INFORMATION REDACTED PURSUANT TOTHE FREEDOM
OF INFORMATION ACT (FOIA), 5 U.S.C.552(B)(6)

U.S. Department
of Transportation
**National Highway
Traffic Safety
Administration**

1200 New Jersey Avenue SE.
Washington, DC 20590

November 16, 2021

The Honorable Gregory F. Murphy, M.D.
Member, U.S. House of Representatives
1105-C Corporate Drive
Greenville, NC 27858

NEF-109 rrr
Ref. No. 11414633

Dear Representative Murphy:

Thank you for the letter on behalf of your constituent [redacted], and his model year (MY) 2009 Nissan Altima vehicle. Your letter was forwarded to the National Highway Traffic Safety Administration's (NHTSA) Office of Defects Investigation. I am pleased to respond.

NHTSA is the Federal agency responsible for improving motor vehicle safety on our Nation's roadways. We are authorized to order manufacturers to recall and repair vehicles or motor vehicle equipment when our investigations indicate that they contain safety defects, such as in their design, construction, or performance. Among other activities, we also monitor the completion rates and adequacy of manufacturers' recall campaigns.

In addition to the correspondence you provided, we also received a report from [redacted], which he filed through our www.nhtsa.gov website on April 30, 2021 (Ref. No. 1141633, enclosed). Please note that when a vehicle owner submits a complaint through our website, we send an acknowledgement email shortly afterwards. However, a consumer's complaint does not automatically generate an official investigation or result in personal contact by our agency. The information from [redacted] report was entered into our complaint database, which is continuously reviewed by our staff to monitor for possible safety defect trends that may require our attention. NHTSA staff may follow up and contact a vehicle owner who submitted a complaint if we require additional information. If this occurs, contacts initiated by our agency to obtain additional information also do not automatically signify the opening of a formal investigation.

[redacted] letter requests reimbursement for repairs to his MY 2009 Nissan Altima, which he describes as related to a recall. For clarification, please note that [redacted] vehicle has not been recalled for this issue. The letter he received appears to relate to a voluntary action initiated by Nissan, which is entitled Special Coverage Program (No. PC516, enclosed) "Electronic

Steering Column Lock (ESCL) Voluntary Service Campaign." Nissan voluntarily initiated this action to address a problem that it has described as the potential locking of the ESCL, which may prevent the engine from starting. Nissan has stated that this malfunction will only occur when the vehicle is parked and turned off.

NHTSA's governing law requires manufacturers to commence recall campaigns shortly after determining that an issue with a vehicle presents a defect relating to motor vehicle safety. *See, e.g.*, 49 U.S.C. § 30118; 49 C.F.R. § 573.6.[1] At times, manufacturers voluntarily initiate other vehicle programs, such as special coverage programs or customer satisfaction campaigns, for vehicle issues that manufacturers identify but do not determine to present safety-related defects. NHTSA continuously monitors these manufacturer special coverage programs to identify any such campaigns and programs that may actually involve safety issues for which an agency investigation or recall is necessary. However, NHTSA does not otherwise regulate a manufacturer's service campaigns and warranty enhancement programs, as they are voluntary programs not required by NHTSA's governing law. Thus, the manufacturer remains responsible for all aspects of such programs, including the nature and scope of the repair, the vehicles and model years included in the program, and all associated campaign timing and owner notifications.

Here, we reviewed this special coverage program initiated by Nissan [redacted] letter reports that the ESCL failure in his vehicle occurred on February 21, 2021. Information provided by Nissan indicates that the voluntary service campaign for the ESCL issue expired on May 29, 2020. As such, Nissan appears to have ceased offering coverage under this program by the time tha [redacted] reported an ESCL failure in 2021. [redacted] correspondence also mentions that he presented the vehicle to a dealership in 2020 regarding the issue. However, we did not see a specific date for this visit, so we are unable to compare it against the dates Nissan reported for this program.

