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February 18, 2013

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

Re: PE12-005; NVS 212pco

Dear Mr. Ong:

Enclosed is Nissan's response to the referenced NHTSA Information Request concerning a peer vehicle review related to the Agency's investigation of certain 1993-2007 model year Jeep vehicles.

This submission includes appendices containing information that Nissan considers confidential. Nissan is submitting a confidentiality request to the Office of Chief Counsel pursuant to 49 C.F.R. Part 512 and is hereby requesting that the confidential attachments be permanently protected from public release.

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

EA12-005

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 the Information Request was received by Nissan, January 2, 2013.

This Information Request covers information that is up to 20 years old. As such, some of the information requested is no longer available due to compliance with our internal document retention policies. Nissan has provided the information requested in this IR to the extent it is available in our records.

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 within the body of the response letter a summary table, by make, model and model year, the number of subject peer vehicles Nissan has manufactured for sale or lease in the United States. Separately, for each model subject peer vehicle manufactured to date by Nissan, state the following:
- a. Vehicle identification number (VIN);
 - b. Model;
 - c. Model year;
 - d. Date of manufacture (in "dd/mm/yyyy" date format);
 - e. Date warranty coverage commenced (in "dd/mm/yyyy" date format);
 - f. The State in the United States where the vehicle was originally sold or leased (or delivered for sale or lease);
 - g. The stowed location (e.g., in the rear cargo area, below the cargo area floor, or mounted on the exterior of the rear door, or other location) of the OE supplied spare tire;
 - h. Whether the vehicle was manufactured with a brush guard, skid guard/plate, or other covering for the underside of the fuel tank (i.e., a protective guard);
 - i. Whether the vehicle was manufactured with a tow hitch or tow receiver, and if so the duty/class of the hitch or receiver, and
 - j. Whether the vehicle was manufactured with an electrical harness/connector for trailer lighting purposes.

Provide the table in Microsoft Access 2007, or a compatible format, entitled "SUBJECT PEER VEHICLE PRODUCTION DATA."

MAKE	MODEL	MODEL YEAR	VEHICLES
NISSAN	PATHFINDER	1993	45,926
NISSAN	PATHFINDER	1994	51,438
NISSAN	PATHFINDER	1995	100,342
NISSAN	PATHFINDER	1996	51,387
NISSAN	PATHFINDER	1997	80,783
NISSAN	PATHFINDER	1998	61,257
NISSAN	PATHFINDER	1999	33,174
NISSAN	PATHFINDER	1999.5	30,906
NISSAN	PATHFINDER	2000	41,219
NISSAN	PATHFINDER	2001	97,387
NISSAN	PATHFINDER	2002	55,803
NISSAN	PATHFINDER	2003	46,515
NISSAN	PATHFINDER	2004	28,327
NISSAN	PATHFINDER	2005	85,636
NISSAN	PATHFINDER	2006	74,534
NISSAN	PATHFINDER	2007	42,883
NISSAN	PATHFINDER	2008	59,526
NISSAN	PATHFINDER	2009	13,989
NISSAN	PATHFINDER	2010	22,865

The information requested in 1.a. through 1.j. is provided, when known, in a table titled, "SUBJECT PEER VEHICLE PRODUCTION DATA" in a file titled EA12-005 PIR1 Data.acddb on a DVD 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 subject condition in the subject peer vehicles:
 - a. Consumer complaints;
 - b. Field reports, including dealer field reports;
 - c. Reports involving a crash, or fire, based on claims against the manufacturer involving a death or injury, and notices received by the manufacturer alleging that a death or injury was caused by a possible defect in a subject peer vehicle;
 - d. Property damage claims;
 - 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 "f" 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 "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 including any and all photographic evidence, third-party post-crash/inspection reports, deposition materials, etc. For items "c" through "f" 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, and details of the resolution of the matter.

