

NISSAN



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July 1, 2009

Mr. Thomas Z. Cooper, Chief
Vehicle Integrity Division
Office of Defects Investigation
National Highway Traffic Safety Administration
1200 New Jersey Avenue SE.
Washington, D.C. 20590

Re: PE08-067, EA09-005; NVS-212mjl

Dear Mr. Cooper:

Enclosed is Nissan's supplementary response to PE08-067 (referenced as Part One of EA09-005) concerning the Agency's investigation of certain 2003 - 2005 model year Infiniti Q45 and M45 vehicles. EA09-005 will be submitted under separate cover.

The enclosed CD supplemental PE08-067 reply responds by first stating each question as noted in Part One of EA09-005, then the response. Please contact us if you have any questions.

Sincerely,

Donald W. Jeff for J. J.

John Gibbons
Senior Manager
Technical Compliance

Enclosures

**Supplement to
PE08-067**

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.

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.

* * * * *

ODI Request # 1. State, by model and model year, the number of the subject vehicles 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 2000, or a compatible format, entitled "PRODUCTION DATA."

Supplement:

Production Total by Model Year and Model

<i>Model Year</i>	<i>M45</i>	<i>Q45</i>
2003	6381	3030
2004	1695	1005
2005	0	1725

The above table, "Production Total by Model Year and Model", displays the number of subject vehicles that Nissan has manufactured for sale or lease in the United States. The table provides the model year, vehicle model and production volume for the specific model and model year. It should be noted that there were no 2005 model year M45 vehicles offered for sale in the United States.

The table above is developed from the data provided in our initial response. The "PRODUCTION DATA" spreadsheet produced to NHTSA in Attachment A of Nissan's original response to PE08-067 contained all of the information responsive to this question.

ODI Request # 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) and telephone number;
- c. Vehicle's 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;
- h. Problem code;
- i. Air bag diagnostic fault code;
- j. Replacement part number(s) and description(s);
- k. Concern stated by customer; and
- l. Comment, if any, by dealer/technician relating to claim and/or repair.

Supplement:

Warranty Claims Total by Model Year and Model

<i>Model Year</i>	<i>M45</i>	<i>Q45</i>
2003	2301	887
2004	1695	1005
2005	N/A	1725

The above table, "Warranty Claims Total by Model Year and Model", displays the total number of warranty claims paid by Nissan for the subject vehicles. The table provides the model year, vehicle model and warranty claim totals for the specific model and model year. It should be noted that there were no 2005 model year M45 vehicles offered for sale in the United States.

The table is developed from the data provided in our initial response. The "WARRANTY DATA" spreadsheet in Attachment B provided to NHTSA in Nissan's original response to PE08-067 contained all of the information (to the extent available) responsive to this question.

ODI Request # 9. 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 components, 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 numbers (service and engineering) of the original component;
- e. The part number (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
- h. Whether the modified component can be interchanged with earlier production components.

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.

Supplement:

There were no relevant modifications to the subject model year vehicles. There was a D- Note (Design Change) issued on July 1, 2005, but the D- Note was for a repair procedure that was never implemented.

This information was included in confidential Attachments E and F to Nissan's original response. In the Attachments, Nissan produced a timeline and supporting reference documents that actually went beyond describing any modifications or changes to relevant components on the subject vehicles and provided the reviewer additional information for a more complete design history.

ODI Request # 11. State the number of the subject components that Nissan has sold that may be used in the subject vehicles by component name, part number (both service and engineering/production), model and model year of the vehicle in which it is used and month/year of sale (including the cut-off date for sales, if applicable). Include any kits that have been released, or developed, by Nissan for use in service repairs to the subject component/assembly which relate, or may relate, to the alleged defect in the subject vehicles.

For each component part number, provide the supplier's name, address, and appropriate point of contact (name, title, and telephone number). Also, identify by model and model year, any other vehicles of which Nissan is aware that contain the identical component, whether installed in production or in service, and state the applicable dates of production or service usage.

Supplement:

Right Hand Side Air Bag Assembly

<i>Model</i>	<i>Part Number</i>
Q45	K8EHM-AR100
Q45	K8EHM-AR10A
Q45	K8EHM-CW00A
Q45	Y8EHM-AR10A*
M45	K8EHM-CR900
M45	Y8EHM-CR900**

* Y8EHM-AR10A supersedes all previous part numbers for the Q45

** Y8EHM-CR900 supersedes all previous part numbers for the M45

NOTE: Although the part numbers changed, the side air bag module assembly remained the same.

