



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)**

June 7, 2017

[REDACTED]
Roselle, IL [REDACTED]

NEF-109 rrr
Ref. No. 10966748

Dear [REDACTED]

Thank you for your correspondence concerning your model year (MY) 2005 Nissan Xterra. Your letter was forwarded to the National Highway Traffic Safety Administration's (NHTSA) Office of Defects Investigation (ODI). I am pleased to respond.

NHTSA is the Federal agency responsible for improving safety on our Nation's highways. We are authorized to order manufacturers to recall and repair motor 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.

You indicate that there is a serious defect with MY 2005 Nissan Xterra trucks. You state that a hose in the radiator ruptured and sent coolant into the transmission and transmission fluid into the radiator. You assert that the vehicle lost full motive power. Although the engine revved, the vehicle would only lunge forward and then stop as you continued home. You searched the Internet and located scores of complaints for this problem by other Nissan owners. You assert that Nissan is aware of the problem because they started to install a heavier duty hose. Nissan has declined to assist you, but you think they should be responsible for the repair.

NHTSA is aware of the radiator issue in MY 2005 Nissan Xterra vehicles. On June 6, 2012, ODI opened an investigation (Defect Petition 12-004) based on a citizen's petition requesting an investigation into transmission failures in MY 2005 through MY 2010 Nissan Pathfinder, Xterra, and Frontier vehicles. The petitioner alleged that a cracked line in the transmission cooler, which is contained inside the radiator, leaks and allows transmission fluid and engine coolant to mix resulting in damage to the automatic transmission.

ODI closed its investigation based on Nissan's action to address the problem by issuing a Radiator Assembly Warranty Extension Program in October 2012. Nissan extended the radiator warranty to 10 years/100,000 miles and a co-pay of up to \$3,000 for related repairs (including



transmissions) and expenses in certain MY 2005 through MY 2010 Nissan Xterra vehicles. The notifications were mailed between October 2012 and December 2012 to owners based on the most current registration information.

Please note that a manufacturer's issuance of an extended warranty program does not mean this problem is a safety-related defect in accordance with the National Traffic and Motor Vehicle Safety Act. Therefore, NHTSA does not have the authority to require Nissan to cover your vehicle under the extended warranty program if it exceeds the mileage limitation. In addition, NHTSA does not participate in private tort litigation nor do we have any authority to enforce the terms of settlements from lawsuits. We recommend that you continue to work with Nissan and a local dealer for amicable resolution to your problem.

You may consider contacting your local Consumer Protection Agency or the Illinois Office of the Attorney General regarding your problem and rights under the State laws. 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 to contact the FTC: by toll free telephone at 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 also 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 website at www.bbb.org to file a complaint and review eligibility information, or call the BBB Auto Line at 800-955-5100.

Should you encounter a safety-related problem with a motor vehicle or motor vehicle equipment in the future, we would appreciate it if you would complete an electronic Vehicle Owner's Questionnaire online at www.nhtsa.dot.gov/ivoq or call the Auto Safety Hotline at 888-327-4236. Also, a summary listing of vehicle owners' complaints, safety recalls, manufacturers' service bulletins, etc. can be obtained at www.nhtsa.dot.gov/cars/problems.

Sincerely,



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