

Administrator

National Highway Traffic Safety Administration

400 Seventh St, SW

Washington DC, 20590

Petition for Defect Investigation into MY 2005-2010 Nissan Pathfinder, Frontier and Xterra Vehicles

Dear sir or madam

I am writing to request a defect investigation into MY 2005-2010 Nissan Pathfinder, Frontier and Xterra vehicles for Automatic Transmission Failures Relating to Failed Transmission Coolers.

The North Carolina Consumers Council (NCCC) is a nonprofit consumer advocacy group based in Raleigh, North Carolina. During the past six (6) months, our office has received numerous complaints and requests for assistance from member consumers who own the subject vehicles. We have and continued to refer them to your website to complete a Vehicle Owner Questionnaire.

During these past six (6) months, five (5) owners of 2005 Xterra vehicles and one (1) owner of a 2006 Frontier vehicle have reported that they experienced sudden jerking of their vehicles at highway speeds. They report in all instances that the dealer diagnosed the problem as a failed transmission fluid cooler located in the radiator that allowed coolant to mix with and contaminate the automatic transmission fluid, resulting in damaged internal transmission components and a damaged internal transmission computer. The complainants report no warning signs leading up to or just prior to the failures.

NCCC has learned from website searches and through the NHTSA website of many other similar complaints in the subject vehicles. Website data and NHTSA reports usually follow the same symptoms and the same lack of warning. Numerous complaints on the NHTSA website note repeat oil cooler and transmission failures.

We have learned that sometime in late 2007 Nissan Motor Corporation issued a warranty extension for the radiator/transmission cooler for the subject vehicles to 8 years, 80000 miles – up from the standard 3 year, 36000 mile warranty. The warranty is limited to the radiator assembly only, not the transmission, and does not address related failures of the transmission. Nissan Motor Corporation, to our knowledge, has not been conducting any preventive inspections of the subject vehicles to help consumers prevent catastrophic transmission failure. Consumers report that Nissan Motor Corporation is denying warranty claims on these parts and as a 'courtesy measure' will offer to repair the failed oil cooler, but no other incidental damages to other components.

NCCC has also learned of a class action lawsuit filed in 2010 by Mendelsohn and Mazie Slater Katz & Freeman on behalf of clients relating to this alleged defect. They claim that Nissan asserts that no safety defect exists.

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Through our limited investigation into the matter, all of the vehicles experiencing these failures are within the 8 year period specified by the extended warranty but are often beyond the 80000 mile limit. It also appears that the number of reported defects is increasing, which is concerning to say the least. Due to the nature of the reported defect, the severity of the reported failures, the repetitive nature of the failures and the limited or missing failure warning signs, we believe that an investigation is warranted.

I am requesting on behalf of our member complainants that a defect investigation be opened concerning this matter.

I appreciate your assistance, your response, and most importantly—your time.

Regards,



Matthew Oliver
Director of Operations

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