

**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 7, 2022

Ms. Anne Collins
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 Exemption for Inconsequential Noncompliance

Dear Ms. Collins:

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 14, 2022, pursuant to 49 CFR Part 573. (See Attachment 1)

Affected Equipment:

Tire and Loading information labels installed at time of production on certain Model Year 2022 Nissan Altima Midnight Edition Two-Wheel Drive (2WD) vehicles manufactured in the Canton, MS plant from November 3, 2021 (SOP) to April 4, 2022 ("subject parts").

Standard:

49 CFR § 571.110 S4.3(d) (FMVSS No. 110): Tire selection and rims and motor home/recreation vehicle trailer load carrying capacity information for motor vehicles with a GVWR of 4,536 kilograms (10,000 pounds) or less.

Discussion:

In a Noncompliance Information Report (NCIR) dated June 14, 2022, Nissan informed NHTSA that a noncompliance may exist on approximately 4,537 Nissan Altima Midnight Edition 2WD vehicles.

The subject vehicles are equipped with a spare tire (T135/90D16) that does not match the spare tire size designation identified on the tire placard (T135/70D16), as shown in Figure 1 below.

Figure 1. Subject Tire Placard

TIRE AND LOADING INFORMATION RENSEIGNEMENTS SUR LES PNEUS ET LE CHARGEMENT					TIRE PNEU	SIZE DIMENSIONS	COLD TIRE PRESSURE PRESSION DES PNEUS À FROID	SEE OWNER'S MANUAL FOR ADDITIONAL INFORMATION VOIR LE MANUEL DE L'USAGER POUR PLUS DE RENSEIGNEMENTS
SEATING CAPACITY	TOTAL	5	FRONT AVANT	2	FRONT AVANT	235/40R19 92V	230kPa, 33PSI	6CA0D
NOMBRE DE PLACES	TOTAL		REAR ARRIÈRE	3	REAR ARRIÈRE	235/40R19 92V	230kPa, 33PSI	
The combined weight of occupants and cargo should never exceed 408 kg or 900 lbs . Le poids total des occupants et du chargement ne doit jamais dépasser 408 kg ou 900 lb .					SPARE DE SECOURS	T135/70D16 100M	420kPa, 60PSI	

The AWD spare tire size actually installed in the vehicle is T135/90D16.

Although the dimensions on the label incorrectly identify the spare tire size, the subject Nissan Altima vehicles are produced with a valid, but unintended, spare tire size. Nissan's safety assessment determined that the AWD tire was an acceptable fitment for the subject vehicles and the tire pressures are the same for both spare tire sizes (AWD and 2WD).

Although no overloading will result if the placard pressure is applied to the AWD tire or if the 2WD tire size is applied to the vehicle, the current condition fails to conform to the requirements of Paragraph S4.3(d) of FMVSS No. 110. The subject tire placard meets all other requirements of FMVSS No. 110.

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

1. The listed tire inflation pressure remains accurate for both spare tire sizes, T135/90D16 or T135/70D16. The subject noncompliance, accordingly, is unlikely to result in overloading because when checking the placard to determine inflation pressure for the spare tire, the customer will find the correct tire pressure value on the label. No overloading will result from the label because the correct inflation pressure value is provided.
2. Although the tire size listed on the tire placard does not match the equipped tire, both tire sizes can be used on the Altima vehicle (2WD and AWD). The 2WD spare tire load rating is 100 as shown in Figure 2 below. The AWD spare tire load rating is 102 as shown in Figure 3 below. Both tires have an M speed rating.

Figure 2. Tire Placard - 2WD Load Rating

TIRE AND LOADING INFORMATION RENSEIGNEMENTS SUR LES PNEUS ET LE CHARGEMENT					TIRE PNEU	SIZE DIMENSIONS	COLD TIRE PRESSURE PRESSION DES PNEUS A FROID	SEE OWNER'S MANUAL FOR ADDITIONAL INFORMATION VOIR LE MANUEL DE L'USAGER POUR PLUS DE RENSEIGNEMENTS
SEATING CAPACITY	TOTAL	5	FRONT AVANT	2	FRONT AVANT	235/40R19 92V	230kPa, 33PSI	
NOMBRE DE PLACES	TOTAL		REAR ARRIERE	3	REAR ARRIERE	235/40R19 92V	230kPa, 33PSI	
The combined weight of occupants and cargo should never exceed 408 kg or 900 lbs. Le poids total des occupants et du chargement ne doit jamais dépasser 408 kg ou 900 lb.					SPARE DE SECOURS	T135/70D16 100M	420kPa, 60PSI	
6CA0D								

