

Supplemental
Response to PE23-023

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, technical analyses or other information sought by Requests 2, 5, and 9-12 pertaining to the Subject Component in the Subject Vehicles. 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 for which the IR seeks information.

Nissan initially searched for responsive documents and information with the understanding that the Alleged Defect as identified in the IR is interpreted as complaints of a loss of power and does not include complaints involving only a reduction of power or limited acceleration. Following discussions on April 29, 2024, NHTSA requested Nissan supplement its responses to Requests 2 – 7 by May 14, 2024 to include: "additional information that includes ALL loss of motive power incidents that required an engine replacement. ALL loss of motive power includes complete, reduced, or limited instances of loss of motive power AND engine replacement." Nissan has searched for and produced records that were created through February 16, 2024.

By email dated March 20, 2024, NHTSA granted an extension of time through April 15, 2024 for Nissan to respond to requests 10-13 that require additional time for analysis. In finalizing this partial response, Nissan has determined its responses to questions 1.e and 1.f is dependent on the modifications being identified in response to request 11. Therefore Nissan notified NHTSA that it would need to respond to requests 1.e and 1.f when it submitted the response to request 11 on April 15th.

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.

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The National Highway Traffic Safety Administration (NHTSA) in its Preliminary Evaluation PE23-023 investigation of allegations of KR15DDT and KR20DDET engine failures while driving in certain model year 2021-2023 Nissan Rogue, model year 2019-2021 Nissan Altima and model year 2019-2021 Infiniti QX50 vehicles has requested information from Nissan North America, Inc. ("NNA"). In regards to NHTSA's questions and requests PE23-023, NHTSA is seeking information on Subject Vehicles identified as "all MY 2021-2023 Nissan Rogue, MY 2019-2021 Nissan Altima, and MY 2019-2021 Infiniti QX50 manufactured for sale or lease in the United States, including, but not limited to, the District of Columbia, and current U.S. territories and possessions." The Subject Component has been identified as "all variable compression KR15DDT and KR20DDET engines." NHTSA has specifically requested information related to the Alleged Defect defined as "subject component failure or malfunction leading to loss of motive power which required an engine replacement to repair the vehicle."

Per NHTSA's request on April 29, 2024, this supplemental response includes: "additional information that includes ALL loss of motive power incidents that required an engine replacement. ALL loss of motive power includes complete, reduced, or limited instances of loss of motive power AND engine replacement." With this supplemental response, Nissan is only providing additional information in response to Requests 2 – 7 based on NHTSA's request from April 29, 2024 and is not including information previously included in the original submissions provided on April 1 and April 15, 2024. Except to the extent supplemented herein, Nissan incorporates and affirms its responses dates April 1 and April 15, 2024.

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; and
 - e. Third-party arbitration proceedings, both pending and closed, 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. 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;

Table 2. Supplemental Consumer Complaints Summary

Make	Model	Total Consumer Complaints
Nissan	Altima	0
Nissan	Rogue	11
Infiniti	QX50	1

- b. Field reports, including dealer field reports;

Table 3. Supplemental Field Reports Summary

Make	Model	Total Field Reports
Nissan	Altima	2
Nissan	Rogue	48
Infiniti	QX50	18

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

Table 4. Supplemental Crash, Injury & Fatality Reports

Make	Model	Total Reports of All Crashes	Total Reported Injuries	Total Reported Fatalities
Nissan	Altima	0	0	0
Nissan	Rogue	0	0	0
Infiniti	QX50	0	0	0

Nissan found zero (0) reports of crashes and zero (0) reported injuries.

Nissan is not aware of any reports involving a fatality.

- d. Property damage claims:

NNA found zero (0) reports of property damage claims relating to the Subject Component in the Subject Vehicles.

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

Nissan found zero (0) additional third party arbitration proceeding where Nissan is or was a party to the arbitration, which relate to, or may relate to, the Subject Component in the

Subject Vehicles.

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

Table 5. Supplemental Lawsuits

Make	Model	Total Lawsuits
Nissan	Altima	1
Nissan	Rogue	8
Infiniti	QX50	0

Nissan found 9 additional lawsuits in which Nissan is or was a defendant or co-defendant, which relate to, or may relate to, the Alleged Defect in the Subject Vehicles. These matters each asserted a breach of warranty.

A summary description of each of the above nine (9) lawsuits is being uploaded to the NHTSA designated SFTP site as CONFIDENTIAL Attachment F (SUPPLEMENTED) stored as an Adobe PDF file titled "CONFIDENTIAL REQUEST NUMBER 2.F. SUMMARIES (SUPPLEMENTED)".

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:
- Nissan's file number or other identifier used;
 - The category of the item, as identified in Request No. 2 (i.e., consumer complaint, field report, etc.);
 - Vehicle owner or fleet name (and fleet contact person), email address and telephone number (please use distinct fields for each data type);
 - Vehicle owner or fleet street address, city, state (postal abbreviation), and ZIP code (please use distinct fields for each data type);
 - Vehicle's 17-character VIN;
 - Vehicle's make, model and model year (please use distinct fields for each data type);
 - Vehicle's mileage at time of incident (numeric data type);
 - Incident date (MM/DD/YYYY);
 - Report or claim date (MM/DD/YYYY);
 - Whether a crash is alleged;
 - Whether property damage is alleged;
 - Number of alleged injuries, if any; and
 - Number of alleged fatalities, if any.

Provide this information in Microsoft Access 2010, or a compatible format, entitled "REQUEST NUMBER TWO DATA." A pre-formatted data collection file, which provides further details regarding this submission, will be provided to you.

