

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER D-353-37
Relating to Exemptions under Section 27156
of the Vehicle Code

Miller Catalyzer Corporation
"Series 45000 and 61000 OBD II Compliant Three-way Catalytic Converters"

WHEREAS, Vehicle Code Section 27156, and Title 13, California Code of Regulations (hereafter "CCR") Section 2222(h), authorize the California Air Resources Board and its Executive Officer to exempt new aftermarket catalytic converters from the prohibitions of Vehicle Code Section 27156.

WHEREAS, Miller Catalyzer Corporation (Miller) of 3295 Depot Road, Hayward, California 94545, has applied to the Air Resources Board for exemption from the prohibitions in Vehicle Code Sections 27156 to market its new aftermarket Series 45000 and 61000 three-way catalytic converters (TWC) for installation on selected 1996 through 2004 model year Nissan light-duty trucks 2 (LDT2) equipped with on-board diagnostic II (OBD-II) systems and multiple catalytic converters systems (2, 3 or 4 units) as specified in Appendix D-353-37 and incorporated herein. Series 61000 will be used as front catalytic converters (1 unit or 2 units) and Series 45000 as rear catalytic converters (1 unit or 2 units) for multiple catalytic converters system applications. Series 45000 only is used as replacement catalytic converters for dual exhaust system (2 units). These catalytic converters may be sold as universal or direct-fit system for the vehicles listed in Appendix D-353-37. The Series 45000 and 61000 TWCs may also be installed on non-OBD II vehicles (1995 and older) similar in engine and exhaust configuration to those listed in Appendix D-353-37.

WHEREAS, pursuant to the authority vested in the Executive Officer by Health and Safety Code Section 39515 and in the Chief, Mobile Source Operations Division by Health and Safety Code Section 39516 and Executive Order G-02-003, the Air Resources Board finds that the above aftermarket catalytic converters comply with the California Vehicle Code Section 27156 and Title 13, California Code of Regulations, Section 2222(h). The emissions performance of the aftermarket catalytic converters was based on durability bench-aging by Delphi Energy & Engine Management System (Delphi) using the Air Resources Board modified RAT-A bench-aging cycle for 100 hours, and testing conducted at the Automotive Testing and Development Services, Inc. (ATDS), as specified in the "Optional Evaluation Procedures for New Aftermarket Non-original Equipment Catalytic Converters Equipped With On-Board Diagnostic II (OBD II) Systems."

WHEREAS, previous emissions and OBD II compatibility tests conducted by Miller Catalyzer Corporation using a vehicle of a weight classification similar to those listed in Appendix D-353-37 and certified to Low Emission Vehicle (LEV) standards resulted in the issuance of Executive Order D-353-19, it was determined that the installation of Series 31000 TWC on the vehicles listed in Appendix D-353-37 meets the requirements of California regulations.

IT IS HEREBY RESOLVED that the above catalytic converters system is exempt from the prohibitions in Vehicle Code Section 27156 for installation on the approved vehicle applications specified in Appendix D-353-37 subject to the following conditions:

