

December 13, 2022

Attention:

The Honorable Ann Carlson
Administrator
National Highway Traffic Safety Administration
1200 New Jersey Ave., S.E.
Washington, DC 20590
Electronically Submitted to *Enforcement_Correspond@dot.gov*

Subject: 49 CFR Part 556 – Petition for Inconsequential Non-Compliance
Model Year 2009 to 2023 Volvo 9700
FMVSS 108 (Lamps, Reflective Devices, and Associated Equipment)

Dear Ms. Carlson,

Volvo Bus Corporation (“VBC”) is submitting this 49 CFR Part 556 Petition for Inconsequential Non-Compliance on behalf of Volvo Group Mexico.

VBC has determined that certain Model Year (MY) 2009 to 2023 Volvo 9700 vehicles do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 108, Lamps, Reflective Devices and Associated Equipment. On November 15, 2022, VBC filed a 49 CFR Part 573 noncompliance report to the National Highway Traffic Safety Administration (NHTSA) stating that that license plate lamps may not conform to FMVSS 108, Section 7.7.15.3. A copy of that report is attached as Attachment 1. Under 49 CFR Part 556, VBC is now petitioning NHTSA for a determination that the subject noncompliance is inconsequential to motor vehicle safety.

The subject vehicles were manufactured by Volvo Group Mexico, which reports to VBC for all purposes, and are distributed in North America by its affiliated company Prevost Car (US) Inc., which is also part of VBC. VBC is a corporation organized and existing under the laws of Sweden, with its principal offices located at Fästningsvägen 1 S-405 08 Göteborg, Sweden.

Overview of Noncompliance:

Paragraph S7.7.15.3 of FMVSS 108 indicates that the light rays of the license plate lamps must reach all portions of an imaginary plate of the same size at least 25 mm ahead of the actual plate measured perpendicular to the plane of the plate. Internal Volvo testing revealed that the license plate lamps do not comply with paragraph S7.7.15.3 as the light rays do not reach all portions of the license plate when it is placed 25 mm ahead of its normal position (see figures #1 and #2). However, it is to be noted that the license plate is fully illuminated by the lamps when installed in its normal position (see figures #3 and #4) and Attachment 2 “VBC Engineering Report ER-684684”.

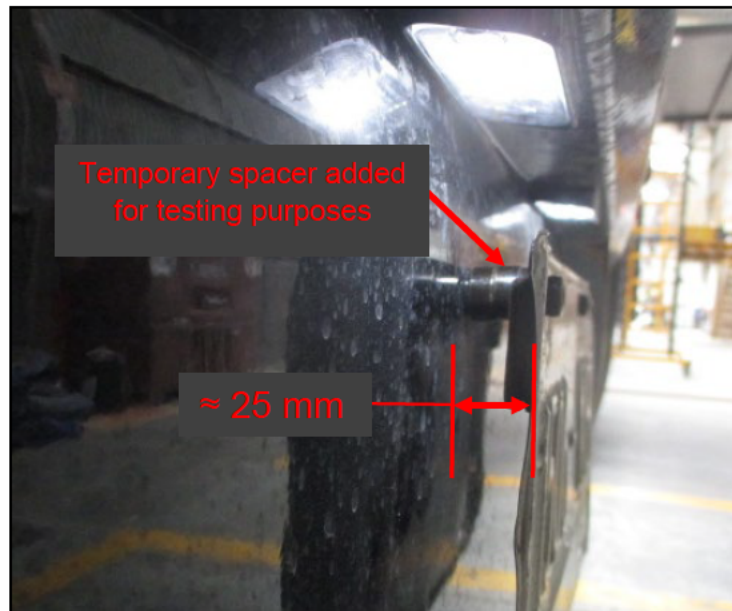


Figure 1: Overall view of the license plate when placed approximately 25 mm ahead of its normal position (test position with added spacers between license plate and rear bumper).



Figure 2: Overall view of the license plate when placed approximately 25 mm ahead of its normal position (test position), showing that it is not fully illuminated.



Figure 3: Overall view of the license plate in its normal position, showing that it is fully illuminated.



Figure 4: Overall view of the license plate in its normal position, showing that it is fully illuminated.

Vehicles Involved:

The concerned vehicles are all MY2009 to MY2023 Volvo 9700 buses manufactured from February 1, 2008, to May 1, 2022, which represents 958 vehicles.

More precisely, the population comprises: 49 MY2009, 75 MY2010, 64 MY2011, 10 MY2012, 77 MY2013, 73 MY2014, 64 MY2015, 112 MY2016, 76 MY2017, 144 MY2018, 115 MY2019, 60 MY2020, 5 MY2021, 20 MY2022, and 14 MY2023 Volvo 9700 vehicles.

