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**NISSAN NORTH AMERICA, INC.**

Corporate Office  
P.O. Box 685001  
Franklin, TN 37068-5001  
Telephone: 615.725.1000

September 15, 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: PE08-045; NVS-212cag

Dear Mr. Cooper:

Enclosed is Nissan's response to the referenced NHTSA Information Request concerning the Agency's investigation of certain 2008 model year Nissan Maxima 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



NISSAN NORTH AMERICA, INC.

Corporate Office  
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Franklin, TN 37068-5001  
Telephone: 615.725.1000

September 15, 2008

Otto Matheke, Esq.  
Office of Chief Counsel  
National Highway Traffic Safety Administration  
NCC-111, W41-227  
1200 New Jersey Avenue, S.E.  
Washington, D.C. 20590

**Re: Request for Confidential Treatment Pursuant to 49 CFR Part 512 for Certain Documents Provided in Response to NVS-212caq; PE08-045**

Dear Mr. Matheke:

The Office of Defects Investigation ("ODI") has requested Nissan North America, Inc. ("Nissan") to provide certain information in connection with the matter referenced above, and Nissan is responding to this Information Request under separate cover. This submission includes an appendix of confidential attachments, which Nissan is submitting to the Office of Chief Counsel in accordance with NHTSA's regulations. Nissan is hereby requesting that the confidential attachments be permanently protected from public release pursuant to 49 C.F.R. Part 512.

This cover letter sets forth the justifications for Nissan's request for confidential treatment. Nissan has prepared a table that provides the justifications for the confidential material. The table is attached to this letter as an appendix. The table refers to the categorized justifications in the cover letter where appropriate and uses numerical codes which are set forth below.

The confidential documents and information fall within the following categories: confidential business information (category "1" in the accompanying table); evaluation and remediation protocols (category "2" in the accompanying table); test results, analyses and protocols (category "3" in the accompanying table); and design information and performance factors and standards (category "4" in the accompanying table). The legal justifications for each category of confidential documents are provided below. As you will note in the accompanying table, many documents qualify as confidential for more than one reason.

Nissan treats all of the information at issue in this letter confidentially. Nissan does not publish or disseminate this type of information, except for certain limited disclosure to Nissan's suppliers which are made subject to confidentiality agreements or other understandings that the suppliers will maintain the information in strictest confidence. Moreover, Nissan limits access to the information to specific employees.

We enclose a certification from Cooper Standard, Inc. Nissan requests that the Cooper Standard documents be granted confidential treatment on a permanent basis. Disclosure of the information would cause Nissan and its supplier substantial competitive harm, and there is no foreseeable time in the future when such disclosure would not inure to the competitive advantage of Nissan's competitors and cause Nissan substantial competitive harm.

### **1. Confidential Business Information**

The information in this category relates to Nissan's product, design, development, evaluation, testing, protocols for product development, and manufacturing and quality control processes. It also includes such information from suppliers. Confidential treatment for this information is warranted because its release would permit a competitor to duplicate Nissan's efforts with respect to product design, research, development, and manufacturing protocols and standards without incurring the substantial investment involved in reverse engineering or in developing their own protocols and standards. See *Worthington Compressors, Inc. v. Costle*, 662 F.2d 45, 52 (D.C. Cir. 1981) (in deciding whether to withhold information pursuant to Exemption 4, consideration should be given to "whether release of the requested information, given its commercial value to competitors and the cost of acquiring it through other means, will cause substantial competitive harm to the business that submitted it"); see also, e.g., *Public Citizen Health Research Group v. FDA*, 997 F. Supp. 56, 63 (D.D.C. 1998) (finding competitive harm based in part on the fact that disclosure would allow competitors "to follow in [the submitter's] footsteps, and thereby get a competitive product to the market sooner than otherwise"). Accordingly, because the release of the information in this category would result in "substantial harm to the competitive position" of Nissan, it is entitled to protection from public disclosure. *National Parks & Conservation Ass'n v. Morton*, 498 F.2d 765, 770 (D.C. Cir. 1974). See also, e.g., *Critical Mass Energy Project v. NCR*, 975 F.2d 871, 878 (D.C. Cir. 1992); *Occidental Petroleum v. SEC*, 873 F.2d 325, 341 (D.C. Cir. 1989) (information relating to product development is "valuable intellectual property" entitled to protection from public disclosure under Exemption 4).

