



U.S. Department  
of Transportation

**National Highway  
Traffic Safety  
Administration**

400 Seventh Street, S.W.  
Washington, D.C. 20590

JAN 19 2005

René Fernández, Director  
Parts and Service Department  
Mitsubishi Motor Sales of Caribbean, Inc.  
Road 2 Km. 20.1 Candelaria Ward  
Toa Baja, PR 00949  
PO Box 192216  
San Juan, PR 00919-2216

Dear Mr. Fernández:

This is to notify you that the National Highway Traffic Safety Administration (NHTSA) has made a determination regarding the petition of Mitsubishi Motor Sales of Caribbean, Inc., for an exemption from the recall requirements of 49 U.S.C. Chapter 301 on the basis that a noncompliance with Federal Motor Vehicle Safety Standard No. 208 is inconsequential to motor vehicle safety. NHTSA has granted your petition with respect to the permanent sun visor air bag warning label, and has denied your petition with respect to the permanent sun visor air bag alert label and the temporary label on the dashboard. A copy of the Federal Register notice explaining this decision is enclosed for your information.

Since this petition has been denied with respect to the air bag alert label and temporary label on the dashboard, pursuant to 49 CFR 573.5(c)(8)(iii), you must submit an amended Noncompliance Information Report to my office no later than five (5) working days from your receipt of this letter. That report shall include the following information: recall population, problem description, remedy, and recall schedule. If a portion of the information which is required to fully describe the recall is unknown, the report must still be submitted on time. The remaining information is to be provided as it becomes available.

If you have any questions regarding your recall obligations, you may call George Person at 202-366-5210.

Sincerely,

Claude H. Harris  
Director of Vehicle  
Safety Compliance

Enclosure

[Federal Register: January 26, 2005 (Volume 70, Number 16)]  
[Notices]  
[Page 3764-3765]  
From the Federal Register Online via GPO Access [wais.access.gpo.gov]  
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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2004-19217; Notice 2]

Mitsubishi Motor Sales Caribbean, Inc., Ruling on Petition for  
Decision of Inconsequential Noncompliance

Mitsubishi Motor Sales Caribbean, Inc. (MMSC) has determined that certain vehicles that it imported and distributed in 1997 through 2004 do not comply with S4.5.1(b)(2)(ii), (c)(1) and (e)(1)(ii) of 49 CFR 571.208, Federal Motor Vehicle Safety Standard (FMVSS) No. 208, ``Occupant Crash Protection.'' Pursuant to 49 U.S.C. 30118(d) and 30120(h), MMSC has petitioned for an exemption from the notification and remedy requirements of 49 U.S.C. chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety. Notice of receipt of MMSC's petition was published, with a 30 day comment period, on October 8, 2004, in the Federal Register (69 FR 60458). NHTSA received no comments.

A total of approximately 85,065 model year 1998 to 2005 Mitsubishi vehicles are affected. Approximately 70,592 Monteros, Nativas, Diamantes, Mirages, Lancers, and Outlanders covering model years from 1998 to 2005 do not comply with S4.5.1(b)(2)(ii), ``Sun visor air bag warning label.'' Approximately 10,761 Nativas covering model years 2000-2004 do not comply with S4.5.1(c)(1), ``Air bag alert label.'' Approximately 85,065 Monteros, Nativas, Diamantes, Mirages, Lancers, 3000 GTs, Outlanders, Galants, Eclipses, Eclipse Spyders, and Endeavors covering model years 1998-2005 do not comply with S4.5.1(e)(1)(ii), ``Label on the dashboard.''

The relevant requirements of FMVSS No. 208, S4.5.1, ``Labeling and owner's manual information,'' are as follows: ``(b)(2)(ii) The message area [of the permanent sun visor air bag warning label] \* \* \* shall be no less than 30 cm\2\. \* \* \* (c)(1) The message area [of the permanent sun visor air bag alert label] \* \* \* shall be no less than 20 square cm. \* \* \* (e)(1)(ii) The message area [of the temporary label on the dashboard] \* \* \* shall be no less than 30 cm\2\.''

On the affected vehicles, the actual measurement of the English message area for the sun visor air bag warning label is 27 cm\2\ rather than the required minimum of 30 cm\2\, for the sun visor alert label is 12 cm\2\ rather than the required minimum of 20 cm\2\, and for the dash label is 19 cm\2\ rather than the required minimum of 30 cm\2\. MMSC explains that these noncompliances resulted from reducing the English message areas when the respective Spanish translations were added.

MMSC believes that the noncompliance is inconsequential to motor vehicle safety and that no corrective action is warranted. In support of its petition, MMSC states the following:

The likelihood consumers will perceive the presence of the labels is enhanced since the overall sizes of the bilingual labels are larger than the English-only labels while the understandability

performance of the warnings is enhanced since the message reaches a wider audience than an English-only version.

The legibility of the labels at the required distance (i.e., from all front seating positions) is not degraded since the font size, font color, and letter spacing remain the same as our English-only versions that meet the message area requirements.

The labels meet all other requirements in every respect including heading content, heading color, message content, message area color, message text color, alert symbol content, and alert symbol color. \* \* \*

Mitsubishi believes the percentage of vehicles actually fitted today with the non-compliant temporary dash labels is for all intents and purposes zero, considering in all likelihood they have already been removed by customers after purchase.

[[Page 3765]]

MMSC has received no customer complaints related to the bilingual labels.

NHTSA has reviewed the petitioner's arguments. The air bag warning labels are the agency's primary method for obtaining the owner's attention and conveying important safety information. The agency believes that these air bag warning labels are necessary to make owners aware of the safest way to use their air bag equipped vehicles. In NHTSA's occupant crash protection rule published on May 12, 2000 (65 FR 30680), the agency stated ``\* \* \* as with the current labels, manufacturers may provide translations of the required English language message as long as all the requirements for the English label are met, including size'' (65 FR 30722) (emphasis added). Thus, the agency reconfirmed the importance of the message area requirement in the advanced air bag final rule.

The intent of FMVSS No. 208 is that the warning or alert message fill the message area (see 61 FR 60206 at 60210 (November 27, 1996)). Not filling the message area would make purposeless the specification. The label on the dashboard has a message area that is 37 percent below the required 30 cm\2\. The air bag alert label on the sun visor has a message area that is 40 percent below the required 20 cm\2\. These are

\* \* \* \* \* NO SUMMARY FOUND -- VIEW "TEXT" TO SEE COMPLETE FILE \* \* \* \* \*