Figure 3. Tire Placard - AWD Load Rating

TIRE AND LOADING INFORMATION RENSEIGNEMENTS SUR LES PNEUS ET LE CHARGEMENT					TIRE PNEU	SIZE DIMENSIONS	COLD TIRE PRESSURE PRESSION DES PNEUS A FROID	SEE OWNER'S MANUAL FOR ADDITIONAL INFORMATION VOIR LE MANUEL DE L'USAGER POUR PLUS DE RENSEIGNEMENTS
SEATING CAPACITY	TOTAL	5	FRONT AVANT	2	FRONT AVANT	235/40R19 92V	230kPa, 33PSI	
NOMBRE DE PLACES	TOTAL		REAR ARRIERE	3	REAR ARRIERE	235/40R19 92V	230kPa, 33PSI	
The combined weight of occupants and cargo should never exceed 408 kg or 900 lbs. Le poids total des occupants et du chargement ne doit jamais dépasser 408 kg ou 900 lb.					SPARE DE SECOURS	T135/90D16 102M	420kPa, 60PSI	
6CA1D								

The equipped spare tire has a higher load rating than the spare tire size denoted on the subject tire placard. Therefore, no overloading will occur using the tire placard pressure. The purpose of FMVSS No. 110 is to "prevent tire overloading," and no overloading will result because either tire size (the one stated on the label or the one actually on the vehicle) can be used.

- Information regarding the spare tires is available to the vehicle owner. The vehicles are equipped with an Owner's Manual which describes both spare tire sizes under WHEELS AND TIRES, Page 10-10 **Technical and Consumer Information** as shown below in Figure 4.

Figure 4. Owner's Manual reference showing both spare tire sizes

WHEELS AND TIRES		
Wheel type	Size	Offset in (mm)
Steel	16 x 70J	1.77 (45)
Aluminum	17 x 75J	1.97 (50)
Aluminum	19 x 8.0J	2.17 (55)
T-type (Steel spare)	16 x 4T	1.18 (30)
Tire size		
2.5 S model	215/60R16	
2.5 S/SV and SL models	215/55R17	
2.5 and 2.0 SR/Platinum models	235/40R19	
Spare tire		
Temporary	T135/70D16	
Temporary	T135/90D16	
Not equipped	with emergency tire puncture repair kit	

10-10 **Technical and consumer information**

4. The assessment that the issue described above will have an inconsequential impact on safety is supported by field data: NNA is not aware of any customer complaints, accidents, or injuries alleged to have occurred as a result of this tire label discrepancy in the United States.
5. In a similar situation, NHTSA has granted the application of Mercedes-Benz USA, LLC, finding such non-compliance to be inconsequential. 82 Fed. Reg. 5640 (Jan. 18, 2017).
 - **Condition:** "MBUSA explains that the noncompliance is due to a labeling error. The subject vehicles are equipped with a spare tire, size T155/80 R19 114M; however, the tire information placard affixed to the vehicles' B-pillar incorrectly identifies the spare tire size as T165/90 R19 119M. The placard therefore does not comply with requirements specified in paragraph S4.3(d) of FMVSS No. 110."
 - **NHTSA Rationale:** "NHTSA stated that the intent of FMVSS No. 110 is to ensure that vehicles are equipped with tires appropriate to handle maximum vehicle loads and prevent overloading. MBUSA explained that the tire placard on the affected GL-Class vehicles specifies a spare tire size (T165/90 R19 119M) that is different than the originally equipped spare tire size (T155/80R19 114M). MBUSA stated that no overloading will occur if either tire is used. The agency analyzed the load rating specifications of both spare tire sizes and

confirmed that either tire could be used and are appropriate for the subject vehicle's maximum loaded weight conditions.

