

INFORMATION Redacted PURSUANT TO THE FREEDOM OF
INFORMATION ACT (FOIA), 5 U.S.C . 552(B)(6)

CG

[REDACTED]

DEC 6 2011

Cedar Rapids, IA [REDACTED]

November 30, 2011

CL - 10440692 - 4094

U.S. Department of Transportation
National Highway Traffic Safety Administration
1200 New Jersey Ave, SE
Washington, DC 20590

RE: 2006 Nissan Maxima

Dear Sir/Madam:

Enclosed is a letter I wrote in March 2011 regarding a safety/break issue with our 2006 Nissan Maxima. Unfortunately, I failed to address the letter to your specific department and therefore it was returned by the Postal Service.

I am now following up on this matter, and still believe Nissan has failed to address this serious safety issue with their braking system in older model Maxima's.

[REDACTED]

encls

MC
121311
TGW


Cedar Rapids, IA

March 23, 2011

U.S. Department of Transportation
1200 New Jersey Ave, SE
Washington, DC 20590

RE: 2006 Nissan Maxima

Dear Sir/Madam:

I am an owner of a 2006 Nissan Maxima. In December 2010 and January 2011, the ABS brakes on the right and left wheels of this vehicle would engage as I depressed the brake pedal at a time when the roadway was clear and dry, and my speed was in excess of 40 mph. Upon taking our Nissan to our own auto mechanic and to our local Nissan dealer, we learned that the cause of this problem was a Nissan design defect. This defect caused water/moisture to be retained in the rear hub assembly, resulting in corrosion to the hub assembly and causing the ABS to engage when it should not have been doing so.

In the December 2010 incident the Nissan dealership performed a procedure where they cut a drain channel to allow water to drain out of the right rear hub assembly. This corrected the problem. However, dealership employees acknowledged this was a problem on Nissan models such as mine. An employee related an incident where one of their customers was traveling from Cedar Rapids, Iowa, to Texas, and, while on his trip, encountered this very same problem in Kansas City. He was advised by the Cedar Rapids dealer to contact a Nissan dealership in the Kansas City area to have his ABS brake repaired.

When I asked that since the right rear ABS was affected, would it be possible that this same situation could develop on the left side as well. The dealer's employee said it was likely to do so. When I stated we could be "out in the middle of nowhere" when the left side developed this problem, he acknowledged this could indeed happen. Fortunately for me and my family when the left side developed this problem in January 2011, we were in Cedar Rapids and near the dealership.

In the January 2011 incident, the dealership performed the same procedure as they did for the right side. However, after having done this, they determined the ABS was still engaging. Upon their further investigation it was determined that the continuing problem was due to the left rear wheel bearing assembly having become so corroded from water and moisture that it had to be replaced.

As our Nissan was out of warranty, the first repair cost us \$280.55 and the second repair cost us \$461.77, for a total out-of-pocket cost of \$742.12. Upon writing a letter of complaint to the Nissan Motor Company, U.S.A., Nissan was willing to reimburse me one-half the total cost I incurred. We received that reimbursement within two weeks of our written complaint.

However, Nissan was unwilling to reimburse me for the entire cost, advising that because they had only issued a technical bulletin vis-à-vis not having issued a recall order, they would not reimburse me for the entire amount.

U.S. Department of Transportation
March 23, 2011
Page 2

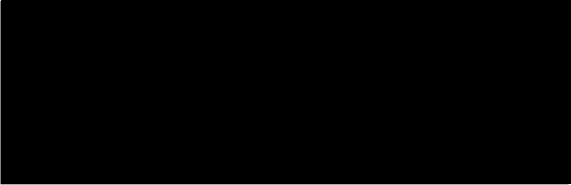
Nissan Motor Company did issue a technical bulletin on July 10, 2007 (see enclosed copy), advising dealerships how to repair this defect in their ABS braking system. Furthermore, Nissan Motor Company corrected this design defect in model years subsequent to the one I own.