### **2. Evaluation and Remediation Protocols**

Some of the submitted material contains highly sensitive information that may reveal Nissan's protocols and processes for identifying, evaluating, and remedying potential problems in its products. It also includes such information from suppliers. Disclosing such information would allow Nissan's competitors to duplicate Nissan's design, research, and remediation protocols without incurring the substantial expense associated with developing their own protocols. This information, therefore, is commercially valuable, and its release would cause Nissan substantial competitive harm. See *Worthington Compressors, Inc. v. Costle*, 662 F.2d 45, 52 (D.C. Cir. 1981) (in determining whether information should be withheld pursuant to Exemption 4, consideration should be given to "whether release of the requested information, given its commercial value to competitors, and the cost of acquiring

it through other means, will cause substantial competitive harm to the business that submitted it"); *Public Citizen Health Research Grp. v. FDA*, 997 F. Supp. 56, 63 (D.D.C. 1998) (finding competitive harm based on the fact that disclosure would allow competitors "to follow in [the submitters'] footsteps, and thereby get a competitive product to the market sooner than otherwise"), *aff'd in part & rev'd in part*, 185 F.3d 898 (D.C. Cir. 1999). "Valuable intellectual property," such as this information, is protected from disclosure under Exemption 4 of the Freedom of Information Act, 5 U.S.C. § 552(b)(4). *Occidental Petroleum Corp. v. SEC*, 873 F.2d 325, 341 (D.C. Cir. 1989).

### **3 Test Results, Analyses, and Protocols**

The information for which confidential treatment is sought includes highly sensitive information about Nissan's test results, protocols, and analyses of its products. It also includes such information from suppliers. Releasing these materials would give a competitor the fruits of Nissan's tests and test developmental strategies without having to incur the substantial costs associated with the development of their own analyses and test results, thereby enabling them to bring competitive products to market sooner and to improve their own development procedures at the expense of Nissan. Disclosure of this information would "eliminate much of the time and effort that would otherwise be required to bring to market a product competitive with [Nissan's products]. This is clearly the type of competitive harm envisioned in Exemption 4 \* \* \* ." *Public Citizen Research Grp. v. FDA*, 185 F.3d 898, 905 (D.C. Cir. 1999) ("*Public Citizen II*").

### **4. Design Information and Performance Factors and Standards**

Some of the documents reveal competitively sensitive and highly valuable design and performance factor information of Nissan and its suppliers. A number of the documents set forth key design elements for the subject vehicles, and others reveal the performance factors that Nissan considers significant in developing and marketing products. Like the other information in this submission, the design and standards information reflected in these documents is the product of Nissan's years of experience in the industry and reflects substantial investments of time and money in its development. Thus, disclosure of the information would be a windfall to Nissan competitors (especially to new market entrants), as well as to would-be suppliers, because it would enable them to incorporate design elements and to discover the performance standards that Nissan considers significant without incurring the substantial time and expense necessary to develop their own designs and standards. As a result, Nissan would suffer substantial competitive harm. *See, e.g., Worthington Compressors*, 662 F.2d at 51 ("Because competition in business turns on the relative costs and opportunities faced by members of the same industry, there is a potential windfall for competitors to whom valuable information is released under FOIA. If those competitors are charged only minimal FOIA retrieval costs for the information, rather than the considerable costs of private reproduction, they may be getting quite a bargain. Such bargains could easily have competitive consequences not contemplated as part of FOIA's principal aim of promoting openness in government.") (footnote omitted); *Public Citizen II*, 185 F.3d at 905. In addition, some of the documents are entitled to protection pursuant to NHTSA's class determination contained in Appendix B to Part 512. See 49 CFR Part 512, Appendix B, (1).

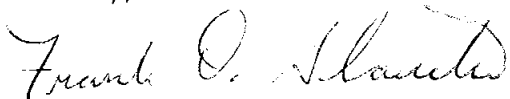
\* \* \* \*

Nissan requests that the information discussed above be granted confidential treatment on a permanent basis. Disclosure of the information would cause Nissan and its suppliers substantial competitive harm, and there is no foreseeable time in the future when such disclosure would not inure to the competitive advantage of Nissan's competitors and cause Nissan substantial competitive harm.

If you need any clarifications or additional information, please contact me. If you receive a request for disclosure of these documents before you have completed your review of our claim for confidential treatment, Nissan respectfully requests notification of the request and an opportunity to provide further justification for the confidential treatment of this information, if warranted.