Left Hand Side Air Bag Assembly

<i>Model</i>	<i>Part Number</i>
Q45	K8EHA-AR100
Q45	K8EHA-AR10A
Q45	K8EHA-CW00A
Q45	Y8EHA-AR10A*
M45	K8EHA-CR900
M45	Y8EHA-CR900**

* Y8EHA-AR10A supersedes all previous part numbers for the Q45

** Y8EHA-CR900 supersedes all previous part numbers for the M45

NOTE: Although the part numbers changed, the side air bag module assembly remained the same.

The below table, "Parts Sales Summary," displays the yearly totals for the side air bag module components sold for the past five years. A breakdown of subject components sold by month is enclosed as Attachment A.

Parts Sales Summary

Right Hand Side Air Bag Assembly

<i>Sales/Months</i>	<i>M45</i>	<i>Q45</i>
Past 12 Mths	89	615
Past 13 to 24 Mths	134	852
Past 25 to 36 Mths	96	793
Past 37 to 48 Mths	78	384
Past 49 to 60 Mths	38	86

Left Hand Side Air Bag Assembly

<i>Sales/Months</i>	<i>M45</i>	<i>Q45</i>
Past 12 Mths	1047	646
Past 13 to 24 Mths	1518	989
Past 25 to 36 Mths	1342	925
Past 37 to 48 Mths	0	20
Past 49 to 60 Mths	0	0

It should be noted that totals in the above table, "Parts Sales Summary", reflect the parts sales for the subject model years, and others, that the subject vehicles were offered for sale in the United States.

The original response to PE08-067 listed several part numbers that were all left-side air bag modules and inadvertently omitted the right-side air bag module part numbers. Both left-side and right-side air bag module part numbers are shown above in table format.

ODI Request # 12. Produce two of each of the following:

- a. Exemplar samples of each design version of the subject components used in the subject vehicles;
- b. Field-returned samples of the subject components exhibiting the subject failure mode; and
- c. Any kits that have been released or developed by Nissan for use in service repairs to the subject component/assembly which relate, or may relate, to the alleged defect in the subject vehicles.

Supplement:

Nissan will search for and provide seven (7) additional samples of the subject components used in the subject vehicles. The production will include: two (2) sets of the left and right side module of the subject model year M45s and one (1) left side and two (2) right side modules of the subject model year Q45.

In its original response, Nissan provided one left side Infiniti Q45 production side air bag module assembly component because it is a representative sample of the subject component, and that is typically what is provided.

As part of the original submission, Nissan obtained and prepared for shipment a representative field-returned sample of the subject component for shipment to NHTSA. After receiving notice that NHTSA did not receive it and upon further investigation, Nissan now understands that there may have been an issue with shipping the sample due to HAZMAT certification issues internally. Nissan will search for and, if available, provide additional field-returned samples of each side air bag module assembly used in the two different subject vehicles.

Attachment A

Part Sales Breakdown by Month

Left Side Air Bag Module Assembly

Applied Model	Part Number	Jun-06	Jul-06	Aug-06	Sep-06	Oct-06	Nov-06	Dec-06	Jan-07
		DMD MONTH -36	DMD MONTH -35	DMD MONTH -34	DMD MONTH -33	DMD MONTH -32	DMD MONTH -31	DMD MONTH -30	DMD MONTH -29
Q45	K8EHA-AR100	3	2	2	3	4	0	4	6
Q45	K8EHA-AR10A	31	27	32	30	27	41	37	42
Q45	K8EHA-CW00A	0	0	0	0	0	0	0	1
Q45	Y8EHA-AR10A*	34	29	34	33	31	41	41	48
M45	K8EHA-CR900	43	41	50	57	50	81	71	69
M45	Y8EHA-CR900**	43	41	50	57	50	81	71	69

Notes:

*Y8EHA-AR10A supersedes all previous part numbers for the Q45

** Y8EHA-CR900 supersedes all previous part numbers for the M45

Although the part numbers changed, the side air bag module assembly remained the same.

