

NISSAN

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January 22, 2016

Received 1/27/16
MJL

Mr. D. 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: EA15-004; NEF 120mjl

Dear Mr. Yon,

Enclosed is Nissan's full response to the referenced NHTSA Information Request of November 19, 2015 concerning the Agency's investigation of allegations involving Occupant Classification Systems in certain Nissan and Infiniti vehicles.

Nissan appreciates the additional time granted to complete our response. The attached reply is intended to completely replace the partial response submitted on December 28, 2015 and as such contains the all of the information previously submitted in that response.

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

Sincerely,



Derek Latta
Manager
Technical Compliance

Enclosures

Response to

EA15-004

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 that are likely to contain responsive information in those places where such records are likely to be found. We have not checked such documents as "calendars", "appointment books", "financial statements" and "personnel records" even though they are included in the definition of "documents" because such documents would not contain owner complaints, field reports or other information sought by Request 2 pertaining to the alleged defect. We have also searched for responsive documents and information only with respect to vehicles manufactured for sale in the United States, which we understand to be the scope about which the IR seeks information. Nissan has searched for and produced records that were created up to and on the date the IR was released, November 19, 2015. Nissan appreciates the agency granting an extension for the full response.

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 or 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, and unless the production of that document is inadvertent, 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. By make, model, model year and production period (month/year), separately state for the subject vehicles, similar vehicles and peer vehicles, the number of vehicles that 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 2010, or a compatible format, entitled "PRODUCTION DATA."

The production data summary, listed by make, model, model year, and production period (month/year), is provided in Attachment E and is separated by subject, similar and peer vehicles.

The information requested in 1.a through 1.g is provided, when known, in a Microsoft Access table titled "EA15-004_PRODUCTION_DATA" on a DVD enclosed as Attachment A.

2. By model and model year, separately state for the subject vehicles, similar vehicles and peer vehicles, 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 and the alleged condition in the similar and peer vehicles:

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

Tables are provided in Attachment E separately stating by model and model year the number of consumer complaints for subject, similar and peer vehicles.

- b. Field reports, including dealer field reports;

Tables are provided in Attachment E separately stating by model and model year the number of field reports, including dealer field reports for subject, similar and peer vehicles.

- c. Reports involving a crash, injury, or fatality;

Tables are provided in Attachment E separately stating by model and model year the number of reports involving a crash, injury or fatality for subject, similar and peer vehicles.

- d. Property damage claims;

Tables are provided in Attachment E separately stating by model and model year the number of property damage claims for subject, similar and peer vehicles.

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

Tables are provided in Attachment E separately stating by model and model year the number of third-party arbitration proceedings for subject, similar and peer vehicles.

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

Tables are provided in Attachment E separately stating by model and model year the number of lawsuits for subject, similar and peer vehicles.

The tables in Attachment E may be over-inclusive. In the interest of transparency, Nissan has included these claims even if there is not enough information to be certain the claim is responsive.

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, 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.

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. Reported weight of the front passenger occupant(s) allegedly being misclassified resulting in the turning off of the passenger air bag;

- j. Whether a crash is alleged;
- k. Whether property damage is alleged;
- l. Number of alleged injuries, if any; and
- m. Number of alleged fatalities, if any.

Provide this information in Microsoft Access 2010, or a compatible format, entitled "REQUEST NUMBER TWO DATA." Provide the data separately for the subject vehicles, similar vehicles and peer vehicles.

The information requested in 3.a through 3.m is provided, when known, in a Microsoft Access table titled "EA15-004_REQUEST_NUMBER_TWO_DATA" on a DVD enclosed as Attachment A.

The data table in Attachment A on DVD may be over-inclusive. In the interest of transparency, Nissan has included these claims even if there is not enough information to be certain the claim is responsive.

- 4. Produce copies of all documents related to each item within the scope of Request No. 2. Organize the documents separately for the subject vehicles, similar vehicles and peer vehicles and separately by category (i.e., consumer complaints, field reports, etc.) and describe the method Nissan used for organizing the documents. Describe in detail the search methods and search criteria used by Nissan to identify the items in response to Request No. 2.