As noted above, since this service campaign is voluntarily conducted by Nissan and is not a recall subject to NHTSA's regulations, Nissan is ultimately responsible for all aspects of the program's administration. As such, NHTSA encourages [redacted] to continue to work with Nissan regarding the eligibility of his vehicle for this voluntary campaign or whether Nissan would be willing to still extend coverage to the vehicle. He may consider requesting, through his dealership, a meeting with a Nissan district manager. [redacted] may also consider contacting his local Consumer Protection Agency or the North Carolina Attorney General's Office regarding his problem and any rights under state law. As you know, the Federal Trade Commission (FTC) regulates and investigates unfair, deceptive, or fraudulent practices in the marketplace. If [redacted] believes this issue potentially relates to such a practice, he may contact the FTC to discuss the matter. 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.

[1] Mr. Ciancio can learn more about NHTSA's investigation and recall process on our website at https://www.nhtsa.gov/sites/nhtsa.gov/files/documents/14895_odi_defectsrecallspubdoc_110520-v6a-tag.pdf.

[redacted] 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. [redacted] 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.

I hope this information is helpful. If you have any questions, please feel free to contact me at ron.thaniel@dot.gov.

Sincerely,

Ron Thaniel

Ron Thaniel
Director, Governmental and External Affairs
Office of Governmental Affairs,
Policy and Strategic Planning

Enclosures

Form Approved: O.M.B. No. 2127-0008

U.S. Department of Transportation

National Highway Traffic Safety Administration

DOT Auto Safety Hotline

Vehicle Owner's Questionnaire

To Report Vehicle Safety Defects
1-888-DASH-2-DOT
(1-888-327-4236)
INTERNET:www.nhtsa.dot.gov/hotline

FOR AGENCY USE ONLY 100148

Date Received	Repository ☐
30-APR-2021	Reference No. 11414633

OWNER INFORMATION (Type or Print)

Name [redacted]

Address [redacted]

City GREENVILLE | **State** NC | **Zip C** [redacted]

Num [redacted]

Evening Telephone Num [redacted]

The information you provide will be used to identify potential safety-related defects. We may share your information with the applicable vehicle manufacturer during an investigation or recall in accordance with the routine uses described in the agency's Privacy Act notice. See 49 FR 53971 (Sep. 3, 2004).

VEHICLE INFORMATION

17 digit Vehicle Identification Number Located at bottom of windshield on driver's side	Make	Model	Model Year
1N4AL21E99N[redacted]	NISSAN	ALTIMA	2009

Date Purchased	Dealer's Name and Telephone Number			Engine: No: Cylinders	Fuel Type:
Original Owner ☐	Dealer's City	State	Zip Code		

Transmission Type	☐ Antilock Brakes ☐ Cruise Control	Powertrain	Multiple Failure:	Incident Date(s) 23-FEB-2021

FAILED COMPONENT(S)/PART(S) INFORMATION

Vehicle Component Code: 110000 ELECTRICAL SYSTEM	Failure Mileage	Failure Speed
	139000	0

ADDITIONAL ITEMS TO BE COMPLETED WHEN REPORTING A TIRE FAILURE

Tire Make	Tire Model (Name or Number)	Tire Size (Example P215/65R15)
DOT No. (Example: DOTMAL9ABC036)	☐ Original Equipment ☐ Prior Repair	Failure Location:
Tire Component Code		Tire Failure Type:

ADDITIONAL ITEMS TO BE COMPLETED WHEN REPORTING A CHILD SEAT FAILURE

Make:	Date Manufactured:	Model No./Name:
Seat Type:	Installation System:	
Child Seat Component Code:	Failed Part:	

APPLICABLE INCIDENT INFORMATION

(Please describe in detail the incident(s), Failure(s), Crash(es), and injury(ies).)

Crash	Fire	Number of Persons Injured	Number of Deaths	Reported to Police
☐ Yes ☒ No	☐ Yes ☒ No			N

Narrative Description of Incident(S), Crash(es), and Injury(ies).
Please describe (1) events leading up to the failure, (2) failure and its consequences, and (3) what was done to correct the failure; i.e, parts repaired or replaced (and if old part is available).

