

*I. Overview:* Jaguar Land Rover North America, LLC (JLR), on behalf of Jaguar Land Rover Limited, has determined that certain model year (MY) 2012–2018 Jaguar motor vehicles do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 135, *Light Vehicle Brake Systems*. JLR filed a noncompliance report dated June 22, 2017, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports*. JLR also petitioned NHTSA on July 20, 2017, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety.

This notice of receipt of JLR's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

*II. Vehicles Involved:* Approximately 126,127 of the following Jaguar motor vehicles, manufactured between February 8, 2012, and June 19, 2017, are potentially involved:

- 2017–2018 Jaguar F-Pace
- 2017–2018 Jaguar XE
- 2017–2018 Jaguar XF
- 2014–2018 Jaguar F-TYPE
- 2013–2017 Jaguar XJ
- 2012–2015 Jaguar XK

*III. Noncompliance:* JLR explains that the noncompliance is that the brake fluid warning statement label on the subject vehicles is not permanently affixed as required by paragraph S5.4.3(a) of FMVSS No. 135. Specifically, JLR installed a label that fits over the neck of the brake fluid reservoir that can be removed when the brake fluid reservoir cap is removed.

*IV. Rule Text:* Paragraph S5.4.3(a) of FMVSS No. 135 states, in pertinent part:

S5.4.3 *Reservoir labeling.* Each vehicle equipped with hydraulic brakes shall have a brake fluid warning statement that reads as follows, in letters at least 3.2 mm ( $\frac{1}{8}$  inch) high: "WARNING: Clean filler cap before removing. Use only \_\_\_\_\_ fluid from a sealed container." (inserting the recommended type of brake fluid as specified in 49 CFR 571.116, e.g., "DOT 3.") The lettering shall be. . .

(a) Permanently affixed, engraved or embossed;. . .

*V. Summary of JLR's Petition:* As background, in JLR's noncompliance report, JLR stated that a Product Safety and Compliance Committee (PSCC) Investigation was opened on June 6, 2017, following communication from a safety compliance engineer from NHTSA's Office of Vehicle Safety

Compliance. The communication highlighted a concern where the brake reservoir label was not permanently affixed to the brake fluid reservoir as required by FMVSS No. 135, *Light Vehicle Brake Systems*. On June 13, 2017, JLR's PSCC concluded that the concern should be progressed to the Recall Determination Committee (RDC). The RDC reviewed all information on June 15, 2017, and concluded that the issue represented a compliance concern to FMVSS No. 135, *Light Vehicle Brake Systems*, but that the condition was considered inconsequential and requested that a petition for decision of inconsequential noncompliance be filed with NHTSA.

JLR described the subject noncompliance and stated its belief that the noncompliance is inconsequential as it relates to motor vehicle safety.

In support of its petition, JLR submitted the following reasoning:

1. The installed label will not fall off or become displaced during normal vehicle use or operation.
2. The installed label provides mechanical resistance to being removed.
3. There is interference between the installed label and reservoir filler neck such that a minimum of 2mm interference exists.
4. The installed label is only able to be removed when the brake fluid reservoir cap is displaced which, based on routine maintenance schedules, is once every 3 years in service.
5. The filler cap shows clearly the specification of brake fluid required.
6. The filler cap provides clear symbols including one for caution and one referring to handbook instructions. The owner's handbook descriptions indicate the proper brake fluid specification to be used in the vehicle.
7. The installed cap conforms to the requirements of ISO9128:2006 which is a requirement of UN-ECE Regulation 13 and 13h. NHTSA has previously granted petitions to accept ISO symbols in the absence of FMVSS labelling:
  - a. Jaguar Land Rover petition regarding controls and displays including brake system-related telltales (FR Vol.78, No. 213 Pg. 66101–66103).
  - b. Ford petition regarding controls and displays including brake system-related telltales (FR Vol. 78, No. 225 Pg 69931–69932)
  - c. Hyundai petition regarding lower anchorage identification (FR Vol. 73, No. 129 Pg. 38290–38291).
8. JLR has not received any customer complaints on this issue.
9. There have been no accidents or injuries as a result of this issue.
10. Vehicle production has been corrected to fully conform to FMVSS

No. 135, *Light Vehicle Brake Systems*, S5.4.3(a) with a new filler cap.

JLR concluded by expressing the belief that the subject noncompliance is inconsequential as it relates to motor vehicle safety, and that its petition to be exempted from providing notification of the noncompliance, as required by 49 U.S.C. 30118, and a remedy for the noncompliance, as required by 49 U.S.C. 30120, should be granted.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, any decision on this petition only applies to the subject vehicles that JLR no longer controlled at the time it determined that the noncompliance existed. However, any decision on this petition does not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after JLR notified them that the subject noncompliance existed.