Include reports in which the subject peer vehicle was struck in the rear by another vehicle, or the subject peer vehicle itself, through its own momentum or movement, struck another vehicle or object, such as a tree, pole, or bridge abutment. As used here, the term rear includes crashes in which the subject peer vehicle is struck by another vehicle, or strikes an object, at an angle that included the rear of the vehicle (i.e., clock points 5, 6, or 7), and is not limited to direct crashes to the rear of the subject peer vehicle. Fire reports where the ignition source was from other than the crash are responsive and are to be included in your response. Reports of fuel leaks or fires where no crash occurred, such as fuel leaks that occur in garages or from punctures from running over objects in the road (but unrelated to a crash), are not within the scope of this request. Also, reports in which the fuel leak or fire originated in the engine compartment area, or where the fire was caused by an electrical issue (e.g., dash wiring or seat heater) or from a non-vehicle related source (e.g., a lit cigarette, or a lit match), as opposed to a crash related fuel leak and fire, are also outside the scope of this request.

Nissan does not possess, and is not aware of the existence of, any reports or other items as listed in 2.a. – 2.f. involving the subject condition in the subject peer vehicles.

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. Cause: 1) Whether the subject condition occurred due to the failure of or damage to a subject component or 2) Nissan's assessment of the cause of the fire or fuel leak, or 3) whether the subject condition occurred due to an unknown, undetermined, or ambiguous causation.
 - d. Vehicle owner or fleet name (and fleet contact person), address, and telephone number;
 - e. Vehicle's VIN;
 - f. Vehicle's model;
 - g. Vehicle's model year;
 - h. Vehicle's mileage at time of incident;
 - i. Nissan's estimate of the impact speed of the striking vehicle or object that contacted the rear of the subject peer vehicle;
 - j. The basis and/or analysis that substantiates the estimate provided in item i;
 - k. Incident date;
 - l. Report or claim date;
 - m. Whether a fire is alleged;
 - n. Whether property damage is alleged;
 - o. Number of alleged injuries, if any; and
 - p. Number of alleged fatalities, if any.

Provide this information in Microsoft Access 2007, or a compatible format, entitled "REQUEST NUMBER TWO DATA."

Nissan does not possess, and is not aware of the existence of any reports or other items as listed in 3.a. – 3.p. involving the condition in the subject peer vehicles. Therefore, we do not have information to provide in response to this question.

4. Produce copies of all documents related to each item within the scope of Request No. 2. The documents requested specifically include, but are not limited to, the following:
 - a. Any police reports relating to, or that may relate to, the crash, fuel leak or fire;
 - b. Any and all accident reconstruction reports and documents prepared by or for Toyota (sic) or by or for any other party;
 - c. Any and all reports and exhibits related to the subject condition prepared by expert witnesses in support of a claim against Toyota (sic) or in anticipation of testimony in any state or federal proceeding in which Toyota (sic) was a party;
 - d. Transcripts and/or video recordings and exhibits of any and all depositions of persons designated as experts in any state or Federal proceeding related the subject condition in which Toyota (sic) was a party;

- e. Transcripts and/or video recordings of any and all depositions of Toyota (sic) employees in any state or Federal proceeding relating to the subject condition in which Toyota (sic) was a party; and
- f. Any and all documents consulted, created, or relied upon by Toyota (sic) supporting its characterization or conclusions related to the causation of any fuel related leak and/or fire related to the subject condition.

Nissan does not possess, and is not aware of the existence of any reports or other items as listed in 4.a. – 4.f. involving the subject condition in the subject peer vehicles. Therefore, we do not have any information to provide in response to this question.

