

**State of California
AIR RESOURCES BOARD**

EXECUTIVE ORDER D-353-59

Relating to Exemptions under Section 27156 and 38391
of the Vehicle Code

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

WHEREAS, Vehicle Code Sections 27156 and 38395, 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 and 38391.

WHEREAS, Miller Catalyzer Corporation of 3295 Depot Road, Hayward, California 94545, has applied to the Air Resources Board for exemption from the prohibitions in Vehicle Code Sections 27156 and 38391 to market its new aftermarket Series 45000 and 61000 three-way catalytic converters (TWC) 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 converter systems (2 or 4 units) as specified in Appendix D-353-59 and incorporated herein. Series 61000 TWC will be used as front catalytic converter(s) (1 unit or 2 units) and Series 45000 TWC as rear catalytic converter(s) (1 unit or 2 units) for multiple catalytic converter applications. These catalytic converters may be sold as universal or direct fit system.

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 Sections 27156 and 38395 and Title 13, California Code of Regulations, Section 2222(h). Emission performance of the catalytic converters was based on durability bench-aging by Umicore Automotive Catalysts using the Air Resources Board-modified RAT-A bench-aging cycle for 100 hours as specified in Appendix A to the "California Evaluation Procedures for New Aftermarket Catalytic Converters" as adopted on October 25, 2007.

WHEREAS, previous emissions and OBD II compatibility tests conducted by Miller Catalyzer Corporation using a vehicle of weight classification and exhaust configuration similar to those listed in Appendix D-353-59 and certified to Low Emission Vehicle (LEV) standards resulted in the issuance of Executive Orders D-353-16, it was determined that the installation of Series 45000 and 61000 on the vehicles listed in Appendix D-353-59 meets the requirements of California regulation for aftermarket catalytic converters.

THEREFORE, IT IS HEREBY RESOLVED that Miller Catalyzer Corporation's Series 45000 and 61000 TWCs are exempted from the prohibitions in Vehicle Code Sections 27156 and 38391 for installation on the approved vehicle applications specified in Appendix D-353-59 subject to the following conditions:

1. No changes are permitted to the catalytic converters as described in the application for exemption. Any changes to the catalytic converters or any of their 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 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 these products shall not be construed as an exemption to sell, offer for sale, or advertise any components of the catalytic converters 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 and is only a finding that the catalytic converters are exempt from the prohibitions of Vehicle Code Sections 27156 and 38391.
4. Miller Catalyzer Corporation's installation instructions for the new catalytic converters must conform to requirements in Section (h) of the "California Evaluation Procedures for New Aftermarket Catalytic Converters," as adopted October 25, 2007.
5. Installation of the catalytic converters shall not cause the relocation of an oxygen sensor. Oxygen sensors must be installed in the same location, position and orientation as prescribed in the original equipment manufacturer's configurations.
6. Upon installation, the catalytic converters must carry a manufacturer's warranty for five (5) years or 50,000 miles as prescribed in Section (f)(2) of the "California Evaluation Procedures for New Aftermarket Catalytic Converters," as adopted October 25, 2007.
7. Miller Catalyzer Corporation and its vendors may not advertise the new aftermarket catalytic converters as "high flow or easy flow" catalytic converters or use any phrase that could make them appear to perform better than the original equipment manufacturer (OEM) catalytic converters.
8. Any marketing arrangement of the new aftermarket catalytic converter 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 Catalyzer Corporation, its associates, vendors, other businesses and individuals associated with Miller Catalyzer Corporation may not sell or supply new aftermarket catalytic converter substrates to a third party to be assembled in a

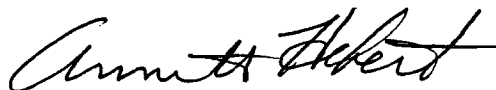
different facility and marketed under this Executive Order without approval from the Air Resources Board.

