incorrect manufacturer certification code mark do not meet the requirements of Paragraph S6.2 of FMVSS no. 205: Glazing materials. The subject windshield glass panes meet all other requirements of FMVSS no. 205.

6. Basis for Determination of the Existence of a Noncompliance

In April 2020, Central Glass Co. Ltd. (“the Supplier”) notified Nissan of a potential issue concerning windshield glass panes previously sold as replacement parts from April 2000 to April 2012. The Supplier indicated the manufacturer certification code that appeared on the windshield glass panes they supplied to Nissan might be incorrect. Nissan began an investigation into the issue together with the Supplier.

During the course of the investigation, the Supplier indicated that they outsourced glass production to JTLG in April 2000. The Supplier believed that this change in manufacturer might have led to a misprint of the U.S. certification mark printed on the windshield glass pane.

May 2020 - An internal review at the supplier confirmed that certain windshield glass panes contained an incorrect manufacturer code mark (DOT 44) specific to Central Glass Co. Ltd., instead of correctly using the manufacturer code (DOT 166) for JTLG. The supplier reviewed production records to determine the scope of the issue and whether any parts shipped to the U.S. were affected.

Upon confirming that certain windshield glass panes were labeled with an incorrect manufactured code, the Supplier investigated whether the mislabeling could have potential regulatory impact for parts shipped to the U.S. market for use as replacement windshield glass in certain Nissan vehicles.

June 2020 - It was determined that an incorrect manufacturer certification code mark does not meet the requirements of Paragraph S6.2 of FMVSS No. 205. However, the Supplier confirmed that the subject windshield glass panes met all other technical requirements of FMVSS No. 205. The Supplier also confirmed affected parts might have shipped to the U.S. as replacement service parts.

June 22, 2020 – Based on the Supplier investigation results, Nissan determined that a noncompliance might exist in certain replacement service/collision windshield glass parts as identified above. However, because this is only an incorrect manufacturer code and the windshield glass parts were fabricated in full compliance with the technical requirements of FMVSS No. 205, 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, for an exemption from the recall requirements of the statute and regulations.

8. Copy of Notices:

Not Applicable.

CONFIDENTIAL Attachment 2
Internal Testing Report for FMVSS 205 Windshield Glass Pane Certification
Testing.

REDACTED

Part 573 Safety Recall Report

20E-045

Manufacturer Name : Nissan North America, Inc.

Submission Date : JUN 29, 2020

NHTSA Recall No. : 20E-045

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 : 1,934

Estimated percentage with defect : 100 %

Equipment Information :

Brand / Trade 1 : Central Glass Co., Ltd.

Model : Windshield Glass Pane

Part No. : Various listed below

Size : NR

Function : Windshield

Descriptive Information : The attached Part 573 report identifies the applicable make/model/model year vehicles that could have received the affected windshield glass panes listed as a replacement service part.

Windshield glass panes listed shipped between April 1, 2000 and April 30, 2012 may potentially be affected by the certification marking issue.

Using supplier production records, the date range was determined using the earliest and latest dates that certain windshield glass panes were manufactured and subsequently shipped with the incorrect manufacturer code mark.

Windshield glass panes shipped prior to and after these dates are not affected.

Production Dates : APR 01, 2000 - APR 30, 2012

Description of Noncompliance :

Description of the Noncompliance : Paragraph S6.2 of FMVSS No. 205 requires the symbol "DOT" and a manufacturer's code mark be applied to the glazing material for certification pursuant to section 114 of the National Traffic and Motor Vehicle Safety Act of 1966 (49 U.S.C. §30115).

The subject windshield glass panes sold as a replacement service parts may contain the incorrect manufacturer's code mark. The glass manufacturer, Central Glass Co., Ltd. outsourced glass production to a subsidiary company Japan Tempered & Laminated Glass Co., Ltd. (JTLG) in April 2000. The certification mark "DOT166" applies to JTLG. However, JTLG inadvertently used the certification mark "DOT44" that applies to Central Glass Co., Ltd.

See the attached Part 573 report for additional information and illustrations.

FMVSS 1 : 205 - Glazing materials

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, for an exemption from the recall requirements of the statute and regulations.

Description of the Cause : NR

Identification of Any Warning that can Occur : No preceding warning.

Involved Components :

Component Name : Windshield

Component Description : Windshield glass pane

Component Part Number : 727120M010

Component Name : Windshield

Component Description : Windshield glass pane

Component Part Number : 27120M020

Component Name : Windshield

Component Description : Windshield glass pane

Component Part Number : 727120E701

Component Name : Windshield

Component Description : Windshield glass pane

Component Part Number : 727120E711

Component Name : Windshield

Component Description : Windshield glass pane

Component Part Number : 727124E220

Component Name : Windshield

Component Description : Windshield glass pane

Component Part Number : G27124E400

Component Name : Windshield

Component Description : Windshield glass pane

Component Part Number : 727120J217

Component Name : Windshield

Component Description : Windshield glass pane

Component Part Number : 727120J307

Component Name : Windshield

Component Description : Windshield glass pane

Component Part Number : 7271262J10

Component Name : Windshield

Component Description : Windshield glass pane

Component Part Number : 7271262J17

Component Name : Windshield

Component Description : Windshield glass pane

Component Part Number : 7271264J07

Component Name : Windshield

Component Description : Windshield glass pane

Component Part Number : 7271264J17

Component Name : Windshield

Component Description : Windshield glass pane

Component Part Number : G27120J217

Supplier Identification :

Component Manufacturer

Name : Central Glass Co., Ltd.

Address : Kowa-Hitotsubashi Building

7-1 Kanda-Nishikicho 3-chome Chiyoda-ku Tokyo FOREIGN STATES 101-0054

Country : Japan

Chronology :

See attached chronology.

Description of Remedy :

Description of Remedy Program : Nissan believes this noncompliance is inconsequential to safety and intends to file a petition pursuant to 49 CFR Part 556, for an exemption from the recall requirements of the statute and regulations.

How Remedy Component Differs from Recalled Component : NR

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

Recall Schedule :

Description of Recall Schedule : Nissan believes this noncompliance is inconsequential to safety and intends to file a petition pursuant to 49 CFR Part 556, for an exemption from the recall requirements of the statute and regulations.

Planned Dealer Notification Date : NR - NR

Planned Owner Notification Date : NR - NR

Purchaser Information :

The following manufacturers purchased this defective/noncompliant equipment for possible use or installation in new motor vehicles or new items of motor vehicle equipment:

Name : NR

Address : NR

NR

Country : NR

Company Phone : NR

* NR - Not Reported