I very strongly believe that not only is this a design defect for which Nissan should be responsible, but even more importantly, any issue dealing with defective braking systems should be a matter of recall for all model years that are affected by their defect. Braking systems with such defects pose a serious safety threat to the motoring public.

This complaint is not about the local dealership – they were great in taking care of this issue – but rather it is about Nissan Motor Company failing to adequately address this potentially serious safety issue. Nissan has willfully chosen to let the motoring public continue driving their vehicles, without so much as any notice to the owners of these cars, until the corrosion and rusting requires the owner to repair their ABS brakes....or until someone dies in an accident because of brake failure caused by their faulty design.

For your further review, I have also enclosed my correspondence to Nissan, as well as the receipts for the brake repairs performed by my local Nissan dealer. Nissan's file number for this case is 708-658-9.

I would appreciate a reply advising what action the Department of Transportation will be taking concerning this issue.

1

encls

2004 - 2007 MAXIMA; ABS ACTIVATES WITH NORMAL BRAKING / ABS WARNING LAMP IS ON

TECHNICAL SERVICE BULLETIN

Reference Number(s): NTB07-016b, Date of Issue: July 10, 2007

NISSAN: 2004 - 2007 Maxima

Classification: BR06-011b

APPLIED VEHICLES: 2004 - 2007 Maxima (A34)

APPLIED VINs: 2004 - 2006 all VINs; 2007 built before 1N4BA41E(*)7C 806900

APPLIED DATE: Built before July 10, 2006

Related Ref Number(s): NTB07-016, NTB07-016A, NTB07-016B

ARTICLE BEGINNING

IF YOU CONFIRM

NOTE: The Parts Information section of this bulletin has been amended and step 6 of the Service Procedure has changed. No other changes have been made. Please discard all previous copies of this bulletin.

The ABS light is ON with one or more of the following DTC stored,

- C1105 - RR RH Sensor 2
- C1110 - Controller Failure
- C1124 - RR LH IN ABS SOL
- C1126 - RR RH IN ABS SOL

and/or

The ABS system activates with normal braking.

ACTIONS

1. Remove only the right rear brake rotor, wheel hub assembly, baffle plate and ABS wheel sensor.
2. Clean the corrosion off of the knuckle, wheel hub assembly, and baffle plate.
3. Grind a notch in the knuckle locating hole (locating hole for plastic hub cap).
4. Reassemble using the new plastic hub cap and a new ABS wheel sensor.
5. If code C1126 and/or C1124 is stored; replace the ABS actuator.
6. Test drive vehicle; recheck for code C1110 (refer to step 10 in the Service Procedure).

IMPORTANT: The purpose of "ACTIONS" (above) is to give you a quick idea of the work you will be performing. You **MUST** closely follow the entire Service Procedure as it contains information that is essential to successfully completing the repair.

PARTS INFORMATION

PARTS INFORMATION

DESCRIPTION	PART #	QUANTITY
Sensor Assy - Anti Skid Rear	47900-7Y000	1
Cap-Hub - RH	43234-ZK30A	1
ABS Actuator	Use the VIN and the electronic parts catalog (FAST or equivalent) to find the correct P/N	1 (if needed)

CLAIMS INFORMATION

Submit a Primary Part (PP) type line claim using the following claims coding :

CLAIMS INFORMATION

DESCRIPTION	PFP	OP CODE	SYM	DIA	FRT
RPL Rear ABS Sensor and Plastic Hub Cap	(1)	PX32AA	ZE	32	1.1
1. Reference the FAST Parts Catalog and use the "Housing Assy - Rear Axle, RH" P/N as the PFP.					

And, IF Necessary, use Combination Op Code :

CLAIMS INFORMATION

DESCRIPTION	OP CODE	FRT
RPL ABS Actuator	PX321A	1.5

SERVICE PROCEDURE

1. Remove only the right rear (passenger side) brake rotor, wheel hub assembly, and baffle plate (see [Fig. 1](#)).
 - Refer to Section RAX in the Service Manual for removal information.

