

NISSAN

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OFFICE OF 
DEFECTS INVESTIGATION

July 20, 2005

NISSAN NORTH AMERICA, INC.

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Mr. Ron Medford
Acting Associate Administrator for Safety Assurance
National Highway Traffic Safety Administration
400 Seventh Street, S.W.
Washington, D.C. 20590

05V-338
(3 pages)

Dear Mr. Medford:

We are transmitting the enclosed Noncompliance Information Report in accordance with 49 CFR Part 573. Nissan plans to petition the National Highway Traffic Safety Administration for a determination that the subject noncompliance is inconsequential as it relates to motor vehicle safety.

Very truly,



Frank D. Slaveter
Senior Manager,
Technical Compliance

Encl.

NONCOMPLIANCE INFORMATION REPORT

1. **Manufacturer:**

Nissan Motor Company, Ltd.

2. **Vehicles Potentially Involved:**

2005 model year Infiniti FX35 and FX45 vehicles manufactured from September 1, 2004 to July 13, 2005; 2005 model year Infiniti Q45 model vehicles equipped with power rear seat manufactured from September 1, 2004 to June 30, 2005 (end of production); and 2005 model year Nissan Maxima vehicles produced from September 1, 2004 until July 11, 2005.

3. **Total Number of Vehicles Potentially Involved:**

Approximately 26,174 2005 model year Infiniti FX35 and FX45 vehicles, 308 2005 model year Infiniti Q45 vehicles, and 144,062 2005 model year Nissan Maxima vehicles (170,544 total).

4. **Percentage of Vehicles Estimated to Actually Contain the Noncompliance:**

Unknown

5. **Description of the Noncompliance:**

The vehicles fail to comply with Federal Motor Vehicle Safety Standard 225, S9.2.2 (a). All other requirements under FMVSS 225 are met.

6. **Basis for Determination of the Existence of a Noncompliance**

In late June 2005 NHTSA conducted a compliance test for FMVSS 225 on a 2005 Infiniti FX and notified Nissan of an apparent noncompliance concerning the requirement in S9.2.2 (a). Nissan initiated an investigation. In July 2005 it evaluated the location of the lower anchorage bar in a sample of 2005 Infiniti FX and Q45 vehicles and in 2005 Nissan Maxima vehicles. Based on this evaluation, Nissan determined that the subject vehicles do not meet the requirement in FMVSS 225, S9.2.2 (a).

7. **Description of Corrective Action:**

Pursuant to 49 CFR Part 556, a petition will be submitted on or before August 12, 2005 seeking exemption from the notification and remedy requirements of the Safety Act on the basis that the above referenced noncompliance is inconsequential as it relates to motor vehicle safety.

8. Copy of Notices:

Copies of all notices will be provided to NHTSA as they become available.