Documents within the scope of Request No. 2 are on a DVD enclosed as Attachment A. The documents are organized by category.

The search criteria used by Nissan to identify the documents in response to Request No. 2 are set forth in Attachment B.

- 5. By model and model year, separately state for the subject vehicles, similar vehicles and peer vehicles, a total count for all of the following categories of claims (excluding recall remedy repair claims for the subject recall), collectively, that have been paid by Nissan to date that relate to, or may relate to, the alleged defect in the subject vehicles and the alleged condition in the similar and peer 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), street address, email address and telephone number;
- c. Vehicle's VIN;

- d. Vehicle's make, model and model year;
- e. Repair date;
- f. Vehicle mileage at time of repair;
- g. Repairing dealer's or facility's name, telephone number, city and state or ZIP code;
- h. Labor operation number(s);
- i. Problem code(s);
- j. Diagnostic trouble code(s), if any;
- k. Replacement part number(s) and description(s);
- l. Concern stated by customer;
- m. Cause as stated on the repair order;
- n. Correction as stated on the repair order; and
- o. Comment, if any, by dealer/technician relating to claim and/or repair.

Provide this information in Microsoft Access 2010, or a compatible format, entitled "WARRANTY DATA." Provide the data separately for the subject vehicles, similar vehicles and peer vehicles.

Table 1. Warranty Data Summary for 2-sensor OCS Systems (subject and similar vehicles)

Subject Vehicles		
VEHICLE MODEL	VEHICLE MODEL YEAR	Total
ALTIMA	2013	2949
ALTIMA	2014	966
LEAF	2013	46
LEAF	2014	8
PATHFINDER	2013	1042
PATHFINDER	2014	621
Q50	2014	121
SENTRA	2013	811
SENTRA	2014	120
JX/QX60	2013	575
JX/QX60	2014	224
NV200/TAXI	2013	11

Similar Vehicles		
VEHICLE MODEL	VEHICLE MODEL YEAR	Total
ALTIMA	2014	844
ALTIMA	2015	441
LEAF	2014	4
LEAF	2015	16
PATHFINDER	2014	484
PATHFINDER	2015	150
Q50	2014	22
Q50	2015	17
SENTRA	2014	618
SENTRA	2015	83
JX/QX60	2014	101
JX/QX60	2015	44
NV200/TAXI	2013	1
NV200/TAXI	2014	20
NV200/TAXI	2015	10
ROGUE	2014	286
ROGUE	2015	182
MAXIMA	2016	5
MURANO	2015	56

Peer Vehicles		
VEHICLE MODEL	VEHICLE MODEL YEAR	Total
CUBE	2009	103
CUBE	2010	88
CUBE	2011	30
CUBE	2012	24
CUBE	2013	15
CUBE	2014	3
FX/QX70	2009	1074
FX/QX70	2010	377
FX/QX70	2011	39
FX/QX70	2012	29
FX/QX70	2013	26
FX/QX70	2014	13
FX/QX70	2015	2
JUKE	2011	84
JUKE	2012	152
JUKE	2013	128
JUKE	2014	44
JUKE	2015	5
QUEST	2011	59
QUEST	2012	58
QUEST	2013	20
QUEST	2014	13
QUEST	2015	2
QX56/QX80	2011	89
QX56/QX80	2012	93
QX56/QX80	2013	33
QX56/QX80	2014	25
QX56/QX80	2015	6
VERSA NOTE	2014	119
VERSA NOTE	2015	96

VERSA SEDAN	2012	187
VERSA SEDAN	2013	158
VERSA SEDAN	2014	165
VERSA SEDAN	2015	114

The information for 2-sensor OCS systems (subject vehicles) requested in 5.a through 5.o is provided, when known, in a Microsoft Access table titled "EA15-004_WARRANTY_DATA_SUBJECT_VEHICLES" on a DVD enclosed as Attachment A.

