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**NISSAN NORTH AMERICA, INC.**

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April 5, 2013

Ms. Jennifer Timian  
Chief, Recall Management Division  
Office of Defects Investigation  
National Highway Traffic Safety Administration  
1200 New Jersey Avenue S.E.  
Washington, D.C. 20590

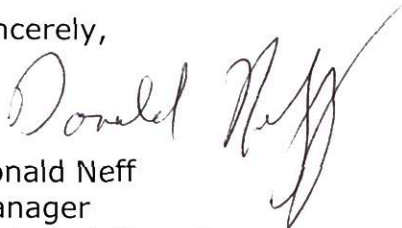
Re: AQ12-003; NVS 215aa

Dear Ms. Timian:

Enclosed is Nissan's response to the referenced NHTSA Information Request concerning an audit of safety recall campaign 12V-076.

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

Sincerely,



Donald Neff  
Manager  
Technical Compliance

Enclosures

**Response to**  
**AQ12-003**

## 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.

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. Identify any and all notices or communications Nissan transmitted or otherwise made available to Gwinnett Place Nissan (including, but not limited to, notifications, service bulletins, recall notices, reports, and letters, whether paper or electronic (such as through any Nissan interactive network)) concerning safety recall 12V-076. For each notice or communication you identify, state: (a) the date Nissan transmitted it or otherwise made it available to Gwinnett Place Nissan: (b) the type of the notice or communication (e.g. recall notice, dealer bulletin, etc.): (c) the means of transmission (e.g. email, Nissan interactive Network, fax, etc.): and (d) the number of affected units Nissan identified as within Gwinnett Place Nissan's possession, if any.

Produce a copy of each notice or communication you identify in response to this question, including copies of any accompanying attachments.

Table 1 below lists all notices and communications Nissan transmitted or made available to Gwinnett Place Nissan concerning safety recall 12V-076 per the parameters set forth in Request 1.

**Table 1**

<b>Date of Notice</b>	<b>Type of Notice</b>	<b>Means of Transmission</b>	<b>Number of affected Gwinnett Units</b>
3/1/2012	Dealer Announcement	Email, NNA Net	6
3/2/2012	Dealer Announcement Update - TSB Distribution	Email, NNA Net	Not Identified Within Communication

Copies of each communication and their corresponding attachments are included in Attachment A.

In addition to these two announcements, the recall information is available on Service Comm network and the TSB is available on the ASIST network. Screen shots of these are also provided in Attachment A.

2. Identify any other communications, other than those already identified and produced in your response to Information Requests No. 1. Between Nissan and Gwinnett Place Nissan concerning safety recall 12V-076. For each such communication, state: (a) the date Nissan transmitted it or otherwise made it available to Gwinnett Place Nissan: (b) the purpose of the communication: and (c) the means of transmission.

Produce a copy of each communication you identify in response to this question, including copies of any accompanying attachments.

We are not aware of any other communications other than those already produced in response to Request No. 1.



3. For each and every safety recall of which Nissan notified NHTSA during calendar years 2010 through 2012, and for which Nissan notified Gwinnett Place Nissan (by means including, but not limited to, a specific recall notice), produce a spreadsheet table detailing the following about each new vehicle that was in Gwinnett Place Nissan's possession, subject to that recall, and had not yet been sold and delivered to the first purchaser other than for resale at the time Nissan first notified Gwinnett Place Nissan of the recall:
- a. The VIN:
  - b. The Nissan recall number:
  - c. The NHTSA recall number:
  - d. The date Nissan issued a recall notice to Gwinnett Place Nissan:
  - e. The means of transmission of the notification referred to in subpart (d) above (email, Nissan interactive network, fax, etc.):
  - f. The date Nissan transmitted or otherwise made available to Gwinnett Place Nissan a VIN list or other information from which to ascertain the vehicle's inclusion in the safety recall:
  - g. The means of transmission for the VIN list or other information from which to ascertain the vehicle's inclusion in the safety recall and recall notice (e.g. email, Nissan interactive network, fax, etc.):
  - h. The date on which Gwinnett Place Nissan took possession of the vehicle:
  - i. What Gwinnett Place Nissan ultimately did with the vehicle (e.g. sold to a retail customer, leased to a retail customer):
  - j. The date on which the vehicle was leased or sold to the first purchaser other than for resale (e.g. sold to a retail customer) (if applicable):
  - k. The date on which the vehicle was delivered by Gwinnett Place Nissan to the first purchaser:
  - l. Whether the recall remedy was performed on the vehicle. "Recall remedy" refers to the inspection and repair procedures Nissan instructed Gwinnett Place Nissan to perform under the recall:
  - m. The date on which the recall remedy was performed on the vehicle:
  - n. The name and address of the entity that performed the recall remedy on the vehicle (e.g. Gwinnett Place Nissan).

