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OFFICE OF DEFECT INVESTIGATION
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February 21, 2005

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

Re: NVS-212-pco
PE04-081

Dear Mr. Cooper:

Enclosed is Nissan's response to the referenced NHTSA Information Request of January 24, 2005 concerning the Agency's comparative assessment related to its investigation of alleged inadvertent deployment of side-impact airbags/curtains in certain model year 2001 - 2003 VW Jetta, Gold and GTI vehicles manufactured by Volkswagen of America.

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

Response to

PE04-081

INTRODUCTION

In accordance with discussions with the Agency's Peter Ong, Nissan 350Z models are excluded from the group of "peer" vehicles subject of this Information Request. 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 peer vehicles Nissan has manufactured for sale or lease in the United States. If there are multiple side air bag system designs or versions for a given peer vehicle, please identify under section "e". Separately, for each model subject vehicle manufactured to date by Nissan, state the following:

- a. Vehicle Identification number (VIN):
- b. Make:
- c. Model:
- d. Model Year:
- e. Airbag system model version (if more than one).
- f. Date of manufacture:
- g. Date warranty coverage commenced; and
- h. 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."

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

<u>MODEL</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>
ALTIMA	18,893	43,509	47,320
MAXIMA	27,770	24,146	36,128
SENTRA	1,823	10,950	6,539
G20	7,021	12,577	NA
G35 COUPE	NA	NA	24,416
G35 SEDAN	NA	NA	56,210
I35	39,168	30,392	17,242

The information requested in 1.a through 1.h is provided, when known, in Attachment A and a file titled, "PRODUCTION DATA.mdb" on the enclosed CD.

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. Total field reports, including dealer field reports;
- c. Reports involving a crash, injury, or fatality, based on claims against the manufacturer involving a death or injury, notices received by the manufacturer alleging or proving 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 (including own vehicle); 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). Identify reports that have a duplicate with either other mfg reports/claims or with ODI.

In addition, for items "b" 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 along with any photographs and airbag control module diagnostic result/readout/printout (along with explanation/description). 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 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.

The number of each of the referenced items in 2.a and 2.b, 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 may be duplicate counts in several categories.

There are no reports of property damage claims or death or injury claims responsive to 2.c and 2.d and no applicable third-party arbitration proceedings or lawsuits responsive to 2.e or 2.f.

For materials related to item 2.b, Nissan is supplying relevant documents in Attachment B rather than a summary. Nissan has not conducted a formal assessment of these incidents.

3. 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 the subject condition in the subject peer 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.

Provide this information in Microsoft Excel table, or a compatible format, entitled "WARRANTY DATA COUNT."

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. 3, is provided, when known, in Attachment C and a file titled, "WARRANTY DATA COUNT.xls" on the enclosed CD.

4. 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 subject condition in the subject peer 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) and if it covers inadvertent side-airbag deployments (without an actual side crash, but sensors did sense a shock pulse). Describe any extended warranty coverage option(s) that Nissan offered for the subject peer vehicles and state by option, model, and model year, the number of vehicles that are covered under each such extended warranty and if it covers inadvertent side-airbag deployments.

The search criteria used by Nissan to identify the claims identified in response to Request No. 4 are outlined in Attachment C.

Copies of the applicable warranties for the subject vehicles are contained in Attachment D. 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. The number of peer vehicles covered and information about Nissan's Security Plus programs are contained in Attachment E.

5. Provide a table showing the following information concerning the side-impact airbag systems in the subject peer vehicles by model and model year:

- a. type of side airbag system (thorax, head, curtain or combination thereof);
- b. location of each seating position at which a side air bag system is installed;
- c. the number of side air bags at each of these seating positions; and
- d. bag location (seat mounted, door mounted, etc.)

A table providing the requested information is provided in Attachment F.

6. For each model and model year of the subject peer vehicles, identify the supplier of the side-impact crash sensing system and electronic restraint module. Please

provide a complete street address, contact name, and telephone number for each supplier identified.

The requested supplier information is contained in Attachment G.