5. For each subject peer vehicle model and model year, provide the following:

- a. Model, model year, and platform designation;
- b. Type of material the fuel tank is composed of (e.g., HDPE plastic);
- c. Side, rear, and top view drawings showing the placement of the subject components and related components that secure them in the vehicle;
- d. A bottom view drawing or photograph showing the full vehicle undercarriage in the fully built configuration including the locations of the subject components.
- e. Overall length of vehicle (in/cm);
- f. Wheel base (in/cm);
- g. Track width (in/cm);
- h. Curb weight (lb/kg);
- i. Gross vehicle weight rating (lb/kg);
- j. Front gross axle weight rating (lb/kg);
- k. Rear gross axle weight rating (lb/kg);
- l. Interior volume (passenger and storage area);
- m. For any subject peer vehicles manufactured with a fuel tank located behind the rearmost axle, state the horizontal distance (in/cm) from aft most point of the rear axle to forward most point of the fuel tank;
- n. For any subject peer vehicles manufactured with a fuel tank located behind the rearmost axle, state the horizontal distance (in/cm) from aft most point of the fuel tank to the aft most point of the vehicle's rear bumper;
- o. For any subject peer vehicles manufactured with a fuel tank located behind the rearmost axle, state the vertical distance (in/cm) from bottom/lower most surface of the fuel tank to bottom/lower most surface of vehicle's rear bumper at center line position (positive value indicates the tank surface is above bumper, negative value below the bumper);
- p. For any subject peer vehicles manufactured with a fuel tank located behind the rearmost axle, state the vertical distance (in/cm) from the ground/road surface to the bottom/lower surface of i) the vehicle's rear bumper at center line position, and ii) the vehicle's tow hitch at center line position (when equipped with a tow hitch);
- q. If not originally equipped with, whether or not a protective guard for the fuel tank was optionally available, and if so, the part number of the optionally available protective guard; and
- r. Whether the vehicle was equipped with an ORVR/Onboard Refueling Vapor Recovery system.

The information requested in 5.a. through 5.r. is provided, when known, in a table titled, "EA12-005 Response Matrix" in a file titled PE12-023 Question 5 Data.pdf on a DVD enclosed as Attachment B.

6. Describe all assessments, analyses, tests, test results, design studies, studies, surveys, simulations, investigations, inquiries and/or evaluations (collectively, "actions") that relate to, or may relate to, the subject condition in the subject peer vehicles, and including all testing to Federal Motor Vehicle Safety Standard (FMVSS) No. 301 or any other contemplated or applicable corporate or internal fuel system integrity standards 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. Results and related documents for FMVSS 301 testing including video and photos;
- f. Engineering group(s)/supplier(s) responsible for designing and for conducting the action; and
- g. 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.

Provide copies of any and all internal or corporate fuel system integrity standards used by Nissan in the design and development of the subject vehicles that relate to the subject condition or to fuel system crash integrity in general, including those that exceed the requirements of federal standards or FMVSS 301.

The information requested in 6.a. through 6.g. is provided, when known, in a table titled, "EA12-005 Response Matrix" in a file titled PE12-023 Question 6 Data.pdf on a DVD enclosed as Attachment C.

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 5

This attachment contains a DVD containing the information related to Request Number 5.

ATTACHMENT C

DVD with Information Related to Request 6

This attachment contains a DVD containing the information related to Request Number 6.