Should you or your staff have any questions or concerns regarding this request, please contact me at (615) 725-5465. Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Frank D. Slaveter".

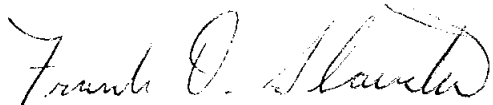
Frank D. Slaveter  
Senior Manager, Technical Compliance  
Nissan North America, Inc.

Enclosures

## CERTIFICATE IN SUPPORT OF REQUEST FOR CONFIDENTIALITY

I, Frank D. Slaveter, pursuant to the provision of 49 CFR 512, state as follows:

- (1) I am Frank D. Slaveter, Senior Manager, Technical Compliance and I am authorized by Nissan North America, Inc. (NNA) to execute this document.
- (2) I certify that the information contained in the attached documents is confidential and proprietary and is being submitted with the claim that it is entitled to confidential treatment under 5 U.S.C. Section 522(b)(4) (as incorporated by reference in and modified by the statute under which the information is being submitted.)
- (3) I hereby request that the information contained in Nissan's response be protected on a permanent basis.
- (4) This certification is based on the information provided by the responsible Nissan personnel who have authority in the normal course of business to release the information for which a claim of confidentiality has been made to ascertain whether such information has ever been released outside Nissan.
- (5) Based upon that information, to the best of my knowledge, information and belief, the information for which Nissan has claimed confidential treatment has never been released or become available outside Nissan or its suppliers.
- (6) I make no representations beyond those contained in this certificate and, in particular, I make no representations as to whether this information may become available outside Nissan because of unauthorized or inadvertent disclosure; and
- (7) I certify under penalty of perjury that the foregoing is true and correct. Executed on this 15th day of September, 2008.



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Frank D. Slaveter  
Senior Manager, Technical Compliance  
Nissan North America, Inc.

**Place Holder for  
Cooper Standard Certificate  
(to be provided upon receipt by Nissan)**

**CERTIFICATE IN SUPPORT OF REQUEST FOR CONFIDENTIALITY**

I, (insert full name), pursuant to the provision of 49 CFR 512, state as follows:

- (1) I am, (insert full name), (insert corporate title/position) and I am authorized by (insert company) to execute this document;
- (2) I certify that the information contained in the attached documents is confidential and proprietary data and is being submitted with the claim that it is entitled to confidential treatment under 5 U.S.C. Section 522(b)(4) (as incorporated by reference in and modified by the statute under which the information is being submitted);
- (3) I hereby request that the information contained in Nissan's response be protected on a permanent basis;
- (4) This certification is based on the information provided by the responsible (insert company) personnel who have authority in the normal course of business to release the information for which a claim of confidentiality has been made to ascertain whether such information has ever been released outside (insert company);
- (5) Based upon that information, to the best of my knowledge, information and belief, the information for which (insert company) has claimed confidential treatment has never been released or become available outside (insert company) or its suppliers.
- (6) I make no representations beyond those contained in this certificate and, in particular, I make no representations as to whether this information may become available outside (insert company) because of unauthorized or inadvertent disclosure; and
- (7) I certify under penalty of perjury that the foregoing is true and correct. Executed on this (insert day) day of (insert month) 2008.

