



U.S. Department
of Transportation

**National Highway
Traffic Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

INFORMATION Redacted PURSUANT TO THE FREEDOM OF
INFORMATION ACT (FOIA), 5 U.S.C. 552(B)(6)

December 21, 2012

[REDACTED]
Louisville, KY [REDACTED]

NVS-216 nam
Ref. No. 10480285

Dear [REDACTED]

Thank you for your correspondence concerning model year (MY) 2006 Nissan Maxima vehicle. Your letter was received by the National Highway Traffic Safety Administration's (NHTSA) Office of Defects Investigation.

NHTSA is the Federal agency responsible for improving safety on our Nation's highways. We are authorized to order manufacturers to recall and repair vehicles or motor vehicle equipment when our investigations indicate that they contain safety defects in their design, construction, or performance. We also monitor the adequacy of manufacturers' recall campaigns. In order for the agency to initiate an investigation, we look carefully at the body of consumer complaints and other available data to determine whether a defect trend may exist. However, we do not have authority to act on isolated problems or resolve disputes between individual owners, dealers, or manufacturers.

You state that you have experienced hard transmission shifting in your MY 2006 Nissan Maxima. You indicate that you contacted a repair shop and a mechanic advised that the transmission's valve body needed to be replaced. You replaced the valve body and wrote to Nissan requesting reimbursement for the repair expense. Mechanics told you that the valve bodies are made of aluminum and prone to failure because they cannot withstand extreme heat. However, Nissan denied your reimbursement request because the repair was performed by an independent repair facility and not an authorized dealer.

We have reviewed our database in an effort to identify whether a safety defect trend exists with transmissions and valve bodies in MY 2006 Nissan Maxima vehicles. At this time there is insufficient evidence to indicate a defect trend that warrants opening a safety defect investigation or to initiate a safety recall. The information you provided has been entered into our database. It will be considered with future reports to identify any safety defect trends that may require our attention. For your information, the NHTSA investigation and recall process can be found on our web site at www.nhtsa.gov.

We are aware of a Nissan Technical Service Bulletin (TSB) that may be of interest to you. On April 7, 2011, Nissan issued TSB (No. NTB-11-035, copy enclosed) concerning harsh upshifts or downshifts during moderate acceleration or when slowing acceleration in MY 2004 through MY 2006 Maxima 5-speed vehicles. However, the issuance of a TSB does not necessarily reflect the existence of a safety-related defect in accordance with the National Traffic and Motor Vehicle Safety Act. Therefore, NHTSA cannot require Nissan to perform the corrective action described in the TSB on your vehicle at no cost to you.

Your request for reimbursement assistance does not fall under our jurisdiction. If you have not done so, you may consider contacting the Federal Trade Commission (FTC) which has jurisdiction over non-safety defects, paint, fraud or deception, warranty and dealership problems, remuneration matters, and fair trade practices. There are three ways to contact the FTC: by toll free telephone at 1-877-FTC-HELP (1-877-382-4357); by mail at Federal Trade Commission, CRC-240, Washington, DC 20580; and by using the internet complaint form at www.ftccomplaintassistant.gov.

In addition you may consider contacting your local Better Business Bureau (BBB) regarding your problem. The BBB offers free mediation/arbitration to resolve warranty disputes under guidelines established by the FTC. Remedies include repair, reimbursement, repurchase or replacement, depending on program eligibility. You may also consider contacting the BBB Auto Line at www.bbb.org to file a complaint and review eligibility information, or call BBB Auto Line at 1-800-955-5100.

Should you encounter a safety-related problem with a motor vehicle or motor vehicle equipment in the future, we would appreciate it if you would complete an electronic Vehicle Owner's Questionnaire online at www.nhtsa.gov or call the Auto Safety Hotline at 1-888-327-4236. Also, a summary listing of vehicle owners' complaints, safety recalls, manufacturers' service bulletins, etc. can be obtained from our web site.

Sincerely yours,



Randy Reid, Chief
Correspondence Research Division
Office of Defects Investigation
Enforcement

Enclosures