**Authority:** (49 U.S.C. 30118, 30120; delegations of authority at 49 CFR 1.95 and 501.8)

**Jeffrey M. Giuseppe,**

*Director, Office of Vehicle Safety Compliance.*

[FR Doc. 2017–18627 Filed 8–31–17; 8:45 am]

**BILLING CODE 4910–59–P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA–2016–0094; Notice 2]

#### Michelin North America, Inc., Denial of Petition for Decision of Inconsequential Noncompliance

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

**ACTION:** Denial of petition.

**SUMMARY:** Michelin North America, Inc. (MNA), has determined that certain MNA tires do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 119, *New pneumatic tires for motor vehicles with a GVWR of more than 4,536 kilograms (10,000 pounds) and motorcycles*. MNA filed a noncompliance report dated September 1, 2016. MNA then petitioned NHTSA

on September 8, 2016, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety.

**ADDRESSES:** For further information on this decision contact Abraham Diaz, Office of Vehicle Safety Compliance, the National Highway Traffic Safety Administration (NHTSA), telephone (202) 366-5310, facsimile (202) 366-3081.

#### SUPPLEMENTARY INFORMATION:

##### I. Overview

Michelin North America, Inc. (MNA), has determined that certain MNA tires do not fully comply with paragraph S6.5(d) of Federal Motor Vehicle Safety Standard (FMVSS) No. 119, *New pneumatic tires for motor vehicles with a GVWR of more than 4,536 kilograms (10,000 pounds) and motorcycles*. MNA filed a noncompliance report dated September 1, 2016, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports*. MNA then petitioned NHTSA on September 8, 2016, pursuant to 49 U.S.C. 30118(d) and 30120(h) and their implementing regulations at 49 CFR part 556, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of receipt of the petition was published, with a 30-day public comment period, on November 10, 2016 in the **Federal Register** (81 FR 79093). No comments were received. To view the petition and all supporting documents log onto the Federal Docket Management System (FDMS) Web site at: <https://www.regulations.gov/>. Then follow the online search instructions to locate docket number "NHTSA-2016-0094."

##### II. Tires Involved

Affected are approximately 184 Michelin Pilot Power 3 size 180/55ZR17 M/C (73W) replacement motorcycle tires manufactured between April 17, 2016, and May 7, 2016.

##### III. Noncompliance

MNA describes the noncompliance as the inadvertent omission of the markings designating the maximum load and corresponding inflation pressure for that load, as required by paragraph S6.5(d) of FMVSS No. 119.

##### IV. Rule Text

Paragraph S6.5(d) of FMVSS No. 119 provides, in pertinent part:

S6.5 Tire markings. Except as specified in this paragraph, each tire shall be marked on

each sidewall with the information specified in paragraphs (a) through (j) of this section. . . .

(d) The maximum load rating and corresponding inflation pressure of the tire, shown as follows:

(Mark on tires rated for single and dual load): Max load single \_\_\_kg (\_\_\_lb) at \_\_\_kPa (\_\_\_psi) cold. Max load dual \_\_\_kg (\_\_\_lb) at \_\_\_kPa (\_\_\_psi) cold.

(Mark on tires rated only for single load): Max load \_\_\_kg (\_\_\_lb) at \_\_\_kPa (\_\_\_psi) cold. . . .

##### V. Summary of MNA's Petition

MNA described the subject noncompliance and contends that the noncompliance is inconsequential for motor vehicle safety.

In support of its petition, MNA submitted the following reasoning:

A. *Installation*—The subject tires provide sidewall markings that include the correct industry standard tire size identified as "180/55ZR17 M/C," the service description identified as "(73W)" using an ISO load index and speed symbol, and the load range identified as Load Range "B." This properly and precisely identifies the tire for correct installation.

B. *Inflation Pressure*—MNA points out that the correct application pressures for the front and rear positions are identified on the motorcycle vehicle placard as required by 49 CFR part 567 and in the owner's manual, and these sources are referred to specifically in information published by NHTSA, motorcycle manufacturers, and tire manufacturers. The inflation pressures furnished by the motorcycle manufacturer via these two sources are the pressures that provide the load capacity and the motorcycle manufacturer's intended ride and handling characteristics for the specific motorcycle involved. MNA stressed that the sidewall marking omitted from the tires at issue is not the recommended operating inflation pressure and that this fact is well known to motorcycle owners.