\_\_\_\_\_(Signature)\_\_\_\_\_

Name  
Title/Position  
Company

## Nissan Request For Confidential Treatment

Confidential Item Number	Confidential Attachment	Filename/Page Number	Title	Date	Description	Confidentiality Justification*	Note
1	E	E1	6 Panel	11-Jan-08	Warranty claims analysis	1,2,3	Request 8
2	E	E5 thru E8	NissanWarrantyFailures	17-Jan-08	Analysis of returned parts	1,2,3	Request 8/9
3	E	E9	A34 -08MY Warranty	17-Jan-08	Analysis of returned warranty parts	1,2,3	Request 8
4	E	E11 thru E13	Update - mts trials	17-Jan-08	Status update of material testing	1,2,3	Request 8
5	E	E14 thru E16	Certificate of Analysis	18-Jan-08	Material testing analysis	1,2,3	Request 8
6	E	E18	Controlled Shipping 2 I-Chart	10-Feb-08	Analysis showing reject volumes/rates of inspected prod	1,2,3	Request 8
7	E	E19 thru E29	Control Plan	11-Feb-08	Production control plan and PFMEA (Rev 31)	1,2,4	Request 8
8	E	E30 thru E39	Control Plan	11-Feb-08	Production control plan and PFMEA (Rev 30)	1,2,4	Request 8
9	E	E41 thru 48	Summary of CSA and NTCNA TI Hose Analysis	11-Feb-08	Summary of CSA and NTCNA Hose Analysis	1,2,3,4	Request 8
10	E	E49 thru E55	Potential Failure Modes and Effects Analysis	12-Feb-08	Cooper Standard Design PFMEA	1,2,4	Request 8
11	E	E68 thru E72; E74 thru E78; E80 thru E85	Optical Microscopy Analysis of ATF Hoses from Cooper	15-Feb-08	Analysis	1,2,3	Req 8
12	E	E86	AT Hose Leak -- Potential Mechanizm	11-Mar-08	Analysis - Mechanisms invol	1,2,3	Re
13	E	E87	TOC Warranty Timeline	15-May-08	and	1,2,3	Re
14	E	E88 thru E89	7.5.151 TOC PREFORM IN-PROCESS QUEUE TIME	27-May-08	for re	1,2,3	Re
15	E	E90	CSA - DTR TOC HOSE PROCESS COMPARISON	28-Jul-08	DTR	1,2,4	Re
16	E	E-93 thru 103	T.O.C. Hose Forming Training Instruction	2-Mar-07	Doc	1,2	Re
17	E	E-104 thru 105	Supplier Test	4-Sep-07	ts	1,2,3	Re
18	E	E-108 thru 118	T.O.C. Hose Forming Training Instruction	13-Sep-07	aining Document	1,2	Re
19	E	E-119	Supplier Test	30-Aug-07	ons	1,2,4	Re
20	E	E-120 thru 123	G8D Report (CAR-2007-01129)	10-Jan-08	Report - Corrective Action Request	1,2,3,4	Re
21	E	E-124	Test & Eval Request	20-Jan-08	st	1,2,3	Re
22	E	E-125	Hose Anal	17-Jan-08	ata	1,2,3	Re
23	E	E-126 thru 128	Certificate	21-Nov-07	alysis	1,2,3	Re
24	E	E-129 thru 134	Certificate	21-Jan-08	alysis	1,2,3	Re
25	E	E-135 thru 140	Certificate	21-Jan-08	alysis	1,2,3	Re
26	E	E-141 thru 146	Certificate	21-Jan-08	alysis	1,2,3	Re
27	E	E-147 thru 149	Update	18-Jan-08	ary	1,2,3	Re
28	E	E-150	Hose Analysis	18-Jan-08	ata	1,2,3	Re
29	E	E-152 thru 152	Request for QA Verification	21-Jan-08	(Hose)	1,2,4	Re
30	E	E-155 thru 166	Nissan TOC Scrap Report	24-Jan-08	ction Analysis	1,2,3	Re
31	E	E-167 thru 171	7.5.13 Mandrel Tooling Inspection	25-Jan-08	ork Instructions	1,2,4	Re
32	E	E-172 thru 178	Nissan TOC Hose Split Why Analysis Pinch Hose	30-Jun-05	se Analysis Data	1,2,3,4	Re
33	E	E-179 thru 185	TOC Line Issue Summary	28-Jan-08	n and Improvement Activity - Supplier	1,2,4	Re
34	E	E-186 thru 193	L41C TOC Hose Leakage Issue	29-Jun-05	ita	1,2,3	Re
35	E	E-194 thru 229, 232 thru 247, 249 thru 253,	Nissan Warranty	29-Jun-05	Warranty Failure Analysis	1,2,3	Req 8
36	E	E-254 thru 260	Potential Failure Mode and Effects Analysis	27-Jun-06	Supplier Analysis	1,2,3	Req
37	E	E-261	Leaking Line Summary	11-Feb-08	Hose Analysis	1,2,3	Req
38	E	E-263	Test Report N 77375	16-Feb-08	Supp Test Report	1,2,3	Req
39	E	E-264	6 Panel 2008 Maxima CVT Oil Cooler Hose	15-May-08	Test	1,2,3	Req
40	E	E-265 thru 266	Warranty	22-Jan-08	Anal	1,2,3	Req 8
41	E	E-267	Material Laboratory Test Report	Not Available	ary	1,2,3	Req
42	E	E-268	Maxima Hose Options	Not Available	on	1,2,4	Req
43	E	E-270 thru 274	A34 Maxima CVT Cooler Hose	Not Available	alysis	1,2,3	Req
44	E	E-275 thru 276	Pareto of CSI Inspection Failures	Not Available		1,2,3	Req
45	E	E-277 thru 280	CSA/DTR PFMEA Comparison	Not Available	ode Comparison	1,2,4	Req
46	E	E-281	Nissan TOC Trial Log	17-Jan-08	Run Data sheet	1,2,3	Req
46	E	E-282	Nissan TOC Test Matrix	17-Jan-08	t Matrix Data sheet	1,2,3	Req
47	E	E-283 thru 285	Nissan TOC Open Issues Log	15-Jan-08	g	1,2,4	Req