Fig. 1: Identifying Wheel Hub Assembly Components
Courtesy of NISSAN MOTOR CO., U.S.A.

2. Remove the plastic hub cap.
3. Remove the right rear ABS wheel sensor as follows:
 - a. Apply corrosion penetrant to the sensor bolt.
 - b. Use a punch and hammer to lightly tap the sensor bolt.

Fig. 2: Tapping Sensor Bolt
Courtesy of NISSAN MOTOR CO., U.S.A.

- c. Remove the sensor bolt and sensor.

Fig. 3: Locating Sensor Bolt

Courtesy of NISSAN MOTOR CO., U.S.A.

4. Clean corrosion off of the, knuckle, baffle plate, and wheel hub assembly.
 - Use a non-metal brush on the wheel hub assembly. A metal brush may damage components.

Fig. 4: Identifying Wheel Hub Assembly Components

Courtesy of NISSAN MOTOR CO., U.S.A.

- A wire wheel or metal brush can be used on the knuckle and baffle plate.

Fig. 5: Cleaning Knuckle

Courtesy of NISSAN MOTOR CO., U.S.A.

5. Grind or file a notch in the locating hole.

Fig. 6: Identifying Grind Notch

Courtesy of NISSAN MOTOR CO., U.S.A.

Before grinding

Fig. 7: View Of Grind Notch (Before Grinding)

Courtesy of NISSAN MOTOR CO., U.S.A.

After grinding

Fig. 8: View Of Grind Notch (After Grinding)

Courtesy of NISSAN MOTOR CO., U.S.A.

6. Install the new plastic hub cap.
7. Reassemble all parts removed in reverse order.
 - Refer to section RAX in the Service Manual for reassembly information.
 - **Make sure to use a new ABS wheel sensor.**
8. If code C1124 and/or C1126 was stored; replace the ABS actuator.
 - Refer to section BRC in the Service Manual for actuator replacement information.
9. If you did not replace the ABS actuator in step 8, do the following:
 - a. Use CONSULT-II to clear all ABS DTCs.
 - b. Test drive the vehicle.
 - c. Recheck for code C1110.
 - d. If code C1110 is stored, replace the ABS actuator.
 - Refer to section BRC in the Service Manual for actuator replacement information.
10. Test drive the vehicle; make sure the incident is fixed and ABS light does not come on.


Cedar Rapids, IA

February 7, 2011

Certified Mail – Return Receipt Requested

NISSAN MOTOR CO., U.S.A.
P.O. Box 685003
Franklin, TN 37068-5003

ATTENTION CUSTOMER SERVICE

Dear Sir or Madam:

I am the owner of a 2006 Nissan Maxima with approximately 61,000 miles on it. In December, 2010 I noticed a grinding sound coming from the rear tire area when I braked. I took the car to our mechanic, who informed us that the sound was consistent with a problem that he became aware of through a Technical Service Bulletin (TSB) issued by Nissan on July 10, 2007 (see enclosed copy). He advised me to take the Nissan to the local dealership for repairs. I did so, and indeed, the problem was diagnosed as corrosion on the right rear hub assembly causing the ABS to engage, and as described by the TSB. The dealership cut a drain channel to allow water to drain out of the hub assembly (see enclosed copy of the charges totaling \$280.55 incurred on December 27, 2010, associated with this work performed by Jim Miller Nissan-Subaru in Cedar Rapids, Iowa).

Then, on January 6, 2011, the left rear brake exhibited the same noises on use. We returned the car immediately to the Nissan dealership. This time, however, after the dealership diagnosed the problem as the same one that occurred on the right side and performed the same procedure as described in the foregoing paragraph, they found the ABS was still engaging. Upon further investigation, the dealership diagnosed that the continuing problem was due to the left rear wheel bearing assembly that had become so corroded from the water and moisture present that it had to be replaced (see enclosed copy of the charges totaling \$461.77 incurred January 10, 2011, associated with this work performed by Jim Miller Nissan-Subaru).