IN 2020 RECEIVED A RECALL NOTICE FROM NISSAN FOR STEERING COLUMN LOCK REPLACEMENT. TOOK CAR TO GREENVILLE NISSAN (GREENVILLE, NC). SERVICE MANAGER TOLD ME MY VEHICLE WAS ACTUALLY NOT PART OF THAT RECALL, DESPITE THE NISSAN USA LETTER, SO I LEFT. APPROX. 9 MONTHS LATER (2/23/2021) THAT EXACT PART BROKE ON MY CAR, RESULTING IN INABILITY TO START ENGINE. COST ME $900+ OUT OF POCKET TO FIX EXACTLY WHAT IT WAS RECALLED FOR AND NOT ORIGINALLY DONE. FWIW THE TOW TRUCK DRIVER SAID THE SAME DEALERSHIP TRIED THE SAME THING WITH HIM ON HIS CAR. I AM ATTACHING ALL MY DOCUMENTATION FROM ORIGINAL LETTER, DOCUMENTS DEALER GAVE ME IN 2020, AND THE 2021 REPAIR AS WELL AS THE COST OF A RENTAL CAR TO GET AROUND DURING SERVICE.

Include, if available: Police/Fire Department Report, Photos, and Repair Invoice. ATTACH ADDITIONAL SHEETS IF NECESSARY

The Privacy Act of 1974-Public Law 93-579 This information is requested pursuant to authority vested in the National Highway Traffic Safety Act and subsequent amendments. You are under no obligation to respond this questionnaire. Your response may be used to assist the NHTSA in determining whether a Manufacturer should take appropriate action to correct a safety defect. If the NHTSA proceeds with administrative enforcement or litigation against a manufacturer, your response, or a statistical summary thereof, may be used in support of the agency's action.

SERVICE CAMPAIGN

CAMPAIGN BULLETIN

Expiration Notification – Electronic Steering Column Lock (ESCL) Voluntary Service Campaign

Reference: PC516
Date: May 14, 2020

Attention: Dealer Principal, Sales, Service & Parts Managers

UPDATE May 14, 2020
Please discard earlier versions of this bulletin.

The original announcement from February 21, 2017 has been revised to include:

- Service Comm will deactivate PC516 on any unremedied VINs on **May 29, 2020.**
- Dealers may continue to schedule and repair vehicles eligible for this service campaign up to and including **May 28, 2020**.
- Vehicles presented for repair after May 28, 2020 will not be covered by this service campaign and any repair will be performed at customer expense if no service contract exists.
    - Either of the following parts may be used for service repairs at customer expense **after May 28, 2020**:
        - Electronic Steering Column Box (ESCB) 48708-9N00A
        - Electronic Steering Column Lock (ESCL) 48700-9N00B

Affected Models/Years:	Affected Population:	Dealer Inventory:	SERVICE COMM Expiration date:	Stop Sale In Effect
MY2009-10 Maxima (A35)	59,566	**NA**	May 29, 2020	**NO**
MY2009-10 Altima (L32)	151,565			
MY2009-10 Altima Coupe (CL32)	23,045			
MY2009-10 Altima Hybrid (L32H)	10,324			

******* Campaign Summary*******

Nissan launched this Voluntary Service Campaign in February 2017 to offer specific MY2009-10 Nissan Altima (L32), Altima Coupe (CL32), Altima Hybrid (L32H), and Maxima (A35) customers the opportunity to replace the existing Electronic Steering Column Lock (ESCL) with an Electronic Steering Column Box (ESCB).

The ESCL locks the steering wheel when the vehicle is parked and turned off to help prevent theft. On some vehicles, due to a manufacturing irregularity, the ESCL may malfunction after the vehicle is locked and could prevent the engine from starting. This condition, should it occur, will only occur when attempting to start the vehicle, and not while driving.

The ESCB will replace the ESCL assembly, but will no longer lock the steering wheel when the vehicle is parked and turned off. The steering wheel locking function is not necessary as the vehicle is also equipped with an anti-theft immobilizer to help prevent theft. Installation of the ESCB will eliminate the possibility of a no-start condition related to the manufacturing irregularity on the ESCL.

******* What Dealers Should Do *******

1. Verify if vehicles are affected by this Voluntary Service campaign using Service Comm or National Service History Campaign I.D. **PC516**.