\*The Categories are summarized as follows:

1. Confidential business information
2. Evaluation, and remediation protocols
3. Test Results, Analyses, and Protocols
4. Design information and performance factors and standards



**Response to**

**PE08-045**

## 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. Nissan has searched for and produced records that were created up to and on the date this Information Request was received, August 6, 2008.

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, police 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 information requested in Question 2a-h is provided, when known, in the following file: "Question 2.doc" on a CD enclosed as Attachment A.

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. Type of warning or indication of the impending failure, if any, including but not limited to: "smoke," "fluid leak," "lost power," etc.;
  - k. Whether a crash is alleged;
  - l. Whether a fire is alleged;
  - m. Whether property damage is alleged;
  - n. Number and type of alleged injuries, if any;
  - o. Number of alleged fatalities, if any;
  - p. Whether the vehicle was characterized as "totaled"; and,
  - q. Whether Nissan re-purchased the vehicle.

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

The information requested in 3.a through 3.q is provided, when known, in the following file: "COMPLAINT DATA.xls", on a CD enclosed 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.

Nissan understands this question to request copies of the specific consumer complaint documents, field report documents, and lawsuit documents (such as the initial legal complaint) for those items included within the response to Request No. 2 above. Consumer complaints, field reports, and the claim summary are contained on a CD in Attachment A titled "CAR PE08-045.pdf" and "Field Reports". 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, 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 the impending failure, if any, including but not limited to: "smoke," "fluid leak," "lost power," 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 B. 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 B. Owner, repurchase, and vehicle "totaled" information requested by item 5.b, 5.m, and 5.n 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 B.

Copies of the applicable warranties for the subject vehicles are contained in Attachment C. 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 is contained in Attachment D. There are 10,513 2008 Maxima vehicles 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.

There are no service bulletins relating to the alleged defect. Nissan is not currently planning any communications that would be responsive to Request No. 7 in the next 120 days.

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 identifier;
  - 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 Attachment E and are arranged chronologically. Information responsive to items 8.a through 8.f is contained within the attached documents.

9. Provide Nissan's thorough and detailed analysis of field returned samples of the subject transmission hose containing pinhole leaks. Include Nissan's description and assessment of the cause of the defect (pinholes in the hose) including but not limited to

possible defects in the material composition of the hose, defective manufacture of the hose, improper handling of the hose by the supplier or Nissan prior to and during vehicle production, and improper installation of the hose or routing of the hose during vehicle assembly leading to unwanted contact, pinching, abrasion and etc. with assembly tools or vehicle components.

Transmission oil cooler hose warranty parts were collected and analyzed. The returned samples had surface cracks in the areas where the hose had a bend. It was determined that the root cause of the cracking is the forming process used by the supplier. There were two processes that could damage a hose:

1) Loading Stress

When excessive stress is applied while loading the hose onto the mandrel, hose deformation (which looks like a bulge) can occur around the bending area. A crack will start to form on the inside of the hose at the area of deformation.

2) Unloading Stress

After the curing process, in some instances the hose stuck to the mandrel tightly and the operator had to apply a significant amount of force to pull the hose from the mandrel. If this operation was performed roughly, the interior of the hose could be damaged by the mandrel edge.

For the complete analysis, please refer to the "Leaking TOC Line Summary 2/11/2008" presentation contained in Confidential Attachment E.

10. 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 vehicle production;
  - b. A detailed description of the modification or change;
  - c. The reason(s) for the modification or change;
  - d. The part number(s) (service and engineering) of the original component;
  - e. The part number(s) (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.