1. No changes are permitted to the catalytic converters system as described in the application for exemption. Any changes to the catalytic converters system or any of its components, and other factors addressed in this order must be evaluated and approved by the Air Resources Board prior to marketing in California.
2. Marketing of the catalytic converters system using identifications other than those shown in the exemption application, and in this Executive Order, or marketing of the catalytic converters for application other than the ones shown in this Executive Order shall be prohibited unless prior approval is obtained from the Air Resources Board. Exemption of this product shall not be construed as an exemption to sell, offer for sale, or advertise any components of the catalytic converters system as individual devices.
3. Any oral or written references to this Executive Order or its content by Miller Catalyzer Corporation, its principals, agents, employees, distributors, dealers, or other representatives must include the disclaimer that the Executive Order or the exemption it provides is not an endorsement or approval of any emission reduction claims for the catalytic converters system and is only a finding that the catalytic converters system is exempt from the prohibitions of Vehicle Code Section 27156.
4. Miller Catalyzer Corporation's installation instructions for the new catalytic converters system must conform to requirements in Paragraphs I and X of the "Optional Evaluation Procedures for New Aftermarket Non-original Equipment Catalytic Converters Equipped with On-Board Diagnostic II (OBD II) Systems."
5. Upon installation, the catalytic converters system must carry a manufacturer's warranty for 50,000 miles on the substrates and 50,000 miles or five years on the shell and end pipes.
6. Miller Catalyzer Corporation and its vendors may not advertise the new aftermarket catalytic converters system as a "high or easy flow" catalytic converters or use any phrase that could make it appear to perform better than an original equipment manufacturer (OEM) catalytic converters.
7. The new aftermarket catalytic converters substrates may not be sold or supplied to a third party by Miller Catalyzer Corporation, its associates, vendors, other businesses, and individuals associated with Miller Catalyzer Corporation, to be assembled in a different facility and marketed under this Executive Order.
8. Any marketing arrangement of the new aftermarket catalytic converters by a third party, which involves the use of packaging identification different from the ones described in this Executive Order must be approved by the Air Resources Board prior to shipment.

9. Miller must submit the required quality audit and production quantity reports for its aftermarket catalytic converters semi-annually, covering the periods January 1 through June 30, and July 1 through December 31.

Executive Order D-353-25 dated July 15, 2008, is hereby superseded and of no further force and effect.

Violation of any of the above conditions shall be grounds for revocation of this order. The order may be revoked only after a ten day written notice of intention to revoke it, during which period the holder of the order may request in writing a hearing to contest the proposed revocation. If a hearing is requested, it shall be held within ten days of receipt of the request, and the order may not be revoked until a determination is made, after the hearing, that grounds for revocation exist.

Executed at El Monte, California, this 22nd day of August 2008.


for Annette Hebert, Chief
Mobile Source Operations Division

APPENDIX D-353-37

Miller Catalyst Corporation, Catalytic Converter Series 61000/45000, For Nissan LDT2																			
No.	Model Year	Vehicle Model	Engine Size	Engine Family (Test Group)	Certification Level	Weight Class	Exhaust Type	Total Converters	Converter Type	Monitored	Universal	Direct Fit							
1	1998	Nissan Pathfinder (XE, LE) 2WD, Pathfinder (XE, LE, SE) 4WD, Infiniti QX4 LE 4WD	3.3L	WNSXT03.335A	LEV	LDT2	D	4	2TWC(2)	4	61000 /45000	TBD							
2	1999	Nissan Frontier (XE-V6 King Cab, SE-V6 King Cab) 4 x 4		XNSXT03.335A															
3		Nissan Pathfinder (XE, LE) 2WD, Pathfinder (XE, LE, SE) 4WD, Infiniti QX4 LE 4WD		XNSXT03.335B															
4	2000	Nissan Pathfinder (XE, LE, SE) 2WD, Pathfinder (XE, LE, SE) 4WD, Infiniti QX4 LE 4WD		YNSXT03.325A	TLEV														
5		Nissan Frontier V6 2WD/4WD, Xterra V6 2WD/4WD		YNSXT03.335A															
6		Nissan Xterra XE 2WD	2.4L	INSXT02.4C4B	S		2	TWC(2)	2										
7		Nissan Xterra XE 2WD		INSXT02.4C4C	S		2	TWC(2)	2										
8		Nissan Frontier V6, Xterra V6		INSXT03.3C5A	D		4	2TWC(2)	4										
9		Nissan Frontier (King Cab V6-S/C 2WD/4WD, Nissan Frontier (Crew Cab V6-S/C 2WD/4WD	3.3L	INSXT03.3C5B															
10	2001	Nissan Pathfinder, Infiniti QX4	3.5L	INSXT03.5C7A															
11		Nissan Frontier V6-S/C (King Cab, Crew Cab) 2WD/4WD, Nissan Xterra V6 Wagon 2WD/4WD	3.3L	1NSXT03.5C9A	LEV		D	4	2TWC(2)	4			61000 /45000	TBD					
		Nissan Pathfinder 2WD/4WD, Infiniti QX4 2WD/4WD	3.5L																
12			Nissan Xterra 2WD Wagon XE												2.4L	2NSXT02.4C4A	S	2	TWC(2)
13	2002	Nissan Frontier V6 2WD/4WD, Xterra V6 2WD/4WD, Frontier Super Charged V6 2WD/4WD, Xterra Super Charged V6 2WD/4WD	3.3L	2NSXT03.3C5A	LEV		D	4	2TWC(2)	4			61000 /45000	TBD					
		Nissan Pathfinder 2WD/4WD, Infiniti QX4 2WD/4WD	3.5L	2NSXT03.5C7A											D	4	2TWC(2)	4	
14		Nissan Xterra 2WD	2.4L	3NSXT02.4C4B											S	2	TWC(2)	2	
15	2003	Nissan Frontier V6 2WD/4WD, Xterra V6 2WD/4WD, Frontier Super Charged V6 2WD/4WD, Xterra Super Charged V6 2WD/4WD	3.3L	3NSXT03.3C6A	LEV		D	4	2TWC(2)	4			61000 /45000	TBD					
16			Nissan Murano	3.5L											3NSXT03.5C7B	D/Y	3	2TWC, TWC	3
17			Infiniti FX35	3.5L											3NSXT03.5C7B	D	4	2TWC(2)	4
18		Infiniti FX45	4.5L	3NSXT04.5C8A															

