



NISSAN NORTH AMERICA, INC.

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August 4, 2008

Mr. Thomas Z. Cooper, Chief  
Vehicle Integrity Division  
Office of Defects Investigation  
National Highway Traffic Safety Administration  
1200 New Jersey Avenue SE.  
Washington, D.C. 20590

Re: PE08-037; NVS-212cag

Dear Mr. Cooper:

Enclosed is Nissan's response to the referenced NHTSA Information Request concerning the Agency's investigation of certain 2005 and 2006 model year Nissan Armada and Titan 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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OFFICE OF DEFECTS INVESTIGATION  
NHTSA

**Response to**

**PE08-037**

## INTRODUCTION

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."

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

2. State the number of each of the following, received by Nissan, or of which Nissan is 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. Police and Fire Department reports;
- d. 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;
- e. Reports involving a fire, 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;
- f. Property damage claims;
- g. Third-party arbitration proceedings where Nissan is or was a party to the arbitration; and
- h. Lawsuits, both pending and closed, in which Nissan is or was a defendant or codefendant.

For subparts "a" through "e," 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 "h," 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 "d" through "h" 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 consumer complaints and field reports that may relate to the alleged defect is listed in the CD in a file titled, "COMPLAINT DATA (TECHLINE+CA).xls" provided as Attachment A.

There are no reports responsive to 2.c through 2.h:

- Reports involving a crash: 0
- Reports involving an injury: 0
- Reports involving a fatality: 0
- Property damage claims: 0
- Third-party arbitrations: 0
- Lawsuits: 0

There is one subrogation case.

Police and Fire Department reports requested in Subsection C are not uniquely provided to, or collected by, Nissan. To the extent this information is reported as part of an investigation or lawsuit, it has been counted.

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 the incident occurred while operating the vehicle;
- j. Whether the air conditioning system was being used at the time of the incident;
- k. Type of warning or indication of impending failure, if any, including but not limited to : "smoke", "fluid leak", "odor", "tail lights inoperable" etc;
- l. Whether a crash is alleged;
- m. Whether a fire is alleged;
- n. Whether property damage is alleged;
- o. Number and type of alleged injuries, if any; and
- p. Number of alleged fatalities, if any;
- q. Whether the vehicle was characterized as "totaled"; and'
- r. Whether Nissan re-purchased the vehicle.

Provide this information in Microsoft Access 2000, or a compatible format, entitled "COMPLAINT DATA."

The data requested in 3.a through 3r, when available, is provided in a file named "Complaint Data (TECHLINE+CA).xls" located on a CD submitted as Attachment A.

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.

The requested documents are provided on a CD in files named "C.A. Reports.pdf", "Field Reports.pdf" and "Techline Field Repots.pdf" submitted as Attachment A.

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, the 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;
- k. Type of warning or indication of impending failure, if any, including but not limited to: "smoke", "fluid leak", "odor", "tail lights inoperable", etc.;
- l. Comment, if any, by dealer/technician relating to claim and/or repair;
- m. Whether the vehicle was characterized as "totaled"; and'
- n. Whether Nissan re-purchased the vehicle.

Provide this information in Microsoft Access 2000, or a compatible format, entitled "WARRANTY DATA."

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, is contained in Attachment A. In addition, the information requested in 5.a and 5.c through 5.l is provided, when known, in a file titled, "WARRANTY DATA.xls" on a CD enclosed in Attachment A. Owner information, 5.b, and information requested by items 5.m and 5.n is not present in the warranty system.

6. Furnish Nissan's assessment of the alleged defect in the subject vehicles, 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; and
- 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.

Nissan's assessment of the alleged condition is contained in its Part 573 Defect Information Report submitted to NHTSA on June 24, 2008. The DIR is included in Attachment A, titled "2005-06 X61A Condenser Fan DIR.pdf".



**ATTACHMENT A**

CD with information Responsive to Items 1,2,3,4, and 5

Vehicle sales information was gathered on July 10, 2008 from a vehicle sales database which is updated daily.

Information was obtained from the Consumer Affairs database on July 31, 2008, and the Tech Line Database, and the field reports database as of July 10, 2008. The Legal Department database was searched on July 15, 2008. The databases are updated daily.

Warranty claims data were gathered from Warranty database as of July 10, 2008. The database is updated daily.

The CD in this attachment contains the following files:

- "PRODUCTION DATA (PE08037).xls" pertaining to Request No. 1;
- "COMPLAINT DATA (TECHLINE+CA)" pertaining to Request No. 2 and 3
- "C.A. Reports.pdf", " Field Reports.pdf" and "Techline Field Repots.pdf" pertaining to Request No. 4
- "WARRANTY DATA (PE08037).xls" pertaining to Request No. 5.
- "2005-06 X61A Condenser Fan DIR.pdf" pertaining to Request No. 6

**NISSAN**

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OFFICE OF PUBLIC  
AFFAIRS

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Cynthia,

Please replace the original CDs provided with PE08-037 with these updated CDs. All the information is the same except:

- 1) 1 Techline (dealer field report) was deleted (not applicable)
- 2) 1 CA (consumer affair) file was deleted (not applicable)
- 3) a listing of field reports was added to the question 3 response (COMPLAINT DATA) file.

If you have any questions, please give me a call (615-725-5463).

Thanks,

Don