Right Side Air Bag Module Assembly

Applied Model	Part Number	Jun-06	Jul-06	Aug-06	Sep-06	Oct-06	Nov-06	Dec-06	Jan-07
		DMD MONTH -36	DMD MONTH -35	DMD MONTH -34	DMD MONTH -33	DMD MONTH -32	DMD MONTH -31	DMD MONTH -30	DMD MONTH -29
Q45	K8EHM-AR100	1	2	1	3	1	3	3	3
Q45	K8EHM-AR10A	20	16	23	10	29	35	31	45
Q45	*K8EHM-CW00A	0	0	0	0	0	1	0	0
Q45	*Y8EHM-AR10A	21	18	24	13	30	38	34	48
M45	K8EHM-CR900	4	3	6	2	5	8	3	5
M45	*Y8EHM-CR900	4	3	6	2	5	8	3	5

Notes:

* Y8EHM-AR10A supersedes all previous part numbers for the Q45

** Y8EHM-CR900 supersedes all previous part numbers for the M45

Although the part numbers changed, the side air bag module assembly remained the same.

Attachment A

Part Sales Breakdown by Month

Left Side Air Bag Module Assembly

Applied Model	Part Number	Feb-07	Mar-07	Apr-07	May-07	Jun-07	Jul-07	Aug-07	Sep-07
		DMD MONTH -28	DMD MONTH -27	DMD MONTH -26	DMD MONTH -25	DMD MONTH -24	DMD MONTH -23	DMD MONTH -22	DMD MONTH -21
Q45	K8EHA-AR100	2	4	6	2	1	1	4	1
Q45	K8EHA-AR10A	43	49	32	33	44	42	39	36
Q45	K8EHA-CW00A	0	0	0	0	0	0	1	0
Q45	Y8EHA-AR10A*	45	53	38	35	45	43	43	37
M45	K8EHA-CR900	54	52	52	51	57	49	88	61
M45	Y8EHA-CR900**	54	52	52	51	57	49	88	61

Notes:

*Y8EHA-AR10A supersedes all previous part numbers for the Q45

** Y8EHA-CR900 supersedes all previous part numbers for the M45

Although the part numbers changed, the side air bag module assembly remained the same.

Right Side Air Bag Module Assembly

Applied Model	Part Number	Feb-07	Mar-07	Apr-07	May-07	Jun-07	Jul-07	Aug-07	Sep-07
		DMD MONTH -28	DMD MONTH -27	DMD MONTH -26	DMD MONTH -25	DMD MONTH -24	DMD MONTH -23	DMD MONTH -22	DMD MONTH -21
Q45	K8EHM-AR100	7	4	0	0	2	1	2	4
Q45	K8EHM-AR10A	38	46	39	36	24	21	37	40
Q45	*K8EHM-CW00A	0	0	0	0	0	0	0	0
Q45	*Y8EHM-AR10A	45	50	39	36	26	22	39	44
M45	K8EHM-CR900	4	4	1	3	2	4	6	3
M45	*Y8EHM-CR900	4	4	1	3	2	4	6	3

Notes:

* Y8EHM-AR10A supersedes all previous part numbers for the Q45

** Y8EHM-CR900 supersedes all previous part numbers for the M45

Although the part numbers changed, the side air bag module assembly remained the same.

Attachment A

Part Sales Breakdown by Month

Left Side Air Bag Module Assembly

Applied Model	Part Number	Oct-07	Nov-07	Dec-07	Jan-08	Feb-08	Mar-08	Apr-08	May-08
		DMD MONTH -20	DMD MONTH -19	DMD MONTH -18	DMD MONTH -17	DMD MONTH -16	DMD MONTH -15	DMD MONTH -14	DMD MONTH -13
Q45	K8EHA-AR100	1	0	3	2	0	1	2	1
Q45	K8EHA-AR10A	22	34	42	37	52	47	41	41
Q45	K8EHA-CW00A	0	0	0	0	0	0	0	0
Q45	Y8EHA-AR10A*	23	34	45	39	52	48	43	42
M45	K8EHA-CR900	67	85	56	63	75	61	41	56
M45	Y8EHA-CR900**	67	85	56	63	75	61	41	56

Notes:

*Y8EHA-AR10A supersedes all previous part numbers for the Q45

** Y8EHA-CR900 supersedes all previous part numbers for the M45

Although the part numbers changed, the side air bag module assembly remained the same.

Right Side Air Bag Module Assembly

Applied Model	Part Number	Oct-07	Nov-07	Dec-07	Jan-08	Feb-08	Mar-08	Apr-08	May-08
		DMD MONTH -20	DMD MONTH -19	DMD MONTH -18	DMD MONTH -17	DMD MONTH -16	DMD MONTH -15	DMD MONTH -14	DMD MONTH -13
Q45	K8EHM-AR100	0	3	3	4	3	3	0	3
Q45	K8EHM-AR10A	33	49	39	33	27	30	33	32
Q45	*K8EHM-CW00A	0	0	0	0	0	0	0	0
Q45	*Y8EHM-AR10A	33	52	42	37	30	33	33	35
M45	K8EHM-CR900	5	6	5	7	5	7	7	10
M45	*Y8EHM-CR900	5	6	5	7	5	7	7	10

Notes:

* Y8EHM-AR10A supersedes all previous part numbers for the Q45

** Y8EHM-CR900 supersedes all previous part numbers for the M45

Although the part numbers changed, the side air bag module assembly remained the same.