ADDITIONAL VEHICLES 1

Miller Catalyzer Corporation, Catalytic Converter Series 61000/45000, For Nissan LDT2														
No.	Model Year	Vehicle Model	Engine Size	Engine Family (Test Group)	Certification Level	Weight Class	Exhaust Type	Total Converters	Converter Type	Monitored	Universal	Direct Fit		
19	1996	Nissan Quest XE, Quest Cargo Van	3.0L	TNS3.028GKEK	Tier 1	LDT2	S	2	WUTWC, TWC	2	61000 /45000	TBD		
20	1997	Quest XE (7 Passenger), Quest GXE, Quest Cargo Van		VNS3.028GKEK							45000			
21	1998	Nissan Frontier (XE Regular Cab, XE King Cab, SE King Cab) 4 x 4	2.4L	WNSXT02.423D	TLEV				WUTWC, TWC		61000 /45000			
22		Quest XE (7 Passenger), Quest GXE, Quest Cargo Van	3.0L	WNSXT03.0A4A	Tier 1									
23	1999	Nissan Frontier (XE Regular Cab, XE King Cab) 4 x 4	2.4L	XNSXT02.423B	TLEV				WUTWC, TWC		45000			
24		Quest SE (7 Passenger), Quest GXE	3.3L	XNSXT03.335C	LEV									
25	2000	Nissan Frontier (XE Regular Cab, XE, King Cab) 4 x 4, Xterra XE 4 x 2	2.4L	YNSXT02.423B	TLEV				TWC(2)		45000			
26		Nissan Quest	3.3L	YNSXT03.335B										
27	2001	Nissan Quest	3.3L	INSXT03.3C5C										
28	2002	Nissan Quest	3.5L	2NSXT03.3C5C										
29		Nissan Xterra 2WD	2.4L	4NSXT02.4M4A										
30		Nissan Frontier V6 SC King Cab/Crew Cab, Xterra V6	3.3L	4NSXT03.3M6B										
31	2004	FX35	3.5L	4NSXT03.5N7B	LEV				D		4		2TWC(2)	61000 /45000
32		FX45 AWD	4.5L	4NSXT04.5M8A										
33		Nissan Pathfinder	3.5L	4NSXT03.5M7A										
		Nissan Frontier V6 King/Crew Cab	3.3L											
		Xterra V6												