1. For example, MNA observes that NHTSA's online "Motorcycle Safety Tips" specifically refers to the owner's manual and vehicle placard: "*Look in your motorcycle owner's manual to find the right PSI (pounds per square inch) of air pressure for your tires. Some bike manufacturers also list this information on the bike itself. Common locations include the swing arm, front fork tubes, inside the trunk, and under the seat.*"

2. Additionally, MNA argues that the Motorcycle Industry Council Tire Guide explains, "*Check the air pressure when the tires are cold . . . and adjust it according to your motorcycle owner's manual or the tire information label on the chain guard, frame, or swingarm.*"

3. Similarly, Michelin's Professional Motorcycle Tire Guide 2016 states: "*Use the*

*inflation pressure recommended by the motorcycle manufacturer . . . The proper inflation pressures for your motorcycle tires are shown in your motorcycle owner's manual.*"

4. According to MNA, the applicable pressure is also a function of the maximum speed capability of the motorcycle, another reason that the proper source for tire inflation pressure is the motorcycle vehicle placard or owner's manual rather than the tire sidewall.

5. Michelin's Professional Motorcycle Tire Guide 2016 and the Motorcycle Industry Tire Guide both advise not to exceed the pressure marked on the sidewall when setting a usage pressure. MNA also notes, the recommended pressure on the motorcycle vehicle placard and the motorcycle owner's manual conforming to 49 CFR 571.120 will never exceed the sidewall pressure for a properly fitted tire as described above in section "A" (Installation). The tire size, load index, speed symbol, and load range all provide for proper installation. Additionally, MNA states that the sidewall pressure is not a "maximum" pressure. It is the pressure corresponding to the maximum load. For example, Michelin's Professional Motorcycle Tire Guide 2016 advises that the pressure regulator be set at 60 psi for mounting motorcycle tires, and the Michelin motorcycle Web site FAQ's explain that up to 60 psi of pressure can be used to seat beads when mounting motorcycle tires and then adjusted to the recommended pressure found on the vehicle placard or owner's manual. The sidewall pressure corresponding to the maximum load on the subject tire is 290 kPa or 42 psi.

C. *Max Load Information*—MNA argues that the maximum load value corresponding to the ISO load index on the tire is published in Michelin's Professional Motorcycle Tire Guide 2016 available online, the Motorcycle Industry Council Tire Guide available online, as well as a number of retail sites. The ISO load index of "73" and the designation Load Range "B" that are present on the tire provide load description information, and along with the tire size they provide a clear cross reference to the cited publications that offer the load value in pounds if needed. Again, in MNA's view, the tire size and load range provided are sufficient to assure the tire is appropriate for the motorcycle and the corresponding inflation pressure requirements as a function of speed capability are displayed on the vehicle's placard as well as the owner's manual.

D. *Other Markings*—MNA notes that all other markings conform to the applicable regulations.

E. *Performance*—The MNA petition also observes that the subject tire meets all performance requirements of FMVSS No. 119.

MNA concluded by expressing the belief that the subject noncompliance is inconsequential to motor vehicle safety, and that its petition for exemption from

providing notification of the noncompliance, as required by 49 U.S.C. 30118, and a remedy for the noncompliance, as required by 49 U.S.C. 30120, should be granted.

#### NHTSA's Decision

*NHTSA's Analysis:* NHTSA has reviewed Michelin's petition and has determined that the petitioner has not met the burden of persuasion that the subject noncompliance is inconsequential to motor vehicle safety. Specifically, failing to mark the maximum load and corresponding inflation pressure for that load in both Metric and English units on the sidewall of the tires puts an enormous burden on end users to ensure that the subject tires will be properly installed, used, and serviced in accordance with the tire's maximum capability. In the FMVSS No. 119 final rule (Nov. 13, 1973; 38 FR 31299), the Agency explained the purpose of labeling the subject tires with maximum load and pressure. The final rule states:

The trucking industry questioned the advisability of labeling maximum inflation and load rating on the tire because it appeared to prohibit the adjustment of pressures to road conditions. The purpose of the labeling is to . . . warn the user of the tire's maximum capabilities."

Furthermore, in the same rulemaking, the Agency provided relief to manufacturers by accepting the commenters' proposal to have the information only required on one side of M/C tires: "Several manufacturers suggested that labeling appear on only one side of a tire when both sides of the tire, as mounted, will be available for inspection. Accordingly, motorcycle tires must now be labeled on one side wall only, . . .