Provide your responses in a table in Microsoft Access or Excel entitled "Vehicles Requiring Recall Notice."

The response to Request No. 3 is included in Attachment B. The information was gathered from Nissan's recall and vehicle databases on March 27, 2013 and is representative of our knowledge at that date.

4. Produce copies of all documents that evidence, substantiate, or are otherwise relate to your responses to each item within the scope of Request No. 3. Organize the documents separately by VIN.

The sources of the information responsive to Request No. 3 are the Nissan recall and vehicle databases. The dealer notices for each of the recalls are included as Attachment C for evidence of each recall. In addition to the dealer notices, TSBs for each recall are available on the ASIST network. These TSBs are supplied to NHTSA in the course of each recall and are not included in this response.

5. Provide any additional information Nissan considers important for the agency to consider in reviewing and evaluating Nissan's responses to any of the requests above. As one example, identify any anomalies in the data or documents and explain the reason(s) for those anomalies.

First, we would like to explain the data provided in response to Request No. 3. The data represents vehicles that were sold by Gwinnett Place Nissan after the start of the recall that affected them. Our data will have small differences from the data that would have been captured by your request for the following: *"each new vehicle that was in Gwinnett Place Nissan's possession, subject to that recall, and had not yet been sold and delivered to the first purchaser other than for resale at the time Nissan first notified Gwinnett Place Nissan of the recall"*.

Your request in No. 3, as stated, would have included vehicles that Gwinnett traded to other dealers prior to resale and also excluded vehicles that were in possession of other dealers at the start of the campaign that were later sold to customers by Gwinnett. The retail sale/lease point is a better indicator within our systems and we believe that using this allows us to provide more accurate data with less confusion as to the time and place of sale. We believe that while our response deviates from the letter of Request No. 3, it better complies with the spirit of the request.

Second, as a standard procedure, we issue dealer announcements and technical service bulletins as soon as practicable following the recall decision. When Nissan issues a recall announcement via e-mail, the words A STOP SALE CONDITION IS IN EFFECT are capitalized and in red. The e-mail also contains a PDF attachment with the same announcement, which can be easily printed and distributed to various dealership staff. The announcement also directs the dealership to check current inventory against Service Comm. Likewise, the Service Bulletin contains the words "Recall Campaign Bulletin" in the heading. The front page of the Recall Bulletin contains an explicit instruction to the dealers (in bold) that states "**Federal law requires that new vehicles in dealer inventory which are the subject of a safety recall must be corrected prior to sale. Failure to do so can result in civil penalties by the National Highway Traffic Safety Administration.**" In addition to e-mail, the dealer announcements are disseminated on NNA Net, a dealer service portal. The recall campaign technical service bulletins are made accessible to dealers via our ASIST network, and the VIN displays an open recall in SERVICE COMM when checked. We also offer to our dealers through our Virtual Academy an e-learning training class called "Fundamentals of Recalls and Service

Campaigns" during which, among other things, information is given regarding how to identify open recalls on vehicles.

**ATTACHMENT A**

DVD with Information Related to Request 1

This attachment contains a DVD containing the information related to Request Number 1.



**ATTACHMENT B**

DVD with Information Related to Request 3

This attachment contains a DVD containing the information related to Request Number 3.

**ATTACHMENT C**

DVD with Information Related to Request 4

This attachment contains a DVD containing the information related to Request Number 4.