Corrective Measures:

The non-compliance was corrected in production on October 13, 2022, when an internal campaign was launched to reposition the license plate lamps on the rear bumper towards the rear of the vehicle. Vehicle production is currently in compliance with FMVSS 108 Section 7.7.13.3.

Evaluation and Assessment:

Prevost is petitioning that this non-compliance is inconsequential to safety for the following reasons:

- Paragraph Section 7.7.15.3 of FMVSS 108 refers to an imaginary plate in a testing position, and not a real license plate that requires physical testing with measurable test data.
- A license plate installed in its normal position is fully illuminated by the lamps. Consequently, the license plate lamps fulfill its main purpose, as identified by prior NHTSA findings, to ensure that law enforcement personal and the general public can uniquely identify vehicles by assuring the legibility of the license plate in low lighting conditions.
- Except for vehicle testing purposes, the license plate is never installed in a position that differs from its original intended one. In addition, no vehicles were delivered with a license plate offset by 25 mm with spacers (test position), and the license plates are firmly fixed in their original position (no possible adjustment). Therefore, the license plate will always be fully illuminated under normal vehicle operating conditions.
- Tests results demonstrate that this noncompliance is imperceptible to road users considering that the license plate is fully illuminated when normally installed, as demonstrated in Attachment 2 “VBC Engineering Report ER-684684”.

Field Experience:

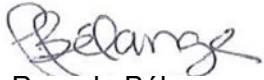
- Over 900 Volvo 9700 vehicles have been operating in the United States since 2008 with this non-compliance issue and neither VBC nor any Volvo entity has received any customer complaints, field reports, or warranty claims related with this issue.
- In addition, VBC is not aware of any accidents, injuries or death related with this issue.
- Given that VBC and its affiliates are not aware of any complaints, claims, or incidents as a result of the operation of the 958 Volvo 9700 vehicles in the United States, the vehicles’ inconsequential non-compliance with Section 7.7.15.3 of FMVSS 108 demonstrates imperceptibility to all road users.

Prior NHTSA Rulings Regarding Manufacturer Petitions:

- VBC noted that NHTSA has granted a similar petition where the license plate lamps noncompliance is expected to be imperceptible, or nearly so, to vehicle occupants or approaching drivers. Considering that the noncompliance in question is expected to be imperceptible to all road uses, VBC believes that this petition should also be granted by NHTSA.

For the reasons set forth above, we believe that the non-compliance is inconsequential to motor vehicle safety. Accordingly, VBC requests relief from the 49 CFR Part 573 notification and remedy requirements. We stand ready to provide any additional information that would be helpful to you in connection with this matter.

Sincerely,



Pascale Bélanger
Product Safety and Regulatory Affairs Manager

Attachments:

- Attachment 1 – 49 CFR Part 573 Report (November 15, 2022)
- Attachment 2 – VBC Engineering Report ER-684684

Attachment 1 – 49 CFR Part 573 Report



Volvo Bus Corporation

Vehicle Report

NHTSA ID: 22V847 Transaction ID: 22-0015601-28647-10 (Original Report)

Required fields indicated with *

Manufacturer: Volvo Bus Corporation

SE-405-08
GOTHENBURG, SWEDEN 00 000000

[Eric Desrosiers](#)
1 418 897 1878,

This is a Noncompliance Report. Filing a petition pursuant to [49 CFR 556](#)

Vehicle Information

Volvo 9700 2009 - 2023

* **Model Yr. Start:** 2009 * **Model Yr. End:** 2023
* **Make:** Volvo
* **Model:** 9700

Type: BUSES, MEDIUM & HEAVY VEHICLES
Body Style: OTHER
Powertrain: DIESEL

Production Dates Begin: 02/01/2008
 End: 05/01/2022

Descriptive Information:

The concerned vehicles are all MY2009 to MY2023 Volvo 9700 buses manufactured during the indicated production dates (this population represents all buses produced for the US market until October 13, 2022). Vehicles built after October 13, 2022, were corrected prior to their delivery. A total of 49 MY2009, 75 MY2010, 64 MY2011, 10 MY2012, 77 MY2013, 73 MY2014, 64 MY2015, 112 MY2016, 76 MY2017, 144 MY2018, 115 MY2019, 60 MY2020, 5 MY2021, 20 MY2022, 14 MY2023 Volvo 9700 vehicles are affected by the issue.