The information available to Nissan requested in 3.a through 3.m, when known, is being uploaded to the NHTSA designated SFTP site as Attachment A (SUPPLEMENTED) in a Microsoft Access database titled "PE23-023 DATA (SUPPLEMENTED)" which contains a table titled "REQUEST_NUMBER_TWO_DATA (SUPPLEMENTED)."

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., dealer service history, 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 requested within the scope of "Request No. 2" are being uploaded to the NHTSA designated SFTP site as Attachment A (SUPPLEMENTED) in a folder titled "REQUEST NUMBER 2 DOCUMENTS (SUPPLEMENTED)". The documents are organized by category and stored as Adobe pdf files.

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

Nissan searched for all documents related to Production Codes T33 (Rogue) between model years 2021-2023, L34 (Altima), & J55 (QX60) between model years 2019 – 2021 (inclusive) equipped with the Subject Component and contained the following words (case insensitive). Commas below represent an "OR" statement.

- "long block, replace engine, replaced engine, short block, engine died, car died, vehicle died, blew up, shut off, engine shut down, engine turned off, chunk, replacing engine, blow up, engine failed, engine failure, failsafe, fail safe, limp mode, limp home, lack power, speed limited"

AND NOT

- "tie, tire, windshield, seat, carpet, wheel, share with dealer, radio, AC, Air conditioning"

The documents must also have been opened/created on or before February 16, 2024.

Nissan manually reviewed all of the resulting set of documents and is reporting those relevant to NHTSA's request from April 29, 2024.

For litigation files Nissan searched for all matters with TREAD code [06/Engine] on the following vehicles: Nissan Rogue (model year 2021-2023), Nissan Altima (model years 2019-2021) and Infiniti QX50 (model years 2019-2021). Results were then filtered for VIN (4th digit) Engine Codes of the Subject Component. Finally, results were then searched for engine replacement and the following keywords: *stall**; *loss & power*; *reduc* & power*; *engine & fail**; *safe & mode*; *fail & safe*; *limit* & power*; *limit* & acceleration*; *towed*; *shaving*; *debris*; *knock**; *noise*.

The litigation files must also have been opened/created on or before May 1, 2024.

Nissan manually reviewed all the resulting set of litigation files for relevancy to the request from April 29, 2024. Any non-relevant lawsuits were excluded. Any lawsuits where relevancy could not be clearly determined are included in the submission.

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 the subject 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), email address and telephone number (please use distinct fields for each data type);
- c. Vehicle owner or fleet street address, city, state (postal abbreviation), and ZIP code (please use distinct fields for each data type);
- d. 17-character VIN;
- e. Vehicle's make/model/model year (please use distinct fields for each data type);
- f. Repair date (MM/DD/YYYY);
- g. Vehicle mileage at time of repair (numeric data type);
- h. Repairing dealer's or facility's name, telephone number, city and state or ZIP code (please use distinct fields for each data type);
- i. Labor operation number(s);
- j. Problem code(s);
- k. Diagnostic trouble code(s);
- l. Replacement part number(s) and description(s);
- m. Concern stated by customer;
- n. Cause as stated on the repair order;
- o. Correction as stated on the repair order; and
- p. Additional comments, 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." A pre-formatted data collection file, which provides further details regarding this submission, will be provided to you.

Table 5. Supplemental Warranty Data Summary

Model Year Model	2019	2020	2021	2022	2023	Total Warranty Claims
Altima	3	3	0			6
Rogue			0	70	46	116
QX50	73	13	10			96

The information available to Nissan requested in 5.a through 5.p, when known, is being uploaded to the NHTSA designated SFTP site as Attachment A (SUPPLEMENTED) in a Microsoft Access database titled "PE23-023 DATA (SUPPLEMENTED)" which contains a table titled "WARRANTY_DATA (SUPPLEMENTED)."

6. Describe in detail the search methods and search criteria used by Nissan to identify the claims in response to Request No. 5, including the labor operations, problem codes, diagnostic trouble codes, part numbers and any other pertinent parameters used.

The search criteria used by Nissan to identify the documents in response to "Request No. 5" are set forth below.

Nissan searched warranty records for all documents related to Production Codes T33 (Rogue) between model years 2021-2023, L34 (Altima), & J55 (QX50) between model years 2019 – 2021 (inclusive) equipped with the Subject Component. Within that set of data Nissan sought warranty claims for VINs with a Global Market Code = USA which used the long or short block engine part numbers 10102 and/or 10103.

The claims must also have been opened/created on or before February 16, 2024.

Nissan manually reviewed all the resulting set of documents for allegations of ALL loss of motive power including complete, reduced, or limited instances of loss of motive power AND engine replacement and is reporting those relevant to this investigation.

7. Provide a list of all labor operations, labor operation descriptions, problem codes, and problem code descriptions, diagnostic trouble codes and diagnostic trouble code descriptions applicable to the alleged defect in the subject vehicles. State whether the diagnostic trouble codes are automatically reported to the warranty database electronically or manually entered into the warranty database by a claims administrator.

Descriptions of each labor operation code and problem code are being uploaded to the NHTSA designated SFTP site as Attachment A (SUPPLEMENTED) and are contained within the "WARRANTY_DATA (SUPPLEMENTED)" table included in the Microsoft Access database entitled "PE23-023 DATA (SUPPLEMENTED)."

Diagnostic trouble codes must be manually entered into the warranty database for them to appear with the claim.

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