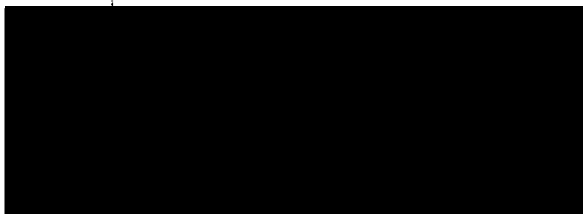
Total charges incurred for these repairs was \$742.12.

This problem was caused by a defective design by Nissan, and as such Nissan is responsible for the charges I incurred to repair the braking system. Additionally, information contained in the TSB provides for submitting claims caused by this design defect, which further indicates that Nissan is indeed accepting responsibility for repairs due to its deficient design.

I have learned too, that Nissan corrected this problem in later models of the Maxima, which is indicative that the problem was indeed a defective design that could be and was subsequently engineered out of these later model cars.

Please send immediately reimbursement in the amount of \$742.12. If for some reason you believe Nissan is not responsible for these repairs and its design defect, then please immediately provide a detailed explanation for rejecting my claim.

As an aside, we have, up until these incidents, enjoyed our Maxima, including how it handles and drives.



1900 51st Street NE
Cedar Rapids, IA 52402
(319) 393-0640
Fax: (319) 395-9738



SERVICE DEPARTMENT HOURS
7:30 a.m. to 5:00 p.m.
Monday - Friday
8:00 a.m. - 1:00 p.m. Saturday

R/O Open Date	R/O Number
12/23/10	6014773/1
R/O Close Date	Status
12/27/10	Reprint
Mileage In	Mileage Out
60975	60977
Service Advisor / Tag #	
Tom Twing	
Vehicle Identification Number	
1N4BA41E56C	
Delivery Date	In-Service Date
10/10/01	
Color	License Number
WHITE	

CEDAR RAPIDS, IA

Year	Make	Model	Body	Color	License Number
2006	NISSAN	MAXIMA		WHITE	

DESCRIPTION OF SERVICE AND PARTS	AMOUNT
#1 - MR Customer Reports: CHECK ABS ENGAGES FIRST COUPLE TIMES BRAKING AFTER VEHICLE IS STARTED.	
Caused by DIAGNOSED CORROSION ON RIGHT REAR HUB ASSY CAUSING ABS TO ENGAGE. PERFORMED PROCEDURE TO CLEAN AND C UT DRAIN CHANNEL TO LET WATER OUT OF RIGHT REAR HU B ASSY. NORMAL OPERATION.	
Work performed by Scott Hansel(5)	240.00
Sub Total: Labor: 240.00 Parts: .00 Total: 240.00	

* Thank You For Your Business! *	

TERMS: STRICTLY CASH UNLESS ARRANGEMENTS ARE MADE. "I hereby authorize the repair work hereinafter to be done along with the necessary material and agree that you are not responsible for loss or damage to vehicle or articles left in the vehicle in case of fire, theft, or any other cause beyond your control or for any delays caused by unavailability of parts or delays in parts shipments by the supplier or transporter. I hereby grant you or your employees permission to operate the vehicle herein described on streets, highways, or elsewhere for the purpose of testing and/or inspection. An express mechanic's lien is hereby acknowledged on above vehicle to secure the amount of repairs thereto."

DISCLAIMER OF WARRANTIES. Any warranties on the products sold hereby are those made by the manufacturer. The seller hereby expressly disclaims all warranties either express or implied, including any implied warranty of merchantability or fitness for a particular purpose, and the seller neither assumes nor authorizes any other person to assume for it any liability in connection with the sale of said products. Any limitation contained herein does not apply where prohibited by law.