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QUESTION 5-6

NHTSA REQUEST				Answer		
Question 5	For each subject peer vehicle model and model year, provide the following;	a	Model, model year, and platform designation;	Pathfinder, Model Year 1987-1995, platform designation - WD21	Pathfinder, Model Year 1996-2004, Model designation - R50	Pathfinder, Model Year 2005-2012, Model designation - R51
		b	Type of material the fuel tank is composed of (e.g. HDPE plastic);	Steel	Steel	HDPE Plastic
		c	Side, rear, and top view drawings showing the placement of the subject components and related components that secure them in the vehicle;	See Attachment B - WD21 folder for drawings of the subject components and related components responsive to Question 5c.	See Attachment B - R50 folder for drawings of the subject components and related components responsive to Question 5c.	See Attachment B - R50 folder for drawings of the subject components and related components responsive to Question 5c.
		d	A bottom view drawing or photograph showing the full vehicle undercarriage in the fully built configuration including the locations of the subject components.	See Attachment B - WD21 folder for drawings and photos of the full vehicle undercarriage showing the locations of the subject components responsive to Question 5d.	See Attachment B - R50 folder for drawings and photos of the full vehicle undercarriage showing the locations of the subject components responsive to Question 5d.	See Attachment B - R51 folder for drawings and photos of the full vehicle undercarriage showing the locations of the subject components responsive to Question 5d.
		e	Overall length of vehicle (in/cm);	171.9 in	182.7 in	187.6 - 192.3 in
		f	Wheel base (in/cm);	104.3 in	106.3 in	112.2 in
		g	Track width (in/cm);	FR=56.1/56.9/57.3 in RR=55.5/56.3/56.7 in	Track width (front/rear): 60.6/60.8 in for SE grade which tire is 255/65R16, 58.3/58.5 in for LE Platinum Edition which tire is 245/65R17	61.8 in
		h	Curb weight (lb/kg);	3,815 lbs - 4,295 lbs	3,871 lbs - 4,304 lbs	4,376 lbs - 5,034 lbs
		i	Gross vehicle weight rating (lb/kg);	No data (Due to over the retention period.)	5,050 - 5,300 lbs	6,000 - 6,113 lbs
		j	Front gross axle weight rating (lb/kg);	No data (Due to over the retention period.)	2,400 - 2,650 lbs	2,819 lbs
		k	Rear gross axle weight rating (lb/kg);	No data (Due to over the retention period.)	2,850 lbs.	3,500 lbs.
		l	Interior volume (passenger and storage area);	No data (Due to over the retention period.)	130.9 cu. ft. for passenger, 38.0 cu. ft. for cargo with rear seat up, 85.0 cu. ft. for cargo with rear seat down	100.6 cuft (passenger) 48.9 cu. Ft. (cargo)
		m	For any subject peer vehicles manufactured with a fuel tank located behind the rearmost axle, state the horizontal distance (in/cm) from aft most point of the rear axle to forward most point of the fuel tank	RR AXLE ~ TANK FLG = 73mm	R50 is excluded, because fuel tank is located in front of the rear most axle	R51 is excluded, because the fuel tank is in front of the rear axle
		n	For any subject peer vehicles manufactured with a fuel tank located behind the rearmost axle, state the horizontal distance (in/cm) from aft most point of the fuel tank to the aft most point of the vehicle's rear bumper	TANK FLG ~ RR BMPR = 149.5 mm		
		o	For any subject peer vehicles manufactured with a fuel tank located behind the rearmost axle, state the vertical distance (in/cm) from bottom/lower most surface of the fuel tank to bottom/lower most surface of vehicle's rear bumper at center line position (positive value if the fuel tank is above the bumper)	TANK ~ RR BMPR (Z) = - 25.5mm (Tank is lower than bumper)		
		p	For any subject peer vehicles manufactured with a fuel tank located behind the rearmost axle, state the vertical distance (in/cm) from the ground/road surface to the bottom/lower surface of i) the vehicle's rear bumper at center line position, and ii) the vehicle's tow bar	Approx. 18.9 bumper to ground Measurement from hitch to ground not available		
		q	If not originally equipped with, whether or not a protective guard for the fuel tank was optionally available, and if so, the part number of the optionally available protective guard ; and	Originally equipped	Originally equipped	50890 EA500
		r	Whether the vehicle was equipped with an ORVR/Onboard Refueling Vapor Recovery	NonORVR	NonORVR(~01MY) ORVR(02MY~)	ORVR
Question 6	Describe all assessments, analyses, tests, test results, design studies, studies, surveys, simulations, investigations, inquiries and/or evaluations (collectively, "actions") that relate to, or may relate to, the subject condition in the subject peer vehicles, and including all testing to Federal Motor Vehicle Safety Standard (FMVSS) No. 301 or any other contemplated or applicable corporate or internal fuel system integrity standards that have been conducted, are being conducted, are planned,	a	Action title or identifier;	See Attachment C - WD21 folder for FMVSS test results, documentation, photos and videos responsive to Question 6.	See Attachment C - R50 folder for FMVSS test results, documentation, photos and videos responsive to Question 6.	See Attachment C - R51 folder for FMVSS test results, documentation, photos and videos responsive to Question 6.
		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	Results and related documents for FMVSS 301 testing including video and photos;			
		f	Engineering group(s)/supplier(s) responsible for designing and for conducting the action; and			
		g	A brief summary of the findings and/or conclusions resulting from the action.			

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Attachment B

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Attachment B

QUESTION 5

R50

Attachment B_Q5d_R50



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Attachment B

QUESTION 5

WD21

Attachment B_Q5d_WD21