For the 2008 model year, there were no design changes made by Nissan. However, the supplier did implement changes. These are outlined in Attachment F.



11. Produce one of each of the following:
- Drawings of the latest design version of the subject components;
  - Exemplar sample of the subject components; and,
  - Field return samples of the subject components exhibiting the alleged defect.

Drawings of the latest design version are contained in Attachment A.

Exemplar samples and field return samples are being shipped under separate cover.

12. Furnish Nissan's assessment of the alleged defect in the subject vehicle, including:
- The causal or contributory factor(s);
  - The failure mechanism(s);
  - The failure mode(s);
  - The risk to motor vehicle safety that it poses;
  - 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
  - The reports included with this inquiry.

Nissan's investigation revealed that the some transmission oil cooler ("TOC") hoses were damaged during the manufacturing forming process. There were two processes that could damage a hose:

1. Loading Stress

When excessive stress is applied while loading the hose onto the mandrel, hose deformation (which looks like a bulge) can occur around the bending area. A crack will start to form on the inside of the hose at the area of deformation.

2. Unloading Stress

After the curing process, in some instances the hose stuck to the mandrel tightly and the operator had to apply a significant amount of force to pull the hose from the mandrel. If this operation was performed roughly, the interior of the hose could be damaged by the mandrel edge.

While the engine is running, the transmission fluid is under pressure. If the inner hose was damaged by the mandrel during manufacture, the outer hose may begin to crack while under pressure. This may result in transmission fluid leakage. A vehicle operator will notice this condition by oil in his/her driveway or garage. If the vehicle is being operated, a driver may smell smoke if some of the fluid comes into contact with certain components. When the ignition is turned off, the TOC hose is not pressurized.

Because of the way the hoses received internal damage, a damaged hose was produced as a rare, random event rather than systematically. In other words, only a limited number of hoses were damaged during the duration of the manufacturing process. Warranty data indicates that less than one half of a percent of the subject vehicles have a reported leak in the TOC hose line. In that population, there one reported thermal incidents. The one incident was minor in nature, the vehicle was repaired, and there

were no reported injuries. See Attachment E, "CONFIDENTIAL BUS INFO – A34 -08MY Warranty" and Attachment A, GCARs Field Report, "NA-TR-2008-00730."

Warranty data also reveals that the population of vehicles that may experience a pinhole leak in the TOC line is minimal and will continue to decline. Over 70% of the warranty claims occurred within the first 2000 miles of service with a severe drop in incidents beyond 2000 miles. This suggests that a leak will occur early in the life of the vehicle, if at all. Most of the subject vehicles have been on the road for well over 2000 miles and less than 1,500 remain in dealer inventory. See Attachment E, "CONFIDENTIAL BUS INFO – A34 -08MY Warranty"

Given the forgoing, Nissan believes that a safety related defect trend does not exist in the subject vehicles.

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**ATTACHMENT A**

CD with Information Related to Requests 1,2,3,4 and 11

This attachment contains a CD containing the information related to Request Numbers 1, 2, 3, 4, and 11. The information was obtained from the Consumer Affairs database, the Tech Line Database, the legal department database and the field reports database as of August 6, 2008. The databases and Legal Files are updated daily.

**ATTACHMENT B**Warranty Claims Data

Warranty claims data were gathered from Warranty database as of August 6, 2008.

The total counts of warranty claims are as follows: 144, representing 141 unique VINs

The search criteria used by Nissan to identify the claims identified in response to Request Nos. 5 & 6 is as follows:

**Vehicle Information**

Maxima  
2008 Model Year

**PNC Codes**

21631 = Oil Cooler Hose  
21302 = PT-OIL COOLER PIPE

**Word Search in Comments**

The following keywords were searched to identify claims in which the CVT Cooler hose may have leaked: "\*LEAK\*", "\*FLUID\*", "\*DRIP\*", "\*SPRAY\*", "\*RUPTURE\*", "\*HOSE\*" Additional keywords were searched to identify claims that may have involved a thermal incident: "\*SMOKE\*", "\*BURN\*", "\* FIRE \*", "\*MELT\*", "\*FLAME\*", "\*SMOKING\*"

