

NISSAN

OFFICE OF DEFECTS &
INVESTIGATIONS

2011 APR 21 P 3:25

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April 18, 2011

Mr. Scott Yon
Vehicle Integrity Division
Office of Defects Investigation
National Highway Traffic Safety Administration
1200 New Jersey Avenue S.E.
Washington, D.C. 20590


Re: PE11 -004; NVS 212jfa

Dear Mr. Yon:

Enclosed is Nissan's response to the referenced NHTSA Information Request of February 25, 2011 concerning the Agency's investigation of 1996 - 2004 model year Nissan Pathfinder vehicles and 1997 - 2003 Infiniti QX4 vehicles for corrosion.

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

Sincerely,



John Gibbons
Senior Manager
Technical Compliance

Enclosures

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Response to

PE11-004

INTRODUCTION

In accordance with discussions with the Agency's Scott Yon regarding this Information Request ("IR") and in light of Nissan's Part 573 report, only responses with numerical information (requests 1, 2, 3, 5 and 6) and response 10 are provided. 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. Nissan has searched for and produced records that were created up to and on the date this Information Request was received, February 9, 2011.

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 the number of all subject vehicles Nissan has manufactured for sale in the United States. Separately, for each 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 table titled, "PRODUCTION DATA" within the database titled PE11-004 REQUEST DATA.mdb 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;
- b. 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 the alleged defect in a subject vehicle, property damage claims, consumer complaints, or field reports;
- d. Third-party arbitration proceedings where Nissan is or was a party to the arbitration and,
- e. 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, reports from retailers, etc.) separately. Multiple incidents involving the same vehicles 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 item "c" 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" and "e," 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.

- a) Consumer complaints, including those from fleet operators;

132 complaints from Nissan's Consumer Affairs database, representing 126 unique VIN's. The vast majority of the early consumer complaints were unremarkable as they reported corrosion in very high mileage vehicles.

- b) Field reports, including dealer field reports;

1 Dealer field report, representing 1 unique VIN.

5 Field reports, representing 5 unique VIN's

- 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;

There is one consumer complaint alleging an accident related to this issue. However, there were no injuries claimed and Nissan did not inspect the vehicle.

- d) Property damage claims, alleged to have resulted from alleged defect;

There are no property damage claims.

- e) Third-party arbitration proceedings where Nissan is or was a party to the arbitration; and

There are no third party arbitration proceedings.

- f) Lawsuits, both pending and closed, in which Nissan is or was a defendant or codefendant.

There are no lawsuits associated with the alleged condition.

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, report from retailer, etc.);

c. Vehicle owner's name, address, and telephone number;

d. Vehicle identification number (VIN);

e. Make;

f. Model;

g. Model year;

h. Vehicle date of manufacture;

i. Incident date;

- j. Report or claim date;
- k. Whether steering control was affected;
- l. How steering control was affected;
- m. Number and identification of any damaged or broken steering system components;
- n. Number and identification of any damaged or broken brake system components;
- o. Number of alleged crashes;
- p. Number of alleged injuries; and
- q. Number of alleged fatalities.

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

The information requested in 3.a through 3.q is provided, when known, in tables titled, "REQUEST NBR TWO DATA" within the database titled PE11-004 REQUEST DATA.mdb 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.

Response not required.

5. State a total count for all of the following categories of claims, collectively, that have been paid by Nissan 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; 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's name and telephone number;
- c. Vehicle identification number (VIN);
- d. Make;
- e. Model;
- f. Model Year;
- g. Vehicle date of manufacture;
- h. Repair date;
- i. Repairing facility's name, telephone number, city and state or ZIP code;
- j. Labor operation number;
- k. Problem code;
- l. Replacement part number(s) and description(s);
- m. Concern stated by customer; and
- n. Comment, if any, by the technician or person(s) making the repair, and/or the person(s) processing the claim that relate to the claim and/or repair.

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. The information requested in 5.a, 5.c through 5.h and 5.j through 5.l is provided, when known, in a table titled, "WARRANTY DATA" within the database titled PE11-004 REQUEST DATA.mdb on a CD enclosed in Attachment A. 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 B.

We understand that no further information is required for this request.

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 retailers or distributors, regional or zone offices, field offices, 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.

Response not required.

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.

Response not required.

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 vehicle 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.

Response not required.

10. 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;
 - e. What warnings, if any, that the alleged defect was occurring or that the subject component was malfunctioning; and
 - f. The reports included with this inquiry.

See Defect Information Report dated April 20, 2011.

ATTACHMENT A

CD with Information Related to Requests 1,2 and 3

This attachment contains a CD containing the information related to Request Numbers 1, 2, and 3. The information was obtained from the Consumer Affairs database, the Tech Line Database, the legal department database and the field reports database as of February 9, 2011. The databases and Legal Files are updated daily.

ATTACHMENT B**Warranty Claims Data**

Warranty claims data were gathered from Warranty database as of February 9, 20011

The total counts of warranty claims are as follows: xxx

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

Due to the fact that the subject condition is not a typical warranty claim, the use of part numbers to search for warranty data is not effective. For the purpose of this response the customer and technician verbatim as well as part and operation names of each claim were searched for the following combinations of keywords. Items with at least one keyword from each of the following lists were identified as responsive to the inquiry. The resultant set of claims was then reviewed manually to ensure it was responsive to the inquiry.

Keyword List A – Components

ENGINE%COMPARTMENT

INNER FENDER

HOOD%LEDGE

STRUT

APRON %

FRAME %

UNIBODY

MASTER CYLINDER

BRAKE CYLINDER

STEERING COLUMN

Keyword List B – Symptoms

CORROSION

RUST

PERFORAT

ROT %

SEPARATE

TEAR

ROTTED%