The complete lack of maximum load and corresponding inflation pressure information on the subject Michelin motorcycle tires creates a potential safety hazard to the end users of these tires. NHTSA reiterates that marking tires with the maximum load and corresponding inflation pressure is necessary for achieving the following: (A) Proper installation on the vehicle—in this case a motorcycle, (B) proper inflation pressure even when application pressures for the front and rear positions are identified on the motorcycle vehicle placard or vehicle owner's manual, and (C) proper usage because the tire size, speed symbol, and load index do not adequately or easily convey the maximum load and pressure capability of a tire. Tire size, speed symbol, and load index are indicators that may be useful for technical professionals in the field; however, it is unreasonable to expect a typical end user to identify the maximum load and pressure using only the markings of tire

size, speed symbol, and load index. It is far more reasonable to expect the vehicle user to overload a tire without the explicit guidance provided by the required sidewall markings. NHTSA believes it is necessary to label the tire to ensure the end user is adequately informed about the maximum capability of the tire. Failing to provide load and pressure information, both in English and Metric units, presents a safety risk because users are deprived the information needed to properly install, use, and service the tire.

*NHTSA's Decision:* In consideration of the foregoing, NHTSA finds that MNA has not met its burden of persuasion that the subject FMVSS No. 119 noncompliance is inconsequential to motor vehicle safety. Accordingly, NHTSA hereby denies MNA's petition and MNA is consequently obligated to provide notification of, and a free remedy for, that noncompliance under 49 U.S.C. 30118 and 30120.

**Authority:** (49 U.S.C. 30118, 30120; delegations of authority at 49 CFR 1.95 and 501.8)

**Jeffrey M. Giuseppe,**

*Acting Associate Administrator, Enforcement.*

[FR Doc. 2017-18628 Filed 8-31-17; 8:45 am]

**BILLING CODE 4910-59-P**

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## DEPARTMENT OF THE TREASURY

### Office of Foreign Assets Control

#### Sanctions Action Pursuant to an Executive Order Issued on September 23, 2001, Titled "Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten To Commit, or Support Terrorism"

**AGENCY:** Office of Foreign Assets Control, Treasury.

**ACTION:** Notice.

**SUMMARY:** The Department of the Treasury's Office of Foreign Assets Control (OFAC) is removing the name of one individual, whose property and interests in property have been blocked pursuant to an executive order issued on September 23, 2001, titled "Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten To Commit, or Support Terrorism," from the list of Specially Designated Nationals and Blocked Persons (SDN List).

**DATES:** OFAC's action described in this notice was taken on August 22, 2017.

**FOR FURTHER INFORMATION CONTACT:** Associate Director for Global Targeting, tel.: 202/622-2420, Assistant Director for Sanctions Compliance & Evaluation,

tel.: 202/622-2490, Assistant Director for Licensing, tel.: 202/622-2480, Office of Foreign Assets Control, or Chief Counsel (Foreign Assets Control), tel.: 202/622-2410, Office of the General Counsel, Department of the Treasury (not toll free numbers).

#### SUPPLEMENTARY INFORMATION:

##### Electronic Availability

The SDN List and additional information concerning OFAC sanctions programs are available from OFAC's Web site ([www.treas.gov/ofac](http://www.treas.gov/ofac)).

##### Notice of OFAC Actions

The following person is removed from the SDN List, effective as of August 22, 2017.

##### Individual

1. SCHNEIDER, Daniel Martin (a.k.a. SCHNEIDER, Martin Daniel), zum Gruehlingsstollen 1A, Friedrichstahl 66299, Germany; Rosenstrasse 2, Friedrichstahl 66299, Germany; Petrusstrasse 32, Herrensohr Dudweiler, Saarbruecken 66125, Germany; DOB 09 Sep 1985; POB Neunkirchen, Germany; citizen Germany; Passport 2318047793 (Germany); Federal ID Card 2318229333; currently incarcerated at Schwalmstadt, Germany (individual) [SDGT].

Dated: August 22, 2017.

**Andrea Gacki,**

*Acting Director, Office of Foreign Assets Control.*

[FR Doc. 2017-18080 Filed 8-31-17; 8:45 am]

**BILLING CODE 4810-AL-P**

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## DEPARTMENT OF THE TREASURY

### Office of Foreign Assets Control

#### Notice of OFAC Sanctions Action

**AGENCY:** Office of Foreign Assets Control, Treasury.

**ACTION:** Notice.

**SUMMARY:** The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the name of one person that has been placed on OFAC's Specially Designated Nationals and Blocked Persons List based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of this person are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

**DATES:** See **SUPPLEMENTARY INFORMATION** section for effective date.

#### FOR FURTHER INFORMATION CONTACT:

OFAC: Associate Director for Global Targeting, tel.: 202-622-2420; Assistant Director for Sanctions Compliance & Evaluation, tel.: 202-622-2490;