**ATTACHMENT C**

Vehicle Warranties

**ATTACHMENT D**

Security Plus service contracts

**ATTACHMENT E**

Actions



COOPER STANDARD™  
AUTOMOTIVE

# T.O.C. HOSE FORMING TRAINING INSTRUCTION

*REVISED 3/2/07*

*E-91*



# CONTENTS



COOPER STANDARD™  
AUTOMOTIVE

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3	Cure Cycle
4	Proper T.O.C. Hose Lube
5	Proper Steps for Using T.O.C. Hose Lube
6	Checking Mandrels
7	Proper Loading Instructions
8	Proper Unloading Instructions
9	Mandrel Cleaning
10	Communication
11	T.O.C. Forming Operator Checklist
12	T.O.C. Mandrel Cleaning Log
13	T.O.C. Forming Operator Log

E-92



COOPER STANDARD™

# **T.O.C. HOSE FORMING TRAINING INSTRUCTION**

*REVISED 9/13/07*

*E-106*



COOPER STANDARD™

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9	Mandrel Cleaning
10	Communication
11	T.O.C. Forming Operator Checklist
12	T.O.C. Mandrel Cleaning Log
13	T.O.C. Forming Operator Log

**REQUEST FOR QA VERIFICATION**

REQUESTING DEPT: PE

QA ENG.: RL <sup>→ KSS</sup> DATE: 1-21-08

TRACKING #  
17952

NAME: RONDA DAVIS DATE: 1-19-08

DIVISION:  AV  AV METAL  HOSE  URETHANE  MIXING

REASON:  NEW PARTS  IQA P.C.R.  COMPOUND TRIAL  PCR & ECI CHK's TO CQA INSP. STD.  
 NEW MOLD  TRIAL PARTS  COMPOUND VERIFICATION  
 REPAIRED MOLD  TRI/JPN PARTS  SQA-PPAP  
 CQA-PPAP  CQA E.C.I.  SUPPLIER NAME: 30-230 A  
 IQA E.C.I.  CQA P.C.R.  OTHER / DESCRIPTION: Manholes

TYPE:  CHARACTERISTIC  CPK-STUDY  DURABILITY  
 DIMENSIONAL  PER ATTACHED  LAYOUT PER ATTACHED:  
 VISUAL  100% LAYOUT  OTHER / DESCRIPTION:

PRIORITY:  NORMAL (48-HR)  URGENT  DUE BY:

★ URGENT QAV CONTACT NUMBER \_\_\_\_\_

PART INFO:  CUSTOMER PART #: 21636 EA210  PART NAME: Base-dial looks to Eng  
 COMPONENT PART #:  
 MACHINE #:  
 FINISHED PART #: 30-230 A  
 FIXTURE / DIE #:  
 COMPOUND #:  
 COMPOUND BATCH #:  
 MOLD: OF:  
 CAVITY: THROUGH

QTY	TIME	TEMP

SPECIAL INSTRUCTIONS: ① O.D. Check 3 position @ 7.2 ± 0.1 mm n=20  
② Magnetic check n=20  
③ Spire check by check fixture n=20  
④ Riser n=1

**FOR QA DEPARTMENT USE ONLY**

PARTS:  PPAP / STORE  HOLD FOR REV.  RELEASE / SCRAP  ATTACH GRAPH  YES  NO

INSPECTED BY: [Signature] DATE: 1-23-07 TIME: 2:30 PM MEETS SPEC'S:  YES  NO

QA DISPOSITION:  APPROVED  NOT APPROVED  REF. ONLY  OTHER:

COMMENTS:

QA ENGINEER: [Signature] DATE: 1-24-08  
 QA MANAGER: \_\_\_\_\_ DATE: 1-25-07  
 SR. QA COORDINATOR: \_\_\_\_\_ DATE: \_\_\_\_\_

REQUERSTER -> QA ENG. -> QA T/L -> INSPECTOR -> QA ENG. -> ROUTE / REVIEW -> DIST. COPIES -> FILE ORIGINAL

Change made

E-151

E-153



51170 Grand River  
Avenue  
Wixom, MI 48393  
248-449-9400

<http://www.cimcore.com/>

C:\Documents and Settings\New Customer\My  
Documents\30\30-230A.ds  
January 23, 2008 11:48  
Units: millimeters, degrees.

# MEASUREMENT REPORT



Customer Part#	DTR Part#	Total Mandrels
21631 JA00A	30-255	108
21632 JA000	30-256	83

E-154



# A34 Maxima CVT Cooler Hose

E-269

**ATTACHMENT F**

Modifications