LABOR	240.00
PARTS	.00
DEDUCTIBLE	.00
SUBLET	.00
SHOP SUPPLIES	22.20
HAZARDOUS MATERIALS	.00
SALES TAX OR TAX I.D.	18.35
SPECIAL ORDER DEPOSIT	.00
DISCOUNTS	.00
TOTAL DUE	280.55
Visa/MC/Disc	280.55

NO RETURN ON ELECTRICAL OR SAFETY ITEMS OR SPECIAL ORDERS.

X

JIM MILLER

NISSAN • SUBARU

1900 51st Street NE
Cedar Rapids, IA 52402
(319) 393-0640
Fax: (319) 395-9738



SERVICE DEPARTMENT HOURS
7:30 a.m. to 5:00 p.m.
Monday - Friday
8:00 a.m. - 1:00 p.m. Saturday

R/O Open Date	R/O Number
1/06/11	6015158/1
R/O Close Date	Status
1/10/11	Reprint
Mileage In	Mileage Out
61107	61114
Service Advisor / Tag #	
Tom Twing	
Vehicle Identification Number	
1N4BA41E56C	
Delivery Date	In-Service Date
10/10/01	
Color	License Number
WHITE	

[REDACTED]			Work Phone
[REDACTED]			[REDACTED]
CEDAR RAPIDS, IA [REDACTED]			Home Phone
[REDACTED]			[REDACTED]
Year	Make	Model	Body
2006	NISSAN	MAXIMA	

DESCRIPTION OF SERVICE AND PARTS	AMOUNT
#1 - MR Customer Reports: CHECK ABS IS ACTUATING AGAIN SINCE REPAIR ABOUT 2 WEEKS AGO. Caused by DIAGNOSED LEFT REAR HUB VERY RUSTY CAUSING ABS TO ENGAGE. PERFORMED PROCEDURE TO CLEAN AND CUT DRAIN CHANNEL TO LET WATER OUT OF LEFT REAR HUB ASSY. FOUND ABS TO STILL BE ENGAGING. Work performed by Scott Hansel(5) Caused by FURTHER DIAGNOSIS OF LEFT REAR WHEEL BEARING ASSY. Work performed by Dave Brown(24) Installed 43202-7Y000 :HUB ASSY REAR REMOVED AND REPLACED LEFT REAR WHEEL BEARING ASSY WITH NEW RELUCTOR RING TO CORRECT. Sub Total: Labor: 240.00 Parts: 191.38 Total: 431.38	172.80 67.20 191.38
***** * Thank You For Your Business! *****	

TERMS: STRICTLY CASH UNLESS ARRANGEMENTS ARE MADE. "I hereby authorize the repair work hereinafter to be done along with the necessary material and agree that you are not responsible for loss or damage to vehicle or articles left in the vehicle in case of fire, theft, or any other cause beyond your control or for any delays caused by unavailability of parts or delays in parts shipments by the supplier or transporter. I hereby grant you or your employees permission to operate the vehicle herein described on streets, highways, or elsewhere for the purpose of testing and/or inspection. An express mechanic's lien is hereby acknowledged on above vehicle to secure the amount of repairs thereto."

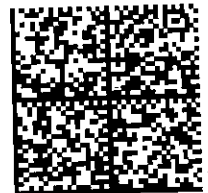
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LABOR	240.00
PARTS	191.38
DEDUCTIBLE	.00
SUBLET	.00
SHOP SUPPLIES	.00
HAZARDOUS MATERIALS	.00
SALES TAX OR TAX I.D.	30.19
SPECIAL ORDER DEPOSIT	.00
DISCOUNTS	.00
TOTAL DUE	461.57
Visa/MC/Disc	461.57

NO RETURN ON ELECTRICAL OR SAFETY ITEMS OR SPECIAL ORDERS.


Cedar Rapids, IA 

CPU U.S. POSTAGE
PB 1P 000
3656421
FCML
\$0.64⁰
MAILED NOV 30 2011
52402



**U.S. Department of Transportation
National Highway Traffic Safety Administration
1200 New Jersey Avenue, S.E.
Washington, D.C. 20590**