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Friday, September 10, 2004

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NHTSA-04-19217-1

Ms. Kathleen DeMeter, Esq.
Director, Office of Defects Investigation
National Highway Traffic Safety Administration
400 Seventh Street, S.W.
Washington, D.C. 20590

RECEIVED
SEP 21 2004
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NATIONAL HIGHWAY
TRAFFIC SAFETY ADMIN.
PROPERTY OF SECRETARIAT

Re: Petition for Inconsequential Noncompliance

Dear Ms. DeMeter:

Pursuant to the requirements of 49 C.F.R Part 556, Mitsubishi Motors Sales Caribbean, Inc. (MMSC) hereby petitions for an exemption from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act, 49 U.S.C. Chapter 301, for failure to comply with certain provisions of FMVSS No. 208 (49 C.F.R. 571.208) regarding the message area size of the temporary label on the dash and the air bag warning label on the sunvisor. MMSC is submitting this petition because the Company believes that the noncompliance is inconsequential as it relates to motor vehicle safety.

Background

MMSC is a wholly owned subsidiary of Mitsubishi Motors Corporation (MMC) of Japan. Mitsubishi Motors Corporation (MMC) furnished some of the information provided below. The production of such information should not be construed as an admission that NHTSA, or any other governmental agency, or court, has any jurisdiction over MMC or that MMSC in anyway controls or has the ability to control MMC or its documents. Any jurisdictional or related objections in any future proceeding, investigation information or court action are hereby reserved. Accordingly, the following is the information required by 49 C.F.R. Part 556.

During the periods indicated in the table, Mitsubishi Motors Sales Caribbean, Inc. (MMSC) imported and distributed approximately 85,000 vehicles that had temporary dash labels and permanent sunvisor labels that do not meet certain requirements mandated by Federal Motor Vehicle Safety Standard FMVSS No. 208. Specifically, FMVSS 208 S4.5.1(e)(ii), (b)(2)(ii) and (c)(2)(i) respectively require that the message area shall be no less than 30 square cm, 30 square cm and 20 square cm.

In the Mitsubishi affected vehicles identified below, the temporary dash labels and the permanent sunvisor air bag warning labels do not comply with FMVSS 208 Section S4.5.1. Specifically, the labels'

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English message area is not at least 30 square cm for the dash label and sunvisor warning label and 20 square cm for the sunvisor alert label. The actual measurement of the English message area for the on the dash label is 19 square cm, the English message area for the sunvisor label is 27 square cm, and the English message area for the sunvisor alert label is 12 square cm. This non-compliance resulted from reducing the English message areas when the respective Spanish translations were added.

(Temporary Airbag Warning Label on the Dash)

Make	Line	Model Year(s)	Number of Vehicles
Mitsubishi	Montero	1998 – 2004	16,945
	Nativa	1998 – 2004	19,919
	Diamante	1998 – 2004	474
	Mirage	1999 – 2002	23,490
	Lancer	2002 – 2004	10,846
	3000 GT	1999	8
	Outlander	2003 – 2004	6,715
	Galant	1999 – 2003	3,502
	Eclipse	1998 – 2005	1,182
	Eclipse Spyder	2000 – 2005	84
Endeavor	2004	1,900	

87,048

(Sunvisor Airbag Warning Label)

Make	Line	Model Year(s)	Number of Vehicles
Mitsubishi	Montero	2001 – 2004	7,813
	Nativa	1998 – 2004	19,919
	Diamante	1998 – 2004	474
	Mirage	1999 – 2002	23,490
	Lancer	2002 – 2005	12,181
	Outlander	2003 – 2004	6,715

70,592

(Sunvisor Airbag Alert Label)

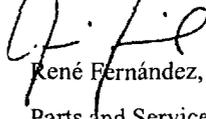
Make	Line	Model Year(s)	Number of Vehicles
Mitsubishi	Nativa	2000 – 2004	10,761

10,761

Analysis

MMSC does not believe that the foregoing noncompliance will adversely impact motor vehicle safety for the following reasons.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Fernández', written over the printed name.

René Fernández, Director

Parts and Service Department, MMSC.

