

NISSAN

NISSAN NORTH AMERICA, INC.

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May 3, 2004

Mr. Thomas Z. Cooper, Chief
Vehicle Integrity Division
Office of Defects Investigation
National Highway Traffic Safety Administration
400 Seventh St. S.W.
Washington, D.C. 20590

RECEIVED
NVS-210
MAY -5 A 8:58
OFFICE OF DEFECTS
INVESTIGATION

Re: NVS-212mbs
PE04-020

Dear Mr. Cooper:

Enclosed is Nissan's response to the referenced NHTSA Information Request of March 14, 2004 concerning the Agency's investigation of certain 1999 and 2000 model year Nissan Quest vehicles.

The attached reply responds by first stating each question, then the response. Please contact us if you have any questions.

Sincerely,



Frank D. Slaveter
Senior Manager
Technical Compliance

Enclosures

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Dear Mr. Cooper:

Enclosed is Nissan's response to the referenced NHTSA Information Request of March 14, 2004 concerning the Agency's investigation of certain 1999 and 2000 model year Nissan Quest vehicles.

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Response to

PE04-020

INTRODUCTION

In accordance with discussions with the Agency's Thomas Cooper, an extension of time was granted until May 3, 2004 to respond to this Information Request ("IR"). Nissan appreciates the Agency's courtesy in this regard.

In responding to this Information Request ("IR"), information has been obtained from those places within Nissan likely to contain such information in the regular and ordinary course of business. When a particular Request seeks "documents" as defined in the IR, reasonable, good faith searches have also been made of corporate records in those places likely to maintain them in the regular and ordinary course of business.

The definitions of "documents" and "Nissan", however, are unreasonably broad, vague and ambiguous in the context of the information sought by this IR. For example, "calendars", "appointment books", "financial statements" and "personnel records" would not contain owner complaints, field reports or other information sought by Request 2 pertaining to the alleged defect. Therefore, searches were not made for such "documents", inasmuch as they would not likely contain responsive information. In addition, Nissan has not provided information from persons or entities over which it does not ordinarily exercise control. Nissan understands this IR to seek information on vehicles manufactured for sale in the United States.

Responses are provided after each request, and Attachments are utilized as appropriate. The source of information used as a basis for the data in each Attachment, including the date the data were updated and retrieved, is identified at the beginning of each Attachment, as applicable. If a document itself is the source for the requested information and it is provided, we assume no further source identification is called for. If a document, drawing or component is requested, or if no responsive information is available, we assume no further source identification is called for.

With regard to claims of privilege, Nissan understands that it is acceptable to the Agency for Nissan to identify specific categories of privileged documents rather than any specific document. These specific categories are: 1) communications between outside counsel and Nissan Legal Department employees, other Nissan employees, or other Nissan-represented parties in litigation and claims; 2) communications between Nissan Legal Department employees and other Nissan employees or other Nissan-represented parties in litigation or claims; 3) notes and other work product of outside counsel or of Nissan Legal Department employees concerning communications with Nissan employees or consultants, and the work product of those employees or consultants done for or at the request of outside counsel or Legal Department employees; and 4) other categories to be identified later as necessary. For any privileged documents that are not included in these categories, such documents, if any, will be specifically identified on a separate privilege index at a later time. To the extent that a document is furnished, Nissan is not asserting a privilege claim for that document, although the disclosure of such document does not waive the attorney-client privilege or work-product protection with respect to other documents prepared in connection with the specific litigation or claim or other litigation or claims. In addition, in submitting such documents, we reserve our right to claim the attorney-client privilege and/or work-product protection with respect to analyses that may be prepared subsequently in

connection with these and other cases. Also, we understand documents specifically related to the preparation of the responses are not sought.

Nissan believes NHTSA's policy is to protect the privacy of individuals under exemption 6 of the Freedom of Information Act, 5 U.S.C. Section 552(b)(6). We understand that name, address, and other personal information of owners or other individuals, including Nissan personnel, contained in any of the attachments in this response will not be made available to the public. Therefore, Nissan is not requesting confidential treatment for this information pursuant to 49 CFR, Part 512, but we believe any private information concerning individuals should not be made public.

* * * * *

1. State, by model and model year, the number of subject vehicles Nissan has manufactured for sale or lease in the United States. Separately, for each subject vehicle manufactured to date by Nissan, state the following:
 - a. Vehicle Identification number (VIN);
 - b. Make;
 - c. Model;
 - d. Model Year;
 - e. Date of manufacture;
 - f. Date warranty coverage commenced; and
 - g. The State in the United States where the vehicle was originally sold or leased (or delivered for sale or lease).

Provide the table in Microsoft Access 2000, or a compatible format, entitled "PRODUCTION DATA." See Enclosure 1, Data Collection Disc, for a pre-formatted table that provides further details regarding this submission.