The information for 2-sensor OCS systems (similar vehicles) requested in 5.a through 5.o is provided, when known, in a Microsoft Access table titled "EA15-004_WARRANTY_DATA_SIMILAR_VEHICLES" on a DVD enclosed as Attachment A.

The information for 4-sensor OCS systems (peer vehicles) requested in 5.a through 5.o is provided, when known, in a Microsoft Access table titled "EA15-004_WARRANTY_DATA_PEER_VEHICLES" on a DVD enclosed as Attachment A.

The warranty claims shown in Table 1 above and the attached data tables on DVD may be over-inclusive. In the interest of transparency, Nissan has included these claims even if there is not enough information to be certain the claim is responsive.

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 lists of all labor operations, labor operation descriptions, problem codes, and problem code descriptions applicable to the alleged defect in the subject vehicles and the alleged condition in the similar and peer vehicles. State, by model and model year, the terms of the new vehicle warranty coverage offered by Nissan on these 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 these 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 claims responsive 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 tables on a DVD in Attachment A.

The requested new vehicle warranty coverage documents for subject, similar and peer vehicles are on a DVD enclosed as Attachment C.

The extended warranty coverage options offered for subject, similar and peer vehicles along with a table indicating the number of vehicles covered under each extended warranty option is provided in Attachment B.

7. Produce copies of all service, warranty, and other documents that relate to, or may relate to, the alleged defect in the subject vehicles and the alleged condition in the similar and peer 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.

The requested dealer communication and service bulletin documents are on a DVD enclosed as Attachment D.

ATTACHMENT A

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

This attachment contains a DVD containing the information related to Request Numbers 1, 3, 4 and 5. The information was obtained from the production database and the warranty database December 8, 2014. The databases are updated daily.

ATTACHMENT BWarranty Claims Data

Warranty claims data were gathered from Warranty database December 8, 2015.

The search criteria used by Nissan to identify the claims regarding 2-sensor vehicles (subject and similar vehicles) identified in response to Request No. 5 is as follows:

Model Codes: L33 (ALTIMA), R52 (PATHFINDER), L50 (JX/QX60), B17 (SENTRA), ZE0 (LEAF), M20 (NV200), M30 (TAXI), V37 (Q50), T32 (ROGUE), V37H (Q50 HYBRID), HR52 (PATHFINDER HYBRID), L50H (JX/QX60 HYBRID), A36 (MAXIMA), Z52 (MURANO), S51 (FX), Z12 (CUBE), E52 (QUEST), Z62 (QX56/QX80), F15 (JUKE), N17 (VERSA SEDAN), E12 (VERSA NOTE)

Open Date: Greater than April 4, 2014 (Subject Vehicles Only)

Warranty Code: Exclude ZZ (recall repair)

Subcategory Code (Applies to Consumer Affairs):
 233500 (AIRBAG CONTROL UNIT)
 234000 (AIRBAG ON/OFF SWITCH)
 263000 (RIGHT FRONT AIRBAG)

Symptom Code (Applies to Consumer Affairs):
 YX (POOR OR IMPROPER OPERATION)
 YE (MULTIPLE REPAIR ATTEMPTS)
 WT (UNABLE DIAGNOSE/DUPLICATE)
 WA (PREMATURE WEAR/FAILURE)
 YG (NONDEPLOYMENT)
 WU (UNEXPECTED DEPLOYMENT)

Customer or Technician Verbatim must contain at least one word from the following list:

KeyWord

PASS%AIR%BAG%
ODS
OCCUPANT DETECT
AIR%BAG%OFF%LIGHT
OCS

For subject vehicles, claims matching the keywords as specified above were then filtered against the recall repair records to include only claims received after the vehicle had the subject recall performed. For similar vehicles, claims matching the keywords as specified above were unfiltered and include claims responsive to this request. The resulting data were reviewed for relevancy to the request. Any documents that were obviously a different issue or otherwise non-responsive were removed. Any documents in which relevancy could not be determined because the verbatim was too vague were included in the submission.

Descriptions of the parts, trouble codes, and labor operation codes are included in the data on a DVD in Attachment A responsive to Request 5.