VIN Range(s): Begin: End:

Number potentially involved: 958 **Estimated percentage of involved with defect:** 100%

Defect / Noncompliance Description

For this Defect/Noncompliance:

* Describe the defect or noncompliance:

On certain Volvo 9700 vehicles, the license plate lamps do not comply to section 7.7.15.3 of FMVSS No. 108 ("Lamps, reflective devices, and associated equipment"). In fact, internal testing revealed that the light rays of the license plate lamps do not reach all portions of the license plate when placed 25 mm ahead of its normal position measured perpendicular to the plane of the plate. However, it is to be noted that the license plates are fully illuminated by the lamps when they are installed in their normal position.

If a noncompliance, provide the applicable FMVSS:

108 - Lamps, reflective devices, and assoc. Equipment

If applicable, provide any further FMVSS affected:

Describe the cause:

The non-compliance results from a vehicle design error.

* Describe the safety risk:

Prevost is petitioning that this non-compliance is inconsequential to safety considering that the license plates are fully illuminated when they are installed in their normal position. In addition, Volvo 9700 vehicles are operating since 2008 with this issue and there are no customer complaints, field reports, warranty claims, accidents, or any reports of death or injury associated with this non-compliance.

Identify any warning which can precede or occur:

There is no warning with this issue.

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:

Country:

Address 1:

Address 2:

City:

State:

Company Contact Information

First Name:

Last Name:

Position:

Email:

Phone:

Zip/Postal Code:**Involved Components**

If the defect or noncompliance involves a specific component(s), identify that component(s) below.

Component Name:	REAR BUMPER
Component Description:	Rear Bumper
Component Part Number:	22237760
Component Name:	LICENSE PLATE LAMP, LED LAMP
Component Description:	License plate lamp
Component Part Number:	21135967

Chronology of Defect / Noncompliance Determination**Provide the chronology of events leading up to the defect decision or test data for the noncompliance decision.:**

2022-09-09 During an internal "Conformity of Production" audit, it was discovered that the license plate lamps potentially do not comply to FMVSS 108. 2022-09-09 Internal Volvo and Prevest investigation was opened to identify the root cause and to determine if the issue is safety related. 2022-10-13 Internal campaign was launched to solve the issue on all vehicles in production before being delivered to customers. 2022-11-08 Case was presented on Volvo Product Safety Working Group (PSWG) to evaluate if there is a potential safety related issue. 2022-11-10 Case was presented to Volvo Product Safety Committee (PSC). It was concluded that there was a non-compliance, but that it is inconsequential to safety because it does not present any safety risks considering that the license plates are fully illuminated when they are installed in their normal position. 2022-11-15 Safety Recall report with an inconsequential to safety request submitted to authorities. No warranty claims related to this issue. No other field reports, incidents, accidents, injury, or fatality were reported.

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

The non-compliance was corrected in production on October 13, 2022, when an internal campaign was launched. All vehicles in production are corrected prior to delivery. Prevest does not deem this issue as a non-compliance that would warrant a recall (inconsequential to safety).

Describe what distinguishes the remedy component from the recalled component.

The remedy component is a rear bumper with license plate lamps repositioned towards the rear of the vehicle.

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

The non-compliance was corrected in production on October 13, 2022, when an internal campaign was launched.

Identify the Recall Schedule**Describe the recall schedule for notifications.:**

Please note that Prevest is petitioning that this non-compliance is inconsequential to safety and does not deem this issue as a non-compliance that would warrant a recall considering that the license plates are fully illuminated when they are installed in their normal position. The dates entered for the planned dealer and owner notification begin/end date are only to avoid NHTSA Recall Portal error while submitting the recall report.

Planned Dealer Notification Begin Date:	11/30/2022
Planned Dealer Notification End Date:	11/30/2022
Planned Owner Notification Begin Date:	11/30/2022
Planned Owner Notification End Date:	11/30/2022

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

Note Prevest does not have a dealer network and the dates entered for the planned dealer notification begin/end date are only to avoid NHTSA Recall Portal error while submitting the recall report. Please note that this issue results from a Volvo design error, and not from a supplier error, which explains why the manufacturer of the involved components were not identified in this report. Please note that Prevest is petitioning that this non-compliance is inconsequential to safety considering that the license plates are fully illuminated when they are installed in their normal position.

Document Upload

There are 0 documents associated with this report.

