

**UNITED STATES DEPARTMENT OF TRANSPORTATION
NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION**

1200 New Jersey Avenue, SE
West Building, W41-326
Washington, DC 20590

In re:)
)
EA15-001)
(formerly PE14-016))
Air Bag Inflator Rupture)
)
)
Docket No. NHTSA-2015-0055)
Coordinated Remedy Program)

**FOURTH AMENDMENT TO NOVEMBER 3, 2015
COORDINATED REMEDY ORDER**

This Fourth Amendment to the November 3, 2015 Coordinated Remedy Order (the “Amendment”) is issued pursuant to the authority of the National Highway Traffic Safety Administration (“NHTSA”, an operating administration of the U.S. Department of Transportation), to resolve, mitigate, and control risks of harm, and to promote safety. This Amendment is being issued, pursuant to Paragraph 48 of the November 3, 2015 Coordinated Remedy Order, for the purpose of modifying the remedy schedules set forth therein, but only to the extent that those schedules involve the remedy programs for airbag inflators manufactured by TK Holdings Inc. (“Takata”) which are installed in 619 motor vehicles manufactured by Nissan North America, Inc. (“Nissan”) and covered by Recall 15V-226.

I. BASIS FOR AMENDMENT.

1. On November 3, 2015, after a public administrative proceeding, NHTSA issued a unilateral Coordinated Remedy Order to Takata, Nissan, and eleven other vehicle manufacturers affected by the Takata air bag inflator recalls. Therein, the Agency established a prioritization

schedule for the remedy of defective Takata inflators, and set forth the following deadlines by which each of those vehicle manufacturers shall ensure that it has a sufficient supply of remedy parts:

Priority Group	Sufficient Supply Timelines
Priority Group 1	March 31, 2016
Priority Group 2	September 30, 2016
Priority Group 3	December 31, 2016

See Coordinated Remedy Order at ¶ 39.¹

2. In early December, Nissan notified NHTSA that it was switching over to a final, desiccated remedy part for Recall No. 15V-226, and that it might not meet the sufficient supply deadline for Priority Group 3.

3. On December 21, 2016, Nissan informed NHTSA that it would be unable to comply with the sufficient supply deadline in the Coordinated Remedy Order for Priority Group 3. *See* Exhibit A. Nissan expects to obtain sufficient supply on or about February 1, 2017, and therefore requested a short extension of time to comply with the deadline specified in Paragraph 39 of the Coordinated Remedy Order. Nissan’s request is limited to 619 model year 2006 Infiniti M vehicles that are covered by Recall No. 15V-226.

4. Paragraph 48 of the Coordinated Remedy Order permits NHTSA to unilaterally modify or amend the provisions of the order to, among other things, “account for and timely respond to newly obtained facts, scientific data, changed circumstances, and/or other relevant information that may become available . . .” Examples of such anticipated modifications and amendments include “allowing for reasonable extensions of time for the timelines contained in Paragraph[] 39.” *See* Coordinated Remedy Order at ¶ 48.

¹ NHTSA issued a Third Amendment to the Coordinated Remedy Order on December 9, 2016, modifying Priority Group 4, establishing Priority Groups 5-12, and setting forth, among other things, additional sufficient supply deadlines. The applicable deadline for Priority Group 3 was not affected by the issuance of that amendment.

5. NHTSA issues this Amendment pursuant to Paragraph 48 of the November 3, 2015 Coordinated Remedy Order; and its authority under the Safety Act, 49 U.S.C. § 30101, *et seq.*, as delegated by the Secretary of Transportation, 49 C.F.R. § 1.95, to ensure that defective vehicles and equipment are recalled, 49 U.S.C. §§ 30118-30119, to ensure the adequacy of recalls, 49 U.S.C. § 30120(c), to exercise NHTSA’s inherent enforcement discretion, and to compromise civil penalty liability, 49 U.S.C. § 30165(b). It is hereby ORDERED by NHTSA as follows:

II. TERMS AND CONDITIONS OF AMENDMENT.

6. **Only as to 619 model year 2006 Infiniti M Nissan vehicles equipped with air bag inflators manufactured by Takata and that are covered by Recall No. 15V-226**, the schedule set forth in Paragraph 39 of the Coordinated Remedy Order is extended as follows:

Priority Group	Sufficient Supply Timelines
Priority Group 3	February 1, 2017

7. Nissan shall use its best efforts to complete, to the extent possible, the milestone set forth in Paragraph 6 this Amendment in advance of the extended deadline.

8. The deadlines for Nissan recalls that involve Takata air bag inflators other than for the 619 model year 2006 Infiniti M vehicles covered by Recall No. 15V-226, as referenced herein, remain unchanged. The remedy programs for all other recalls remain subject to the sufficient supply deadlines set forth in Paragraph 39 of the Coordinated Remedy Order and/or Paragraph 34 of the Third Amendment to the Coordinated Remedy Order (issued December 9, 2016).

9. All other provisions of the November 3, 2015 Coordinated Remedy Order and prior amendments thereto remain in full effect and are applicable to this Amendment.

[SIGNATURE ON NEXT PAGE]

IT IS SO ORDERED:

Dated: December 27, 2016

By: **//ORIGINAL SIGNED BY//**
Mark R. Rosekind, Ph.D.
Administrator

Exhibit A

NISSAN GROUP
OF NORTH AMERICA



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

Mailing Address:
PO Box 685001
Franklin, TN 37068
Office: 615-725-1000

December 21, 2016

Mr. Paul A. Hemmersbaugh
Chief Counsel
National Highway Traffic Safety Administration
1200 New Jersey Avenue, SW
Washington, D.C. 20590

RE: Notice of Temporary Anticipated Shortage and Request for Extension

Dear Mr. Hemmersbaugh,

This letter requests a short extension to the requirements of the Coordinated Remedy Order ("CRO") specified in Paragraph 39.

This request is limited to approximately 619 MY2006 Infiniti M vehicles in Priority Group 3. These vehicles are subject to Recall 15V-226, which was launched in 2015. A total of 954 MY2006 Infiniti M vehicles were subject to this recall and approximately 38% of these vehicles have already been remedied.

Due to a recent change to desiccated remedy inflators, there will be a brief period where Nissan will not have sufficient remedy parts available.

Based on assurances from the supplier, Nissan expects to have sufficient parts available for the subject vehicles on or about February 1, 2017. In the meantime, rental cars will be made available to any customers that are impacted by the anticipated parts shortage.

In sum, Nissan requests a short extension to meet the requirements of Paragraph 39 in the CRO for affected MY2006 Infiniti M vehicles in Priority Group 3.

If you have any questions regarding this request, please do not hesitate to contact me.

Best regards,

A handwritten signature in cursive script that reads "Tara Underwood".

Tara Underwood
Sr. Manager, Technical Compliance