The number of the subject vehicles manufactured for sale or lease in the United States is as follows:

- 1999 Quest vehicles: 43,184
- 2000 Quest vehicles: 46,074

The information requested in 1.a through 1.g is provided, when known, in a file titled, "PRODUCTION DATA(PE040020).mdb" on a CD enclosed as Attachment A.

2. State the number of each of the following, received by Nissan, or of which Nissan are otherwise aware, which relate to, or may relate to, the alleged defect in the subject vehicles:
 - a. Consumer complaints, including those from fleet operators;
 - b. Field reports, including dealer field reports;
 - c. Reports involving a fire, based on claims against the manufacturer involving a death or injury, notices received by the manufacturer alleging or providing that a death or injury was caused by a possible defect in a subject vehicle, property damage claims, consumer complaints, or field reports;
 - d. Property damage claims; and
 - e. Third-party arbitration proceedings where Nissan is or was a party to the arbitration; and
 - f. Lawsuits, both pending and closed, in which Nissan is or was a defendant or codefendant.

For subparts "a" through "d," state the total number of each item (e.g., consumer complaints, field reports, etc.) separately. Multiple incidents involving the same vehicle are to be counted separately. Multiple reports of the same incident are also to be counted separately (i.e., a consumer complaint and a field report involving the same incident in which a crash occurred are to be counted as a crash report, a field report and a consumer complaint).

In addition, for Items "c" through "f," provide a summary description of the alleged problem and causal and contributing factors and Nissan's assessment of the problem, with a summary of the significant underlying facts and evidence. For Items "f" and "g," identify the parties to the action, as well as the caption, court, docket number, and date on which the complaint or other document initiating the action was filed.

The number of each of the referenced items in 2.a, 2.b, 2.e, and 2.f, received by Nissan, or of which Nissan is otherwise aware, which relate to, or may relate to, the alleged defect in the subject vehicles, is contained in Attachment B. Multiple incidents involving the same vehicle have been counted separately. Multiple reports of the same incident have also been counted separately, so there are duplicate counts in several categories.

The information available about the individual items being provided is often not specific enough to allow Nissan to determine whether they may relate to the alleged defect. Therefore, consumer complaints and field reports are divided into two subcategories: 1) those that may relate to the alleged defect and 2) those that may or may not relate to the alleged defect.

Summaries of third party arbitration proceedings are contained in Attachment E and summaries of lawsuits are contained in Attachment F.

There are no reports responsive to 2.c or 2.d involving a fire, and no property damage claims or death or injury claims.

3. Separately, for each item (complaint, report, claim, notice, or matter) within the scope of your response to Request No. 2, state the following information:

- a. Nissan's file number or other identifier used;
- b. The category of the item, as identified in Request No. 2 (i.e., consumer complaint, field report, etc.);
- c. Vehicle owner or fleet name (and fleet contact person), address, and telephone number;
- d. Vehicle's VIN;
- e. Vehicle's make, model and model year;
- f. Vehicle's mileage at time of incident;
- g. Incident date;
- h. Report or claim date;
- i. Whether a fire is alleged;
- j. Whether property damage is alleged;
- k. Number of alleged injuries, if any; and
- l. Number of alleged fatalities, if any.

Provide this information in Microsoft Access 2000, or a compatible format, entitled "REQUEST NUMBER TWO DATA." See Enclosure 1, Data Collection Disc, for a preformatted table that provides further details regarding this submission.

The information requested in 3.a through 3.l is provided, when known, in the following file: "REQUEST NUMBER TWO DATA(PE040020).mdb", on a CD enclosed as Attachment B.

For the reasons above, consumer complaints and field reports are divided into two subcategories: 1) those that may relate to the alleged defect and 2) those that may or may not relate to the alleged defect. Each record of consumer complaints and field report is identified with the applicable subcategory in Attachment B.

4. Produce copies of all documents related to each item within the scope of Request No. 2. Organize the documents separately by category (i.e., consumer complaints, field reports, etc.) and describe the method Nissan used for organizing the documents.

Nissan understands this question to request copies of the specific consumer complaint documents, field report documents, and third-party arbitration and lawsuit documents (such as the initial legal complaint) for those items included within the response to Request No. 2 above. Consumer complaints are contained in Attachments C.1 and C.2. Field reports are contained in Attachments D.1 and D.2. Third-party arbitration proceedings are contained in Attachment E, and lawsuits are contained in Attachment F. The documents are organized by the date Nissan received the information.

5. State, by model and model year, a total count for all of the following categories of claims, collectively, that have been paid by Nissan to date that relate to, or may relate to, this alleged defect in the subject vehicles: warranty claims; extended warranty claims; claims for good will services that were provided; field, zone, or similar adjustments and reimbursements; and warranty claims or repairs made in accordance with a procedure specified in a technical service bulletin or customer satisfaction campaign.