Part 573 Safety Recall Report

22V-847

Manufacturer Name : Volvo Bus Corporation**Submission Date :** NOV 15, 2022**NHTSA Recall No. :** 22V-847**Manufacturer Recall No. :** NR**Manufacturer Information :**

Manufacturer Name : Volvo Bus Corporation

Address : SE-405-08

GOTHENBURG, SWEDEN 00 000000

Company phone : 999

Population :

Number of potentially involved : 958

Estimated percentage with defect : 100 %

Vehicle Information :

Vehicle 1 : 2009-2023 Volvo 9700

Vehicle Type : BUSES, MEDIUM & HEAVY VEHICLES

Body Style : OTHER

Power Train : DIESEL

Descriptive Information : The concerned vehicles are all MY2009 to MY2023 Volvo 9700 buses manufactured during the indicated production dates (this population represents all buses produced for the US market until October 13, 2022). Vehicles built after October 13, 2022, were corrected prior to their delivery.

A total of 49 MY2009, 75 MY2010, 64 MY2011, 10 MY2012, 77 MY2013, 73 MY2014, 64 MY2015, 112 MY2016, 76 MY2017, 144 MY2018, 115 MY2019, 60 MY2020, 5 MY2021, 20 MY2022, 14 MY2023 Volvo 9700 vehicles are affected by the issue.

Production Dates : FEB 01, 2008 - MAY 01, 2022

VIN Range 1 : Begin :

NR

End : NR

 Not sequential**Description of Noncompliance :**

Description of the Noncompliance : On certain Volvo 9700 vehicles, the license plate lamps do not comply to section 7.7.15.3 of FMVSS No. 108 ("Lamps, reflective devices, and associated equipment"). In fact, internal testing revealed that the light rays of the license plate lamps do not reach all portions of the license plate when placed 25 mm ahead of its normal position measured perpendicular to the plane of the plate. However, it is to be noted that the license plates are fully illuminated by the lamps when they are installed in their normal position.

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

FMVSS 2 : NR

Description of the Safety Risk : Prevost is petitioning that this non-compliance is inconsequential to safety considering that the license plates are fully illuminated when they are

installed in their normal position. In addition, Volvo 9700 vehicles are operating since 2008 with this issue and there are no customer complaints, field reports, warranty claims, accidents, or any reports of death or injury associated with this non-compliance.

Description of the Cause : The non-compliance results from a vehicle design error.

Identification of Any Warning that can Occur : There is no warning with this issue.

Involved Components :

Component Name 1 : REAR BUMPER

Component Description : Rear Bumper

Component Part Number : 22237760

Component Name 2 : LICENSE PLATE LAMP, LED LAMP

Component Description : License plate lamp

Component Part Number : 21135967

Supplier Identification :

Component Manufacturer

Name : NR

Address : NR

NR

Country : NR

Chronology :

2022-09-09 During an internal "Conformity of Production" audit, it was discovered that the license plate lamps potentially do not comply to FMVSS 108.

2022-09-09 Internal Volvo and Prevost investigation was opened to identify the root cause and to determine if the issue is safety related.

2022-10-13 Internal campaign was launched to solve the issue on all vehicles in production before being delivered to customers.

2022-11-08 Case was presented on Volvo Product Safety Working Group (PSWG) to evaluate if there is a potential safety related issue.

2022-11-10 Case was presented to Volvo Product Safety Committee (PSC). It was concluded that there was a non-compliance, but that it is inconsequential to safety because it does not present any safety risks considering that the license plates are fully illuminated when they are installed in their normal position.

2022-11-15 Safety Recall report with an inconsequential to safety request submitted to authorities.

No warranty claims related to this issue. No other field reports, incidents, accidents, injury, or fatality were reported.

Description of Remedy :

Description of Remedy Program : The non-compliance was corrected in production on October 13, 2022, when an internal campaign was launched. All vehicles in production are corrected prior to delivery. Prevest does not deem this issue as a non-compliance that would warrant a recall (inconsequential to safety).

How Remedy Component Differs from Recalled Component : The remedy component is a rear bumper with license plate lamps repositioned towards the rear of the vehicle.

Identify How/When Recall Condition was Corrected in Production : The non-compliance was corrected in production on October 13, 2022, when an internal campaign was launched.

Recall Schedule :

Description of Recall Schedule : Please note that Prevest is petitioning that this non-compliance is inconsequential to safety and does not deem this issue as a non-compliance that would warrant a recall considering that the license plates are fully illuminated when they are installed in their normal position. The dates entered for the planned dealer and owner notification begin/end date are only to avoid NHTSA Recall Portal error while submitting the recall report.

Planned Dealer Notification Date : NOV 30, 2022 - NOV 30, 2022

Planned Owner Notification Date : NOV 30, 2022 - NOV 30, 2022

* NR - Not Reported