

**From:** [Torres Diaz, Arnaldo \(NHTSA\)](#)  
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**Cc:** [York, Bruce \(NHTSA\)](#); [Pinero, Daniel \(NHTSA\)](#); [Miller, Kevin \(NHTSA\)](#)  
**Subject:** Investigation PE23-023 Information Request (IR) Update  
**Date:** Tuesday, May 20, 2025 7:17:00 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)  
**Importance:** High

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Good morning Derek,

In addition to the request sent by email on May 14, 2025 about the 2023 Nissan Rogue SV VIN # [REDACTED], hereby, I request an update to questions 2, 3, and 4 of the February 16, 2024 IR letter for Investigation PE23-023. We would like to expand Question 2 to now include letter “g” as outlined below.

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, including those from fleet operators;
  - b. Field reports, including dealer field reports;
  - c. Reports involving a crash, injury or fatality;
  - d. Property damage claims;
  - e. Third-party arbitration proceedings, both pending and closed, where Nissan is or was a party to the arbitration;
  - f. Lawsuits, both pending and closed, in which Nissan is or was a defendant or codefendant; and
  - g. Reports involving a fire.

For subparts “a” through “g” 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 “g” 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 “f” and “g” 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), email address and telephone number (please use distinct fields for each data type);
  - d. Vehicle owner or fleet street address, city, state (postal abbreviation), and ZIP code (please use distinct fields for each data type);
  - e. Vehicle's 17-character VIN;
  - f. Vehicle's make, model and model year (please use distinct fields for each data type);
  - g. Vehicle's mileage at time of incident (numeric data type);
  - h. Incident date (MM/DD/YYYY);
  - i. Report or claim date (MM/DD/YYYY);
  - j. Whether a crash is alleged;
  - k. Whether a fire is alleged;
  - l. Whether property damage is alleged;
  - m. Number of alleged injuries, if any; and
  - n. Number of alleged fatalities, if any.
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. Describe in detail the search methods and search criteria used by Nissan to identify the items in response to Request No. 2.

### **Legal Authority for This Request**

This letter is being sent to Nissan pursuant to 49 U.S.C. § 30166, which authorizes NHTSA to conduct any investigation that may be necessary to enforce Chapter 301 of Title 49 and to request reports. It constitutes a new request for information.

## **Civil Penalties**

Nissan's failure to respond promptly and fully to this letter could subject Nissan to civil penalties pursuant to 49 U.S.C. § 30165 or lead to an action for injunctive relief pursuant to 49 U.S.C. § 30163. (Other remedies and sanctions are available as well.) The Vehicle Safety Act, 49 U.S.C. § 30165(a)(3), provides for civil penalties of up to \$27,168 per violation per day, with a maximum of \$135,828,178 for a related series of daily violations, for failing or refusing to perform an act required under 49 U.S.C. § 30166. See 49 C.F.R. § 578.6(a)(3). This includes failing to respond completely, accurately, or in a timely manner to ODI information requests.

If Nissan cannot respond to any specific request or subpart(s) thereof, please state the reason why it is unable to do so. If on the basis of attorney-client, attorney work product, or other privilege, Nissan does not submit one or more requested documents or items of information in response to this information request, Nissan must provide a privilege log identifying each document or item withheld, and stating the date, subject or title, the name and position of the person(s) from, and the person(s) to whom it was sent, and the name and position of any other recipient (to include all carbon copies or blind carbon copies), the nature of that information or material, and the basis for the claim of privilege and why that privilege applies.

## **Confidential Business Information (CBI)**

If Nissan's response contains any information that you claim is confidential business information, Nissan must submit its request for confidential treatment and any files containing CBI to NHTSA's Office of the Chief Counsel via the CBI Portal or a secure electronic file transfer link. Please see enclosure 1 for additional instructions on submitting a request for confidential treatment that is compliant with 49 C.F.R. Part 512 (specifically, a request for confidential treatment must include the four required parts that are discussed in enclosure 1).

