



U.S. Department
of Transportation

**National Highway
Traffic Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

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

March 19, 2013

[REDACTED]
Saint Helena, CA [REDACTED]

NVS-216 nlm
Ref. No. 10498682

Dear [REDACTED]

Thank you for your correspondence concerning your model year (MY) 2005 Nissan Pathfinder. The National Highway Traffic Safety Administration's (NHTSA) Office of Defects Investigation received your correspondence.

NHTSA is the Federal agency responsible for improving safety on our Nation's highways. We are authorized to order manufacturers to recall and repair vehicles or motor vehicle equipment when our investigations indicate that they contain safety defects in their design, construction, or performance. We also monitor the adequacy of manufacturers' recall campaigns. In order for the agency to initiate an investigation, we look carefully at the body of consumer complaints and other available data to determine whether a defect trend may exist. We do not have authority to act on isolated problems or resolve disputes between individual owners, dealers, or manufacturers.

You indicate that you received a notification from Nissan stating the warranty coverage for the radiator in your MY 2005 Nissan Pathfinder has been extended to 10 years or 100,000 miles. The radiator may leak coolant into the transmission and cause damage. In addition, Nissan will cover transmission repairs up to \$2500 if damage is caused by a radiator leak. Although you have not experienced a radiator leak, you are concerned that the problem may cause your vehicle to suddenly stop on the highway. You feel this is a potentially dangerous situation and would like NHTSA to force Nissan to repair your vehicle at no cost.

NHTSA is aware of Nissan's Radiator Assembly Program that extends the warranty of the radiator to 10 years/100,000 miles and a co-pay of up to \$3000 for related repairs and expenses in certain MY 2005 through MY 2010 Nissan Pathfinder vehicles. However, a manufacturer's issuance of an extended warranty program does not mean this is a safety-related defect in

accordance with the National Traffic and Motor Vehicle Safety Act. Therefore, NHTSA cannot require Nissan to perform repairs under the Radiator Assembly Program at entirely no cost to you. For more information about the Nissan Radiator Assembly Program we recommend you visit their web site at www.nissanassist.com, or call 1-877-208-9275.

If you have not done so, you may consider contacting your local Consumer Protection Agency, Better Business Bureau, or the California Office of the Attorney General regarding your problem and your rights under the State Law. You may also ask your dealership for a meeting with a Nissan district manager regarding your problem. In addition, the Federal Trade Commission (FTC) has jurisdiction over non-safety defects, paint, fraud or deception, warranty and dealership problems, remuneration matters, and fair trade practices. There are three ways you can contact the FTC: by toll free telephone at 1-877-FTC-HELP (1-877-382-4357); by mail at Federal Trade Commission, CRC-240, Washington, DC 20580; and by using the Internet complaint form at www.ftccomplaintassistant.gov.

You may consider contacting the Better Business Bureau (BBB) Auto Line. The BBB offers free mediation/arbitration to resolve warranty disputes under guidelines established by the FTC. Remedies include repair, reimbursement, repurchase or replacement, depending on program eligibility. You can visit their web site at www.bbb.org to file a complaint and review eligibility information, or call BBB Auto Line at 1-800-955-5100.

Should you encounter a safety-related problem with a motor vehicle or motor vehicle equipment in the future, you can complete an electronic Vehicle Owner's Questionnaire online at www.nhtsa.gov. Also, a summary listing of vehicle owners' complaints, safety recalls, manufacturers' service bulletins, etc. can be obtained at our web site.

Sincerely,

A handwritten signature in black ink that reads "Randy Reid". The signature is fluid and cursive, with the first name "Randy" and last name "Reid" clearly distinguishable.

Randy Reid, Chief
Correspondence Research Division
Office of Defects Investigation
Enforcement