NISSAN

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September 7, 2012

Mr. Jeffrey L. Quandt, Chief
Vehicle Control Division
Office of Defects Investigation
National Highway Traffic Safety Administration
1200 New Jersey Avenue S.E.
Washington, D.C. 20590

Re: Nissan Presentation to ODI on 8/23/2012

Dear Mr. Quandt:

Enclosed is Nissan's material that was presented on August 23, 2012 concerning the Agency's investigation of the 2012 Infiniti JX IBA system. This submission includes information that Nissan considers confidential. Nissan will submit a confidentiality request to the Office of Chief Counsel pursuant to 49 C.F.R. Part 512 and is hereby requesting that the confidential information be permanently protected from public release.

Please contact us if you have any questions.

Sincerely,

Donald Neff
Manager
Technical Compliance

Enclosures

Response to

PE12-022

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 Opening Resume was released, July 26, 2012.

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 MY 2013 Infiniti JX35 Nissan has manufactured for sale or lease in the United States and federalized territories. Separately, for each subject vehicle manufactured to date by Nissan, state the following:

a. Vehicle identification number (VIN);
b. Model;
c. Model Year;
d. Date of manufacture;
e. Date warranty coverage commenced; and
f. The State in the United States, or the federalized territory, where the vehicle was originally sold or leased (or delivered for sale or lease).

Provide the table in Microsoft Access 2003, 2007, or a compatible format, entitled "PE12-022 PRODUCTION DATA."

The number of 2013 Infiniti JX vehicles manufactured for sale or lease in the US and territories is reported below in Table 1.

Table 1. Production Data Summary

MODEL	MY2003
JX	13,906

The information requested in 1.a through 1.f is provided, when known, in a table titled, "PRODUCTION DATA" within the database titled PE12-022 REQUEST DATA.mdb on a DVD enclosed as Attachment A.

2. State by model and model year, 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 MY 2013 Infiniti JX35 vehicles:

a. Consumer complaints, including those from fleet operators;
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 a possible defect in a subject vehicle, property damage claims, consumer complaints, or field reports;
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 "d," 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. For items "e" and "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.

a) Consumer complaints, including those from fleet operators:

2 complaints from Nissan's Consumer Affairs database, representing 2 unique VIN's. Both complaints are for improper activation of the IBA system, and both incidents occurred at the same location.

b) Field reports, including dealer field reports:

15 Dealer field reports, representing 15 unique VINs. These are all related to IBA systems issues with the radar system or its aiming. In all cases the "IBA OFF" light had illuminated.

7 Field Reports, representing 7 unique VINs. Six of these cases are related to "IBA OFF" lights. One is related to improper activation of the IBA system and is the same incident that is found in the consumer complaints.

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 were no reports of crash, injury or fatality found that were related to the alleged defect.

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:

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.

The answers given to Request Number Two above were gathered from Nissan's data and are current as of the date of the opening resume, July 26, 2012.

3. Separately, for each item (complaint, report, claim, notice, or matter) within the scope of your response to Request No. 3, state the following information:

a. Nissan's file number or other identifier used;
b. The category of the item, as identified in Request No. 3 (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 model and model year;
f. Vehicle's mileage at time of incident;
g. Incident date;
h. Report or claim date;
i. Whether a crash is alleged;
j. Whether property damage is alleged;
k. Number of alleged injuries, if any; and
l. Number of alleged fatalities, if any.

Provide this information in Microsoft Access 2003 or 2007, or a compatible format, entitled "PE 12-022 REQUEST NUMBER THREE DATA."

The information requested in 3.a through 3.l is provided, when known, in a table titled, "REQUEST NUMBER THREE DATA" within the database titled PE12-022 REQUEST DATA.mdb on a DVD enclosed as Attachment A.

4. Produce copies of all documents related to each item within the scope of Request No. 3. Organize the documents separately by category (i.e., consumer complaints, field reports, etc.) and describe the method Nissan used for organizing the documents.

The requested documents are on a CD enclosed as Attachment A. The documents are organized by category.

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 MY 2013 Infiniti JX35: 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 and total cost per claim;
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 and description;
h. Problem code and description;
i. Replacement part number(s) and description(s);
j. Concern stated by customer;
k. Cause and Correction stated by dealer/technician; and
l. Additional comments, if any, by dealer/technician relating to claim and/or repair.

Provide this information in Microsoft Access 2003 or 2007, or a compatible format, entitled "PE 12-022 WARRANTY DATA."

The total count of warranty claims applicable to Request Number 5 is displayed in Table 2 below.

Table 2. Warranty Data Summary

MODEL	MY2013
JX	6

All six of the warranty claims shown in table two are related to IBA system issues with the radar system or its aiming. In all cases the "IBA OFF" light had illuminated.

The information requested in 5.a through 5.l is provided, when known, in tables titled, "WARRANTY DATA" within the database titled PE12-022 REQUEST DATA.mdb on a DVD enclosed as Attachment A.

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).

The requested new vehicle warranty coverage documents are on a DVD enclosed as Attachment C.

The search criteria used by Nissan to identify the claims identified in response to Request No. 5 are set forth in Attachment B.