10. Miller Catalyzer Corporation shall comply with the quality control procedures and reporting requirements in Section (f)(5) of the "California Evaluation Procedures for New Aftermarket Catalytic Converters," as adopted October 25, 2007.
11. Quality control reports must be submitted on a quarterly basis and warranty information reports on a semi-annual basis, starting with periods covering January 1 through March 31, 2009 and January 1 through June 30, 2009, respectively.
12. Miller Catalyzer Corporation must provide a permanent label or stamp as specified under Section (f)(1) of the "California Evaluation Procedures for New Aftermarket Catalytic Converters," as adopted on October 25, 2007.
13. Miller Catalyzer Corporation's vehicle application catalog must conform with the requirements specified under Section (f)(4) of the "California Evaluation Procedures for New Aftermarket Catalytic Converters," as adopted on October 25, 2007.

Executive Order D-353-37 dated August 22, 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 30-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 30 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 17 day of December 2008.



Annette Hebert, Chief
Mobile Source Operations Division

APPENDIX D-353-59

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	
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	61212 /45212	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	2001	Nissan Xterra XE 2WD	2.4L	1NSXT02.4C4B	LEV		S	2	TWC(2)	2			
7		Nissan Xterra XE 2WD		1NSXT02.4C4C			S	2	TWC(2)	2			
8		Nissan Frontier V6, Xterra V6	3.3L	1NSXT03.3C5A			D	4	2TWC(2)	4			
9		Nissan Frontier (King Cab V6-S/C 2WD/4WD, Nissan Frontier (Crew Cab V6-S/C 2WD/4WD		1NSXT03.3C5B									
10		Nissan Pathfinder, Infiniti QX4		3.5L			1NSXT03.5C7A	D	4	2TWC(2)			4
11		Nissan Frontier V6-S/C (King Cab, Crew Cab) 2WD/4WD, Nissan Xterra V6 Wagon 2WD/4WD	3.3L	1NSXT03.5C9A									
		Nissan Pathfinder 2WD/4WD, Infiniti QX4 2WD/4WD	3.5L										
12		2002	Nissan Xterra 2WD Wagon XE	2.4L			2NSXT02.4C4A	S	2	TWC(2)			2
13			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	D	4	2TWC(2)			4
14	Nissan Pathfinder 2WD/4WD, Infiniti QX4 2WD/4WD		3.5L	2NSXT03.5C7A	D		4	2TWC(2)	4				
15	Nissan Xterra 2WD		2.4L	3NSXT02.4C4B	S		2	TWC(2)	2				
16	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	D		4	2TWC(2)	4				
17		Nissan Murano	3.5L	3NSXT03.5C7B	D/Y		3	2TWC, TWC	3				
		Infiniti FX35											
18		Infiniti FX45	4.5L	3NSXT04.5C8A	D	4	2TWC(2)	4					

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	61212 /45212	TBD				
20	1997	Quest XE (7 Passenger), Quest GXE, Quest Cargo Van		VNS3.028GKEK												
21	1998	Nissan Frontier (XE Regular Cab, XE King Cab, SE King Cab) 4 x 4	2.4L	WNSXT02.423D	TLEV								WUTWC, TWC	2	2	N/A
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	2	2	N/A
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)	2	2	N/A
26		Nissan Quest	3.3L	YNSXT03.335B	LEV											
27	2001	Nissan Quest	3.3L	1NSXT03.3C5C												
28	2002	Nissan Quest	3.5L	2NSXT03.3C5C												
29	2004	Nissan Xterra 2WD	2.4L	4NSXT02.4M4A												
30		Nissan Frontier V6 SC King Cab/Crew Cab, Xterra V6	3.3L	4NSXT03.3M6B												
31		FX35	3.5L	4NSXT03.5N7B												
32		FX45 AWD	4.5L	4NSXT04.5M8A												
33		Nissan Pathfinder	3.5L	4NSXT03.5M7A												
		Nissan Frontier V6 King/Crew Cab Xterra V6	3.3L													
							D	4	2TWC(2)	4	61212 /45212					