If you choose not to submit your request and files containing CBI to NHTSA's Office of the Chief Counsel via the CBI Portal, please notify the investigator referenced in this IR to ensure that the secure file transfer link for your request for confidential treatment and any files containing CBI are directed to the Office of the Chief Counsel accordingly.

In addition to submitting a request for confidential treatment and files containing CBI directly to NHTSA's Office of the Chief Counsel, Nissan must also submit its request for confidential treatment, the files containing CBI, and their corresponding redacted versions directly to ODI via the Safety Defect Investigations (SDI) Portal. The requests for confidential treatment and certification documents are not confidential so these documents should be uploaded as non-confidential files.

Please refer to PE23-023 in Nissan's response to this letter and in the request for confidential treatment that Nissan may submit.

### **Due Date**

Nissan's response to this letter must be submitted to this office by June 4, 2025. If Nissan finds that it is unable to provide all of the information requested within the time allotted, Nissan must request an extension from Division Chief, Bruce York, at (202) 366-6938 no later than five business days before the response due date. If Nissan is unable to provide all of the information requested by the original deadline, it must submit a partial response by the original deadline with whatever information Nissan then has available, even if an extension has been granted.

Thanks in advance,



**Arnaldo Torres Diaz**  
Electronics and Safety Defects Engineer  
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Enclosure 1, Information for Requests for Confidential Treatment.

If you believe that your response contains any material that you claim is confidential business information, submit these materials to NHTSA's Office of the Chief Counsel in accordance with 49 C.F.R. Part 512. **All requests for confidential treatment must be submitted directly to the Office of the Chief Counsel via the Confidential Business Information (CBI) Portal or a secure file transfer link for your submission addressed to the Office of the Chief Counsel. If you are not currently registered for the CBI Portal, you may send a registration request to [cbi-helpdesk@dot.gov](mailto:cbi-helpdesk@dot.gov). In addition to directly submitting the files to the Office of the Chief Counsel, you will also need to submit your request, the files containing CBI, and their corresponding redacted versions directly to ODI through the Safety Defect Investigations (SDI) Portal.**

Requests for confidential treatment are governed by Part 512. A current version of this regulation is available on the internet at <http://www.ecfr.gov> by selecting Title 49 "Transportation," selecting "Parts 500 – 599" and then selecting Part 512 "Confidential Business Information."

#### How to request confidential treatment:

NHTSA is currently treating electronic submission as an acceptable method for submitting confidential business information to the agency under Part 512. If you claim that any of the information or documents provided in your response constitutes confidential business information within the meaning of 5 U.S.C. § 552(b)(4), or are protected from disclosure pursuant to 18 U.S.C. § 1905, you must submit the information or documents directly to the Office of Chief Counsel via the CBI Portal or request a secure file transfer link from the ODI contact listed in your Information Request. You must submit supporting information together with the materials that are the subject of the confidentiality request, in accordance with Part 512, to the Office of the Chief Counsel. Do not send a hardcopy of a request for confidential treatment to NHTSA's headquarters.

Your request must include a request letter that contains supporting information, pursuant to Part 512.8. Your request must also include a certificate, pursuant to Part 512.4(b) and Part 512, Appendix A.

You are required to submit one unredacted "confidential version" of the

information for which you are seeking confidential treatment. Pursuant to Part 512.6, the words “ENTIRE PAGE CONFIDENTIAL BUSINESS INFORMATION” or “CONFIDENTIAL BUSINESS INFORMATION CONTAINED WITHIN BRACKETS” (as applicable) **must** appear at the top of each page containing information claimed to be confidential. In the latter situation, where not all information on the page is claimed to be confidential, identify each item of information for which confidentiality is requested within brackets: “[ ].”

You are also required to submit one redacted “public version” of the information for which you are seeking confidential treatment. Pursuant to Part 512.5(a)(2), the redacted “public version” should include redactions of any information for which you are seeking confidential treatment (i.e., the only information that should be unredacted is information for which you are **not** seeking confidential treatment).

For questions about a request for confidential treatment, please contact Dan Rabinovitz in the Office of the Chief Counsel at [Daniel.Rabinovitz@dot.gov](mailto:Daniel.Rabinovitz@dot.gov) or (202)366-8534.