Separately, for each such claim, state the following information:

- a. Nissan's claim number;
- b. Vehicle owner or fleet name (and fleet contact person) and telephone number;
- c. VIN;
- d. Repair date;
- e. Vehicle mileage at time of repair;
- f. Repairing dealer's or facility's name, telephone number, city and state or ZIP code;
- g. Labor operation number;
- h. Problem code;
- i. Replacement part number(s) and description(s);
- j. Concern stated by customer; and
- k. Comment, if any, by dealer/technician relating to claim and/or repair.

Provide this information in Microsoft Access 2000, or a compatible format, entitled "WARRANTY DATA." See Enclosure 1, Data Collection Disc, for a pre-formatted table that provides further details regarding this submission.

The main purpose of the warranty system is to reimburse dealers for performing warranty repairs. Claims are submitted by dealers through an on-line computer system through the use of a set of codes. The codes are designed to allow flexibility for their use and, as such, do not supply a significant amount of information about why a particular repair was made, or specific details about the nature of the repair itself.

Within the limitations of our warranty system as it relates to the subject matter of this inquiry, the total count for all of the categories of paid warranty claims, as described in Request No. 5, are contained in Attachment H. In addition, the information requested in 5.a and 5.c through 5.k is provided, when known, in a file titled, "WARRANTY DATA(PE040020).mdb" on a CD enclosed in Attachment G. Owner information requested by Item 5.b is not present in the warranty system.

6. Describe in detail the search criteria used by Nissan to identify the claims identified in response to Request No. 5, including the labor operations, problem codes, part numbers and any other pertinent parameters used. Provide a list of all labor operations, labor operation descriptions, problem codes, and problem code descriptions applicable to the alleged defect in the subject vehicles. State, by make and model year, the terms of the new vehicle warranty coverage offered by Nissan on the subject vehicles (i.e., the number of months and mileage for which coverage is provided and the vehicle systems that are covered). Describe any extended warranty coverage option(s) that Nissan offered for the subject vehicles and state by option, model, and model year, the number of vehicles that are covered under each such extended warranty.

The search criteria used by Nissan to identify the claims identified in response to Request No. 5 are outlined in Attachment G.

Copies of the applicable warranties for the subject vehicles are contained in Attachment H. There are no extended warranties applicable to the subject vehicles as we understand this request. Nissan offers "Security Plus" service contract plans on Nissan vehicles and are available for separate purchase by customers. Information about Nissan's Security Plus programs are contained in Attachment I. There are 9,484 MY1999 Quests and 12,065 MY2000 Quests covered by Security Plus contracts.

7. Produce copies of all service, warranty, and other documents that relate to, or may relate to, the alleged defect in the subject vehicles that Nissan has issued to any dealers, regional or zone offices, field offices, fleet purchasers, or other entities. This includes, but is not limited to, bulletins, advisories, informational documents, training documents, or other documents or communications, with the exception of standard shop manuals. Also include the latest draft copy of any communication that Nissan is planning to issue within the next 120 days.

Nissan issued a Technical Service Bulletin (TSB) on May 15, 2001. This TSB was revised on October 17, 2003. A copy of both versions is included in Attachment J. Nissan is not planning to issue any other communication that may relate to the alleged defect in the subject vehicles.

8. Describe all assessments, analyses, tests, test results, studies, surveys, simulations, investigations, inquiries and/or evaluations (collectively, "actions") that relate to, or may relate to, the alleged defect in the subject vehicles that have been conducted, are being conducted, are planned, or are being planned by, or for, Nissan. For each such action, provide the following information:

a. Action title or identifies:

- b. The actual or planned start date;
- c. The actual or expected end date;
- d. Brief summary of the subject and objective of the action;
- e. Engineering group(s)/supplier(s) responsible for designing and for conducting the action; and
- f. A brief summary of the findings and/or conclusions resulting from the action.

For each action identified, provide copies of all documents related to the action, regardless of whether the documents are in interim, draft, or final form. Organize the documents chronologically by action.

"Actions" that relate to, or may relate to, the alleged defect are contained in Confidential Attachment K and are arranged chronologically. Information responsive to items 8.a through 8.f is outlined in the project overview.

9. Describe all modifications or changes made by, or on behalf of, Nissan in the design, material composition, manufacture, quality control, supply, or installation of the subject components, from the start of production to date, which relate to, or may relate to, the alleged defect in the subject vehicles. For each such modification or change, provide the following information:

- a. The date, or approximate date, on which the modification or change was incorporated into production;
- b. A detailed description of the modification or change;
- c. The reason(s) for the modification or change;
- d. The part numbers (service and engineering) of the original component;
- e. The part number (service and engineering) of the modified component;
- f. Whether the original unmodified component was withdrawn from production and/or sale, and if so, when;
- g. When the modified component was made available as a service component; and
- h. Whether the modified component can be interchanged with earlier production components.