2. Dealers can continue to schedule and repair vehicles eligible for this service campaign until **May 28, 2020**.

3. Repair orders must be opened on or before **May 28, 2020**. Claims for repair orders opened after this date may be rejected. Dealers should submit any outstanding claims as soon as possible.

4. Dealers should also review their suspended claims and make the required corrections to ensure claims payment prior to the new campaign expiration date.

5. Dealers may use either of the following parts for service repairs, at customer expense, **after May 28, 2020**:
   - Electronic Steering Column Box (ESCB) 48708-9N00A
   - Electronic Steering Column Lock (ESCL) 48700-9N00B

******* Release Schedule *******

Parts	• Parts are available and may be ordered via normal process. Either of the following parts may be used for service repairs at customer expense **after May 28, 2020**: o Electronic Steering Column Box (ESCB) 48708-9N00A o Electronic Steering Column Lock (ESCL) 48700-9N00B
Repair	• Continue to use campaign bulletin **NTB17-018.**
Owner Notification	Nissan re-notified owners of affected vehicles that have not yet had the campaign completed beginning in March 2020, via U.S. Mail.

******* Dealer's Responsibility *******

It is the dealer's responsibility to check Service Comm using the appropriate Campaign I.D. for the campaign status on each vehicle falling within the range of this voluntary service campaign which for any reason enters the service department. This includes vehicles purchased from private parties or presented by transient (tourist) owners and vehicles in dealer inventory. If a VIN subject to this voluntary service campaign was part of a dealer trade, the letter associated with that VIN should be forwarded to the appropriate dealer for service completion.

NISSAN NORTH AMERICA, INC.
Aftersales DIVISION

Frequently Asked Questions (FAQ):

Q. Is this a Stop Sale?

A. No.

Q. Is this a safety recall?

A. No.

Q. What is the reason for this Voluntary Service Campaign?

A. The Electronic Steering Column Lock (ESCL) locks the steering wheel when the vehicle is parked and turned off to help prevent theft. On some vehicles, due to a manufacturing irregularity, the ESCL may malfunction after the vehicle is locked and could prevent the engine from starting. This condition, should it occur, will only occur when attempting to start the vehicle, and not while driving.

Q. What is the possible effect of the condition?

A. The engine may not start if the Electronic Steering Column Lock (ESCL) has malfunctioned after the vehicle is locked and turned off.

Q. What will be the corrective action?

A. Dealer will replace the existing Electronic Steering Column Lock (ESCL) with an Electronic Steering Column Box (ESCB). The ESCB will replace the ESCL assembly, but will no longer lock the steering wheel when the vehicle is parked and turned off. The steering wheel locking function is not necessary as the vehicle is also equipped with an anti-theft immobilizer to help prevent theft. Installation of the ESCB will eliminate the possibility of a no-start condition related to the manufacturing irregularity on the ESCL.

Q. How long will the corrective action take?

A. This service, which is conducted at no charge to you for parts and labor, should take approximately one (1) hour to complete. However, your Nissan dealer may require your vehicle for a longer period of time based upon their work schedule.

Q. When will vehicle owners be notified?

A. Nissan began notifying owners of all potentially affected vehicles in February, 2017 via U.S. Mail. Nissan re-notified owners of affected vehicles that have not yet had the campaign completed beginning in March 2020, via U.S. Mail.

Q. Are parts readily available?

A. Yes.

Q. The Electronic Steering Column Lock (ESCL) was previously replaced with 48700-9N00B or 48700-1NC1A. Are either of these parts affected as well?

A. No. If a vehicle was previously repaired either through customer pay or the warranty extension covered in WBI/13-009 using one of these part numbers, no further action is required.

Q. I did not receive a letter, how can I tell if my vehicle is affected?

A. Please provide your vehicle identification number (VIN) so that I can check if your vehicle is included in this campaign.

Q. I currently have an Electronic Steering Column Lock (ESCL) installed and my vehicle is not listed in Service Comm. Am I eligible to have an Electronic Steering Column Box (ESCB) installed at no cost?

A. If the vehicle is not identified in Service Comm under I.D. PC516, the vehicle is not eligible to have an ESCB installed at no cost for parts and labor.