MBUSA explained that the recommended tire inflation pressure for the labeled spare tire listed on the FMVSS No. 110 tire placard is the same inflation pressure that MBUSA would recommend for the originally equipped spare tire. The agency verified that both spare tire sizes at the labeled recommended inflation pressure are appropriate for the maximum loaded weight of the subject vehicles. If a consumer inadvertently used the labeled inflation pressure to inflate the originally equipped spare tire, the tire load rating would be sufficient for the maximum loaded vehicle weight.

Furthermore, MBUSA explained that the subject vehicle's owner's manuals describe both spare tire sizes. The agency believed this additional information could be used by the consumer to ensure either size is appropriate for use.

Based on the foregoing, NHTSA found that the subject FMVSS No. 110 noncompliance in the affected vehicles is inconsequential to motor vehicle safety."

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,



Will Swindell
Manager, Technical Compliance

Enclosures:
Noncompliance Information Report

Attachment 1

49 CFR Part 573 Noncompliance Information Report dated June 14, 2022.



Nissan North America, Inc.

One Nissan Way
Franklin, TN 37067

Mailing Address:
PO Box 685001
Franklin, TN 37068

June 14, 2022

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 Non-Compliance 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 "Will Swindell".

Will Swindell
Manager,
Technical Compliance

Encl.

NONCOMPLIANCE INFORMATION REPORT

1. Manufacturer:

Nissan North America Inc., Canton, MS plant

2. Vehicles Potentially Involved:

Certain Model Year 2022 Nissan Altima Midnight Edition Two-Wheel Drive (2WD) vehicles manufactured in the Canton, MS plant from November 3, 2021 (SOP) to April 4, 2022. Based on production records, this issue is specific to Model Year 2022 Nissan Altima 2WD Midnight Edition vehicles manufactured during the timeframe above.

The spare tire issue was unique to 2WD equipped Midnight Edition Altima models that experienced a design release error with the spare tire part number. All-Wheel Drive (AWD) Altima models contain the intended spare tire and are therefore not affected. This issue affects no other Nissan or INFINITI vehicles.

The part number of the tire placard is below:

<u>Part Number</u>	<u>Part Description</u>
40312 2YA06	2WD Tire Placard

3. Total Number of Vehicles Potentially Involved:

Approximately 4,537 Nissan Altima Midnight Edition 2WD vehicles

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

100%

5. Description of the Noncompliance:

Paragraph S4.3(d) of FMVSS No. 110 requires the spare tire size designation for the tires installed at the time of first purchase to be included on the Tire and Loading Information placard on the B-pillar of the vehicle. The subject vehicles are equipped with a spare tire that does not match the spare tire size designation identified on the tire placard.

As such, the subject Nissan Altima vehicles produced with a valid, but unintended spare tire size do not meet the requirements of Paragraph S4.3(d) of FMVSS no. 110: Tire selection and rims and motor home/recreation vehicle trailer load carrying capacity information for motor vehicles with a GVWR of 4,536 kilograms (10,000 pounds) or less. The subject tire placard meets all other requirements of FMVSS No. 110.

6. Basis for Determination of the Existence of a Noncompliance

March 29, 2022 – During a quality inspection activity, a lab technician noticed a mismatch between the size of the spare tire (T135/90D16) and the dimensions of the spare tire listed on the tire placard (T135/70D16). Nissan immediately launched an investigation.

April 2022 through May 2022 – All units on-site were placed on a shipment hold while Nissan conducted a plant audit activity to determine the scope of the potential issue. Out of 170 MY22 Altima Midnight Edition 2WD units checked, all 170 units were determined to contain a mismatch between the spare tire and the Tire and Loading Information placard. All units were corrected with the intended 2WD spare tire.

The investigation revealed that for MY22 Altima vehicles, the AWD spare part number was inadvertently applied to the 2WD Altima Midnight Edition model. A countermeasure was issued to correct the spare tire part number application of the 2WD temporary spare tire to the 2WD Altima Midnight Edition model to prevent reoccurrence.

Nissan's safety assessment determined that the AWD tire was an acceptable fitment for the subject vehicles and the tire pressures are the same for both spare tire sizes (AWD and 2WD). Although no overloading will result if the placard pressure is applied to the AWD tire or if the 2WD tire size is applied to the vehicle, the current condition fails to conform to the regulatory requirements for the Tire and Loading information placard.