Table 1 – Extended Warranty Summary

MODEL	MODEL YEAR	SERVICE PLAN OPTION								
		GOLD	GOLD PREFERRED	INFINITI ELITE	NCV POWERTRAIN	NCV SILVER PREFERRED	POWERTRAIN PREFERRED	SILVER	SILVER PREFERRED	
VEHICLES COVERED										
ALTIMA	2013	51	90,895				397		2	2,224
ALTIMA	2014	36	65,340				112		1	1,473
ALTIMA	2015	3	74,374			1	88			1,740
ALTIMA	2016		74							3
PATHFINDER	2013	6	17,365				88			496
PATHFINDER	2014	5	18,276				48			541
PATHFINDER	2015		11,108				20			275
PATHFINDER	2016		1							
SENTRA	2013	12	48,294				165			1,268
SENTRA	2014	20	46,305				90			1,391
SENTRA	2015		26,535				37			868
LEAF	2011		2,337							28
LEAF	2012		1,614							10
LEAF	2013		2,064							26
LEAF	2014		720							7
LEAF	2015		2,103							31
LEAF	2016		16							
JX	2013					4,857				
QX60	2014					3,180				
QX60	2015					1,659				
Q50	2014					3,063				

		SERVICE PLAN OPTION									
MODEL	MODEL YEAR	GOLD	GOLD PREFERRED	INFINITI ELITE	NCV POWERTRAIN	NCV SILVER PREFERRED	POWERTRAIN PREFERRED	SILVER	SILVER PREFERRED	VEHICLES COVERED	
										GOLD	SILVER PREFERRED
Q50	2015			787							
NV200 S 2WD	2013				24	424					
NV200 S 2WD	2014				14	310					
NV200 S 2WD	2015				7	148					
MAXIMA	2016		3,860				3		82		
MURANO	2015		9,157				13		217		
ROGUE	2014	8	20,353				30		455		
ROGUE	2015		37,967				46		952		
ROGUE	2016		3,485				1		82		
CUBE	2009	1,576	7,371				43	119	140		
CUBE	2010	909	4,527				15	67	90		
CUBE	2011	490	2,882				13	19	60		
CUBE	2012	47	1,673				4	3	70		
CUBE	2013	1	1,410				3		40		
CUBE	2014		615				2		17		
FX	2009			3,050							
FX	2010			1,856							
FX	2011			1,936							
FX	2012			1,370							
FX	2013			588							
QX70	2014			414							
QX70	2015			300							
QX70	2016			21							
JUKE	2011	2,031	13,987				38	63	211		
JUKE	2012	658	13,113				33	21	255		

MODEL	MODEL YEAR	SERVICE PLAN OPTION									
		GOLD	GOLD PREFERRED	INFINITI ELITE	NCV POWERTRAIN	NCV SILVER PREFERRED	POWERTRAIN PREFERRED	SILVER	SILVER PREFERRED		
VEHICLES COVERED											
JUKE	2013	12	14,170					39	1	339	
JUKE	2014	1	7,947					8		219	
JUKE	2015		4,312					2		119	
JUKE	2016		9								
QUEST	2011	392	2,853					7	9	43	
QUEST	2012	168	4,159					50	13	164	
QUEST	2013	1	2,228					13		72	
QUEST	2014		1,571					3		63	
QUEST	2015		1,026					2		39	
QX	2011			2,055							
QX56	2011			1,140							
QX	2012			2,867							
QX	2013			1,015							
QX80	2014			1,630							
QX80	2015			1,024							
QX80	2016			11							
VERSA	2014	5	11,634					40		426	
VERSA	2015	1	8,614					14		336	
VERSA	2016		39								
VERSA SEDAN	2012	2,228	18,642					91	100	590	
VERSA SEDAN	2013	8	13,974					62	2	562	
VERSA SEDAN	2014	15	16,763					55	1	836	
VERSA SEDAN	2015	4	15,968					37		841	
VERSA SEDAN	2016		294							20	
COVERAGE		Up to 8 years and 120,000 miles									

ATTACHMENT D

DVD with Dealer Communication and Service Bulletin Documents