Descriptions of each labor operation code, problem code, and part number are given in the Warranty Data table.

6. 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.

A Service Campaign was launched on August 9, 2012 to address improper activation of the IBA system. It is enclosed on a DVD as Attachment D, along with all corresponding dealer notifications. There are no planned communications within the next 120 days.

7. 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 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.

The response to this request should include a detailed description of all past, present and future actions by any and all engineering working groups of which Nissan is an active member or is otherwise aware. This includes, at a minimum, all of the information requested in items "a" through "f."

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.

A spreadsheet containing the responses to Requests 7.a – 7.f is provided in Confidential Attachment E. Copies of documents related to the listed actions are also contained in Confidential Attachment E.

8. 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 system, 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

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.

Both the radar unit and the IBA ECU were re-flashed with new software in late July as a countermeasure to the improper activation issue. The details requested in 8a through 8g are listed in Table 3 below.

Table 3. Modifications

		Radar unit	IBA ECU
8-a	The date or approximate date on which the modification or change was incorporated into vehicle production	July 26th, 2012 (Re-flashed Unit)	July 30th, 2012 (Re-flashed Unit)
8-b	A detailed description of the modification or change	[ ]	[ ]
8-c	The reason(s) for the modification or change	[ ]	
8-d	The part number(s) (service and engineering) of the original component	28437 3JA0A	284E7 3JA0C
8-e	The part number(s) (service and engineering) of the modified component	28437 3JA2A	284E7 3JA1C
8-f	Whether the original unmodified component was withdrawn from production and/or sale, and if so, when	The factory stocks were re-flashed and used for production. Timing is shown in 8-a. A Total of 19 units were sold until September. (7 sets were scrapped. 9 sets were installed on service campaign vehicles. 3 sets may be in dealer.) The unmodified Nissan's warehouse stocks for sale were scrapped on October 11th.	The factory stocks were re-flashed and used for production. Timing is shown in 8-a. There were no unmodified stocks for sale.
8-g	When the modified component was made available as a service component	October 3rd, 2012	August 29th, 2012

There are no changes planned to the subject system within the next 120 days.

9. Provide an overview of radar power requirements needed for object classification and detection for all radar cross-section (RCS) target categories (such as road surface, debris, bike, scooter, motorcycle...etc.). Briefly describe RCS measurement techniques, RCS models, simulations, calibration and error correction.

A presentation containing the responses to Request 9 is provided in Confidential Attachment F.

10. Furnish Nissan's assessment of the alleged defect in the subject vehicle, 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, 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;

Nissan does not believe that a safety defect exists in the subject vehicles. This assessment is based on the following:

1. Unique circumstance for IBA activation when it is not needed.

The only two confirmed instances of IBA activation when it is not needed were at a location with unique road environmental features. In this location, the combination of a high guardrail and steel fastener member that crosses the road caused the IBA system to detect a vehicle moving into its lane of traffic. There have been no confirmed complaints of this issue at any other road location.

2. No impact of issue on vehicle controllability or safety

The purpose of the IBA system is to help mitigate the impact speed at the time of collision (collision mitigation) by applying emergency braking for a very short period of time (brake lights will illuminate) and tightening the motorized pre-crash seatbelts. IBA is not a collision avoidance system, and therefore, will not cause the vehicle to come to a complete stop. During testing conducted at this unique road environment location, the system activated multiple times but never brought the vehicle to a stop. The emergency braking deceleration resulting from IBA activation is [ ], applied over a very short period of time, and will feel stronger to passengers in the front seat with the combined forces of the braking and motorized tensioning of the pre-crash front seatbelts. Whenever the IBA system activates, the brake lights are illuminated as if the driver has applied the brakes. While possibly disconcerting to the driver, the deceleration over the very short period of time along with the activation of the brake lights does not pose an unreasonable risk to safety.

More detailed information on this assessment can be found in Confidential Attachment G.

Nissan has launched a service campaign to address any customer satisfaction issues. This service campaign involves reprogramming the IBA software [

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ATTACHMENT A

CD with Information Related to Requests 1, 3, 4 and 5

This attachment contains a CD containing the information related to Request Numbers 1, 3, 4 and 5. The information was obtained from the Consumer Affairs database, the Tech Line Database, the legal department database and the field reports database as of July 26, 2012. The databases and Legal Files are updated daily.

ATTACHMENT B

Warranty Claims Data

Warranty claims data were gathered from Warranty database as of July 26, 2012

The total counts of warranty claims are 6, all of which are related to IBA system issues with the radar system or its aiming. In all cases the "IBA OFF" light had illuminated.

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

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 keywords. Items with at least one keyword from the following list were identified as responsive to the inquiry. The resultant set was then reviewed manually for responsiveness.

Keyword List A
BRAKE
IBA
COLLISION MITIGATION

ATTACHMENT C

New Vehicle Warranty Coverage Documents

ATTACHMENT D

Dealer Communications

ATTACHMENT E

Actions

ATTACHMENT F

Response to Request No. 9

ATTACHMENT G

Nissan Presentation to ODI regarding PE12-022

August 23, 2012