Q. **What are my options if I don't want the Electronic Steering Column Lock (ESCL)** replaced?

A. This campaign is being offered to prevent any customer inconvenience that may result from an ESCL malfunction. You can decline this repair if you do not wish to have this repair performed. The campaign will remain open on your vehicle until the vehicle is either repaired or Nissan discontinues this repair on May 28, 2020.

Q. What if my Electronic Steering Column Lock (ESCL) or Electronic Steering Column Box (ESCB) fails at a later date? Is it covered under warranty?

A. Genuine Nissan parts (ESCL or ESCB) installed as part of this campaign or through previous repairs are covered by Nissan's 12month/12,000 mile parts warranty. Vehicles presented for repair after May 28, 2020 will not be covered by this service campaign and any repair will be performed at customer expense if the vehicle's warranty has expired. Either of the following parts may be used for service repairs at customer expense after May 28, 2020:

- Electronic Steering Column Box (ESCB) 48708-9N00A
- Electronic Steering Column Lock (ESCL) 48700-9N00B

Q. If a customer previously paid for Electronic Steering Column Lock (ESCL) replacement are they eligible for reimbursement?

A. In the interest of customer satisfaction, owners that previously paid for out-of-warranty repairs to the ESCL will be offered an opportunity to request reimbursement until May 28, 2020. The details concerning the reimbursement request process will be included in the customer notification letters.

Dealers with customer reimbursement concerns may refer to the following:

- If you have additional questions regarding this program, you can visit www.NissanAssist.com or contact Nissan Consumer Affairs at 1-800-NISSAN1 (1-800-647-7261)

- If you have previously paid for repairs to your Electronic Steering Column Lock, we ask you to visit www.NissanAssist.com before May 28, 2020, download the reimbursement claim form and follow the instructions on the website once you have gathered the following necessary documentation:

- Repair order(s)
- Proof of payment (may be on repair order(s))
- Proof of ownership if repair is over $1,000

Q. Is my vehicle safe to drive?

A. Yes.

Q. Will a rental vehicle be provided while the dealer is servicing the vehicle?

A. No, please check with your dealership for alternate transportation availability.

Q. I have lost confidence in the vehicle. Will Nissan replace or repurchase the vehicle?

A. The remedy will fully correct this condition. As the condition will be corrected, there is no basis for repurchasing or replacing your vehicle.

Q. Is there anything owners can do to mitigate the condition?

A. No.

Q. Is there any charge for the repair?

A. No, the remedy will be performed for the customer free of charge for parts and labor until May 28, 2020. Vehicles presented for repair after May 28, 2020 will not be covered by this service campaign and any repair will be performed at customer expense if the vehicle's warranty has expired.

Q. Will I have to take my vehicle back to the selling dealer to have the service performed?

A. No, any authorized Nissan dealer is able to perform the voluntary service campaign.

For Consumer Affairs: Please inform us of the dealer where you would like to have the corrective action completed.

Q. What model year vehicles are involved?

A. Certain MY2009-10 Nissan Altima, Altima Coupe, Altima Hybrid and Maxima vehicles within a specific production range are affected.

Q. How many vehicles are involved in the service campaign?

A. Affected vehicle counts are:

Country	Maxima	Altima	Altima Coupe	Altima Hybrid	Total
CANADA	2,234	9,987	2,023	345	14,589
GUAM	22	83	49	0	154
USA	59,301	150,613	59,301	10,324	243,138
PUERTO RICO	239	829	93	0	1,161
SAIPAN	4	14	2	0	20
U.S. VIRGIN ISLANDS	0	26	1	0	27
Total	**61,800**	**161,552**	**25,068**	**10,669**	**259,089**

Make/Model	Dates of Manufacture
MY2009-10 Nissan Altima	April 15, 2008 through September 22, 2009
MY2009-10 Nissan Altima Coupe	April 16, 2008 through September 22, 2009
MY2009-10 Nissan Altima Hybrid	May 13, 2008 through July 29, 2009
MY2009-10 Nissan Maxima	March 25, 2008 through September 29, 2009

Q. Are you experiencing this condition on any other Nissan (or Infiniti) models?

A. No.