Also, provide the above information for any modification or change that Nissan is aware of which may be incorporated into vehicle production within the next 120 days.

No changes were made in the design or specifications for the subject component which may relate to the alleged defect in the subject vehicles.

As noted further below in response to item 12, the original design specified the use of a Sylvania bulb. The supplier of the subject component began to use a Phillips bulb without notice to Nissan during April 1999 that did not meet Nissan's specifications. Thereafter, at the request of the supplier, on July 17, 2000, Nissan allowed the use of a Phillips bulb that met Nissan specifications.

The subject vehicles are no longer in production; therefore information relating to future changes or modifications to vehicle production is not applicable.

10. List all Nissan models that have the same or similar headlamp designs as the subject vehicle.

The headlamp design for the 1999 and 2000 model year Quest is unique to these models and the lamps are not interchangeable with other models, although some components may be similar.

11. Produce each of the following:

- a. Parts schematics of the headlamp assembly for each design version of the subject component;**
- b. A diagram of the headlamp assembly showing how the system works.**

Blueprints for the headlamp assembly are included in Confidential Attachment L.

12. Furnish Nissan's assessment of the alleged defect in the subject vehicle, including:

- a. The causal or contributory factor(s);**
- b. The failure mechanism(s);**
- c. The failure mode(s);**
- d. The risk to motor vehicle safety that it poses;**
- e. What warnings, if any, the operator and the other persons both inside and outside the vehicle would have that the alleged defect was occurring or subject component was malfunctioning; and**
- f. The reports included with this inquiry.**

In August 2000, Nissan began to receive reports of headlamps flickering and intermittently or completely going out in the subject vehicles. Nissan investigated these incidents and found that the headlamp bulb connector was damaged or thermally distorted. Nissan and Ford conducted a joint investigation and determined the cause of the damage to the connector was the use of a bulb with stainless steel terminals.

The Nissan headlamp design drawings specify that a Sylvania bulb be used. The specified Sylvania bulb uses nickel coated brass terminals. The headlamp supplier made an unauthorized change without notifying Nissan and substituted a Phillips bulb that used stainless steel terminals. Initial contact resistance between the Phillips stainless steel bulb lugs and the tin-coated brass connector terminals does not result in excessive temperatures, but over time the influence of vibration and on/off cycling can alter contact resistance and temperatures at the contact surfaces. The temperature can become high enough to result in permanent deformation of the connector terminals so that they lose electrical contact with the bulb terminals and cause an open or intermittent circuit.

Nissan does not believe this issue poses an unreasonable risk to safety. Headlamp bulbs do not have infinite life and can be expected to require replacement during vehicle ownership. In connection with this issue, in many cases, the headlamp flickers or goes on or off, providing warning to the driver that there is a problem with the lamp that needs to be repaired. Even if a headlamp fails, there is still sufficient illumination to allow a driver to adequately see the road at night, but it will be apparent that one of the headlamps is not

working so that there is warning to the driver to have the it repaired. A few consumer complaints imply that both headlamps failed simultaneously (i.e., both headlamps were operating but suddenly both went out). However, Nissan has been unable to confirm such reports, and there is no technical reason that the failure of one headlamp would have any influence on the failure of the other headlamp involving the alleged defect. Finally, no accidents, injuries or fires have been reported relating to the alleged defect on these vehicles. Nissan estimates that the subject vehicles accumulated about five billion vehicle-miles of service. The fact that there have been no reports of accidents, injuries, or fires in a fleet that has traveled billions of miles in 5 years of service further supports the position that no safety risk is presented

ATTACHMENT A

Vehicle sales information

Vehicle sales information was gathered from a daily updated vehicle sales database which contained vehicle sales data through March 18, 2004.



U.S. Department
of Transportation

National Highway
Traffic Safety
Administration

Memorandum

Subject: Submittal to the Public File
ODI Investigation PE04-020 **Date:** May 03, 2004

From: *Rosa Howell*
Rosa Howell, Investigation Case Assistant **Reply to:** PE04-020
Office of Defects Investigation/NSA-10

To: Kevin Ball
Technical Information Service/NAD-50

Please forward the attachment to George Washington University's NHTSA/FHWA National
Crash Analysis Center for Public access under PE04-020.

ONE CD
NISSAN 5/3/04 ATTACHMENT A, B, & G

INME-PE04020-18073P

Attachment(s)

#

ATTACHMENT B

CD with data for requests 2 and 3

This attachment contains the numbers of records pertaining to Request No. 2. The information was obtained from the Consumer Affairs database as of March 24, 2004, the Tech Line Database as of March 26, 2004, and the field reports database as of March 26, 2004. Legal Department Files were searched on March 5, 2004. The databases and Legal Files are updated daily.