Attachment A

Part Sales Breakdown by Month

Left Side Air Bag Module Assembly

Applied Model	Part Number	Jun-08	Jul-08	Aug-08	Sep-08	Oct-08	Nov-08	Dec-08	Jan-09
		DMD MONTH -12	DMD MONTH -11	DMD MONTH -10	DMD MONTH -9	DMD MONTH -8	DMD MONTH -7	DMD MONTH -6	DMD MONTH -5
Q45	K8EHA-AR100	3	1	4	0	0	4	2	3
Q45	K8EHA-AR10A	26	30	23	17	26	24	16	39
Q45	K8EHA-CW00A	0	0	0	0	0	0	0	0
Q45	Y8EHA-AR10A*	29	31	27	17	26	28	18	42
M45	K8EHA-CR900	46	54	55	36	45	52	54	56
M45	Y8EHA-CR900**	46	54	55	36	45	52	54	56

Notes:

*Y8EHA-AR10A supersedes all previous part numbers for the Q45

** Y8EHA-CR900 supersedes all previous part numbers for the M45

Although the part numbers changed, the side air bag module assembly remained the same.

Right Side Air Bag Module Assembly

Applied Model	Part Number	Jun-08	Jul-08	Aug-08	Sep-08	Oct-08	Nov-08	Dec-08	Jan-09
		DMD MONTH -12	DMD MONTH -11	DMD MONTH -10	DMD MONTH -9	DMD MONTH -8	DMD MONTH -7	DMD MONTH -6	DMD MONTH -5
Q45	K8EHM-AR100	2	2	3	1	3	0	1	1
Q45	K8EHM-AR10A	30	16	25	25	34	23	17	16
Q45	*K8EHM-CW00A	0	0	0	0	0	0	0	0
Q45	*Y8EHM-AR10A	32	18	28	26	37	38	37	57
M45	K8EHM-CR900	3	3	4	6	5	1	0	2
M45	*Y8EHM-CR900	3	3	4	6	5	1	3	14

Notes:

* Y8EHM-AR10A supersedes all previous part numbers for the Q45

** Y8EHM-CR900 supersedes all previous part numbers for the M45

Although the part numbers changed, the side air bag module assembly remained the same.

Attachment A

Part Sales Breakdown by Month

Left Side Air Bag Module Assembly

Applied Model	Part Number	Feb-09	Mar-09	Apr-09	May-09	Jun-09
		DMD MONTH -4	DMD MONTH -3	DMD MONTH -2	DMD MONTH -1	Dmd MTD
Q45	K8EHA-AR100	4	1	2	0	0
Q45	K8EHA-AR10A	24	28	32	7	13
Q45	K8EHA-CW00A	0	0	0	0	0
Q45	Y8EHA-AR10A*	28	29	34	21	23
M45	K8EHA-CR900	36	20	22	7	5
M45	Y8EHA-CR900**	48	33	54	31	17

Notes:

*Y8EHA-AR10A supersedes all previous part numbers for the Q45

** Y8EHA-CR900 supersedes all previous part numbers for the M45

Although the part numbers changed, the side air bag module assembly remained the same.

Right Side Air Bag Module Assembly

Applied Model	Part Number	Feb-09	Mar-09	Apr-09	May-09	Jun-09
		DMD MONTH -4	DMD MONTH -3	DMD MONTH -2	DMD MONTH -1	Dmd MTD
Q45	K8EHM-AR100	0	1	2	0	0
Q45	K8EHM-AR10A	2	9	4	3	0
Q45	*K8EHM-CW00A	0	0	0	0	0
Q45	*Y8EHM-AR10A	26	42	27	27	8
M45	K8EHM-CR900	3	3	0	1	0
M45	*Y8EHM-CR900	8	8	2	1	2

Notes:

* Y8EHM-AR10A supersedes all previous part numbers for the Q45

** Y8EHM-CR900 supersedes all previous part numbers for the M45

Although the part numbers changed, the side air bag module assembly remained the same.