June 7, 2022 – Based on the investigation results, Nissan determined that the placard's spare tire selection information on the subject vehicles did not comply with FMVSS 110 S.4.3(d). However, 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.

Nissan is not aware of any complaints, accidents, or injuries alleged to have occurred as a result of this tire placard discrepancy in the United States.

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

Part 573 Safety Recall Report

22V-423

Manufacturer Name : Nissan North America, Inc.

Submission Date : JUN 14, 2022

NHTSA Recall No. : 22V-423

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 : 4,537

Estimated percentage with defect : 100 %

Vehicle Information :

Vehicle 1 : 2022-2022 Nissan Altima Midnight Edition 2WD

Vehicle Type : LIGHT VEHICLES

Body Style : 4-DOOR

Power Train : GAS

Descriptive Information : The spare tire issue was unique to 2WD equipped Midnight Edition Altima models that experienced a design release error with the spare tire part number. All-Wheel Drive (AWD) Altima models contain the intended spare tire and are therefore not affected. This issue affects no other Nissan or INFINITI vehicles.

Production Dates : NOV 03, 2021 - APR 04, 2022

VIN Range 1 : Begin :

NR

End : NR

Not sequential

Description of Noncompliance :

Description of the Noncompliance : Paragraph S4.3(d) of FMVSS No. 110 requires the spare tire size designation for the tires installed at the time of first purchase to be included on the Tire and Loading Information placard on the B-pillar of the vehicle. The subject vehicles are equipped with a spare tire that does not match the spare tire size designation identified on the tire placard.

FMVSS 1 : 110 - Tire selection and rims

FMVSS 2 : NR

Description of the Safety Risk : As such, the subject Nissan Altima vehicles produced with a valid, but unintended spare tire size do not meet the requirements of Paragraph S4.3(d) of FMVSS No. 110: Tire selection and rims and motor home/recreation vehicle trailer load carrying capacity information for motor vehicles with a GVWR of 4,536 kilograms (10,000 pounds) or less. The subject tire placard meets all other requirements of FMVSS No. 110.

Description of the Cause : NR

Identification of Any Warning that can Occur : There is no preceding warning.

Involved Components :

Component Name 1 : Tire and Loading Information Label

Component Description : 2WD Tire Placard

Component Part Number : 40312 2YA06

Supplier Identification :

Component Manufacturer

Name : NR

Address : NR

NR

Country : NR

Chronology :

March 29, 2022 – During a quality inspection activity, a lab technician noticed a mismatch between the size of the spare tire (T135/90D16) and the dimensions of the spare tire listed on the tire placard (T135/70D16). Nissan immediately launched an investigation.

April 2022 through May 2022 – All units on-site were placed on a shipment hold while Nissan conducted a plant audit activity to determine the scope of the potential issue. Out of 170 MY22 Altima Midnight Edition 2WD units checked, all 170 units were determined to contain a mismatch between the spare tire and the Tire and Loading Information placard. All units were corrected with the intended 2WD spare tire.

The investigation revealed that for MY22 Altima vehicles, the AWD spare part number was inadvertently applied to the 2WD Altima Midnight Edition model. A countermeasure was issued to correct the spare tire part number application of the 2WD temporary spare tire to the 2WD Altima Midnight Edition model to prevent reoccurrence.

Nissan's safety assessment determined that the AWD tire was an acceptable fitment for the subject vehicles and the tire pressures are the same for both spare tire sizes (AWD and 2WD). Although no overloading will result if the placard pressure is applied to the AWD tire or if the 2WD tire size is applied to the vehicle, the current condition fails to conform to the regulatory requirements for the Tire and Loading information placard.

June 7, 2022 – Based on the investigation results, Nissan determined that the placard’s spare tire selection information on the subject vehicles did not comply with FMVSS 110 S.4.3(d). However, 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.

Nissan is not aware of any complaints, accidents, or injuries alleged to have occurred as a result of this tire placard discrepancy in the United States.

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, 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 : 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.

Planned Dealer Notification Date : NR - NR

Planned Owner Notification Date : NR - NR

* NR - Not Reported