Enclosures

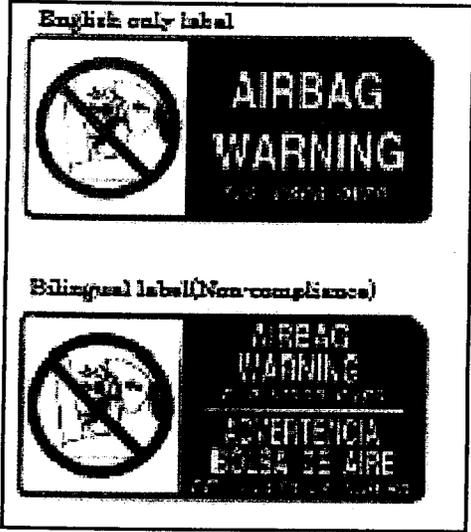
(Figure A) Removable Airbag Warning Label on the Dash

English only Label	Bilingual label (Non-compliance)
 <h2 style="margin: 0;">WARNING</h2> <p style="text-align: center;">Children Can Be KILLED or INJURED by Passenger Air Bag</p> <p style="text-align: center;">The back seat is the safest place for children 12 and under. Always use all children age seat belts or child seats.</p> <hr/> <p style="text-align: center;">Not to be removed except by owner.</p>	 <h2 style="margin: 0;">WARNING ADVERTENCIA</h2> <p style="text-align: center;">Children Can Be KILLED or INJURED by Passenger Air Bag</p> <p style="text-align: center;">The back seat is the safest place for children 12 and under. Always use all children age seat belts or child seats. Not to be removed except by owner.</p> <hr/> <p style="text-align: center;">La bolsa de aire podría producir LESIONES o la MUERTE del niño.</p> <p style="text-align: center;">El asiento trasero es el lugar más seguro para los niños de 12 años de edad o menores. Todos los niños deben utilizar cinturones de seguridad o asientos de seguridad. No remover salvo que sea el propietario.</p>

(Figure B) Sunvisor Airbag Warning Label

English only label	
 <h2 style="margin: 0;">WARNING</h2>	
	<p>DEATH or SERIOUS INJURY can occur</p> <p>Children 12 and under can be killed by the air bag.</p> <ul style="list-style-type: none"> - The BACK SEAT is the SAFEST place for children. - NEVER put a child facing child seat in the front. - Sit as far back as possible from the air bag. - ALWAYS use SEAT BELTS and CHILD RESTRAINTS.
Bilingual label(Non-compliance)	
 <h2 style="margin: 0;">WARNING</h2>	 <h2 style="margin: 0;">ADVERTENCIA</h2>
	<p>Peligro de MUERTE o de LESIONES GRAVES</p> <p>Los niños de 12 años o menores pueden ser matados por la bolsa de aire.</p> <ul style="list-style-type: none"> - El ASIENTO TRASERO es el lugar MAS SEGURO para los niños. - No ponga NUNCA un asiento de seguridad invertido hacia adelante en el asiento delantero. - Siempre utilice cinturón de seguridad para los niños de 12 años o menores. - SIEMPRE use los CINTURONES DE SEGURIDAD y ASIENTOS DE SEGURIDAD PARA NIÑOS.

(Figure C) Airbag warning alert label on the sunvisor (Only 00-04MY Nativa is affected to this item)



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August 27 2004

Kathleen DeMeter, Esq.
 Director, Office of Defects Investigation
 National Highway Traffic Safety Administration
 400 Seventh Street, S.W.
 Washington, D.C. 20590

RE: Removable Airbag Warning Label on the Dash and Airbag Warning Label on the Sunvisor Non-Compliance Report

Dear Ms. DeMeter:

Mitsubishi Motor Sales Caribbean, Inc. (MMSC) submits this letter pursuant to 49C.F.R. Part 573.5 -Defect and Noncompliance Information Report on certain 1998 through 2005 model year Mitsubishi vehicles imported and distributed by MMSC. The vehicle manufacturers, Mitsubishi Motors Corporation (MMC), and Mitsubishi Motors North America, Inc. (MMNA) furnished some of the information provided below. The production of such information should not be construed as an admission that NHTSA, or any other governmental agency, or court, has any jurisdiction over MMC or that MMSC in anyway controls or has the ability to control MMC or its documents. Any jurisdictional or related objections in any future proceeding, investigation information or court action are hereby reserved. Accordingly, the following is the information required by 49 C.F.R. Part 573.5.

