



U.S. Department
of Transportation

**National Highway
Traffic Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

OCT 26 2016

Mr. Matthew Oliver
Director of Operations
North Carolina Consumers Council, Inc.
PO Box 61454
Raleigh, NC 27661

NVS-211jry
DP12-004

Dear Mr. Oliver:

This letter is in response to your petition requesting that the National Highway Traffic Safety Administration (NHTSA) conduct "a defect investigation into MY 2005-2010 Nissan Pathfinder, Frontier, and Xterra vehicles [the subject vehicles] for automatic transmission failures related to failed transmission coolers."

We have evaluated your petition and a summary of our analysis, which will be published in the Federal Register, is attached.

The Agency performed a thorough review of the concerns raised in your petition. Subject vehicle owners continue to file complaints with the agency regarding transmission failures due to defective transmission cooling tanks. Automatic transmission fluid co-mingles with engine coolant due to a hoop stress fracture of the cooling tank which is an integral part of the radiator. Consumers are then faced with replacing both the radiator and transmission, an expensive repair. The high repair cost is specifically identified in more than 50% of the 2,505 complaints we have thus far received about this issue. In some instances, owners continue driving the vehicles, rather than repair them, as transmission performance continues to degrade until a loss of motive power event occurs. Some simply park their vehicle due to severely degraded transmission performance and other elect to sell the vehicle rather than repair it.

NHTSA has opened many defect investigations into engine stalling and / or loss of motive power. Where a safety recall has resulted, there was a complete loss of motive power accompanied by loss of power-assist to steering and brake systems (the latter conditions are not present here). Factors that support recalls to remedy defects resulting in a sudden loss of motive power include a lack of warning or precursor symptoms to the driver; stalling during power-demand situations such as accelerating or to maintain highway speeds / uphill grades; and an inability to immediately "restart" or restore mobility to a stranded vehicle. Absent very high failure rates in new vehicles, NHTSA has not successfully pursued hesitation, reduced engine power modes, or stalling outside the conditions listed above, primarily because these conditions have not been found to demonstrate an unreasonable risk to motor

vehicle safety. Experience of harsh shifting and transmission degradation over time would typically fall into this category, even if it leads to an eventual loss of motive power event.

Based on our analysis, it is unlikely that NHTSA would issue an order requiring the notification and remedy of a defect related to motor vehicle safety at the conclusion of the requested investigation. Therefore, in view of the need to allocate and prioritize NHTSA's limited resources to best accomplish our safety mission, we are denying your petition.

We realize this is not the outcome you had hoped for. We thank you for bringing this issue to our attention and for the North Carolina Consumer Council's continued interest in highway safety.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael Brown", is positioned above the typed name.

Michael Brown, Acting Director
Office of Defects Investigation
Enforcement

Enclosures:
Federal Register Notice