Importer Name
 Mitsubishi Motors Sales Caribbean

1. **Vehicles Potentially Containing the Defect**

(Removable Airbag Warning Label on the Dash)

Make	Line	Model Year(s)	Manufacturing Period
Mitsubishi	Montero	1998-2004	June, 1997 ~ June, 2004
	Nativa	1998-2004	June, 1997 ~ February, 2004
	Diamante	1998-2004	July 1997~ March 2004
	Mirage	1999-2002	May, 1997~ November 2001
	Lancer	2002-2004	June, 2001 ~ May, 2004
	3000 GT	1999	June, 1998 ~ January, 1999
	Outlander	2003-2004	August, 2002 ~ June, 2004
	Galant	1999-2003	May 1998 ~ January 2001
	Eclipse	1998-2005	June 1999 ~ September 2003
	Eclipse Spyder	2000-2005	July 2000 ~ August 2004
Endeavor	2004	February 2003 ~ May 2004	

Vehicles installed with bilingual English/Spanish caution label on glove box.

(Sunvisor Airbag Warning Label)

Make	Line	Model Year(s)	Manufacturing Period
Mitsubishi	Montero	2001--2004	April 2001 ~ June 2004
	Nativa	1998--2004	June 1997 ~ February 2004
	Diamante	1998--2004	July 1997~ March 2004
	Mirage	1999--2002	May 1997 ~ November 2001
	Lancer	2002--2005	June 2001 ~ July 2004
	Outlander	2003--2004	August 2002 ~ June 2004

2. Total Number of Vehicles

(Removable Airbag Warning Label on the Dash)

Vehicle Line	Number of Vehicles
	Puerto Rico
Montero	16,945
Nativa	19,919
Diamante	474
Mirage	23,490
Lancer	10,846
3000GT	8
Outlander	6,715
Galant	13,502
Eclipse	1,182
Eclipse Spyder	84
Endeavor	1,900

(Sunvisor Airbag Warning Label)

Vehicle Line	Number of Vehicles
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Nativa	19,919
Diamante	474
Mirage	23,490
Lancer	12,181
Outlander	16,715

3. Approximate Percentage of Vehicles Actually Containing the Non-Compliance

All affected vehicles have or had bilingual removable airbag warning labels, affixed to the dash and have bilingual airbag warning labels on the sunvisor, English/Spanish in the case of the Puerto Rico market that do not comply with the message area size provision of FMVSS 208 Section S4.5.1. With regard to the bilingual removable airbag warning labels on the dash, Mitsubishi estimates that the percentage of vehicles originally having the non-compliant labels and still affixed to them after purchase to be virtually zero since in all likelihood the labels have been removed by customers.

4. Non-Compliance Description

The bilingual English/Spanish removable airbag warning labels affixed to the dash and the bilingual English/Spanish airbag warning labels on the sunvisor of the affected vehicles for the Puerto Rico market do

not comply with FMVSS 208 Section S4.5.1 (e)(ii), (b)(2)(ii) and (C)(2)(i) with respect to the message area size provision in that the message area utilized by the English portion of the warning text does not fulfill the "at least 30 square centimeters" and "at least 20 square centimeters" requirement respectively.

The labels meet all other label requirements at the same Section.

5. Chronological Summary of Events Leading to Determination

In reviewing the drawings and inspecting actual labels for these caution labels, Mitsubishi determined that the Spanish/English caution label for Puerto Rico do not comply with the message area requirement at FMVSS 208 section S4.5.1. Based on this discovery, Mitsubishi determined to initiate this notice of non-compliance to NHTSA.

6. Test Results or Data Used to Determine Non-compliance

Item	FMVSS208 S4.5.1(e)(ii),(b)(2)(ii)and (c)(2)(i) Requirement	Actual Message Area (English portion only)
Removable airbag warning label on the dash	At least 30 sq. cm	19 sq. cm
Airbag warning label on the sunvisor	At least 30 sq. cm	27 sq. cm
Airbag warning label on the sunvisor (Alert label)*	At least 20 sq. cm	12 sq. cm

* 00-04MY Nativa is only applicable to this item.

7. Proposed Remedy Description

It is the intention of MMSC to file a petition for determination that the defect or noncompliance is inconsequential as it relates to motor vehicle safety. Such petition will be submitted within the 30 day time period as specified by 49 CFR 556(C).

8. Notice(s) and Bulletin(s)

The owner notification and technical bulletin drafts will be provided pending resolution of item #7.

Should you have any questions or comments, you may reach me at one of the contact points listed below.

Sincerely,

 Rene Fernandez
 Parts & Sales Director