

**ACTION:** Announcement of Charter Renewal of the Motor Carrier Safety Advisory Committee (MCSAC).

**SUMMARY:** FMCSA announces the charter renewal of the MCSAC, a Federal Advisory Committee that provides the Agency with advice and recommendations on motor carrier safety programs and motor carrier safety regulations through a consensus process. This charter renewal took effect on September 29, 2017, and will expire after 2 years.

**FOR FURTHER INFORMATION CONTACT:** Ms. Shannon L. Watson, Senior Advisor to the Associate Administrator for Policy, Federal Motor Carrier Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590, (202) 385-2395, [mcsac@dot.gov](mailto:mcsac@dot.gov).

**SUPPLEMENTARY INFORMATION:** Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), FMCSA is giving notice of the charter renewal for the MCSAC. The MCSAC was established to provide FMCSA with advice and recommendations on motor carrier safety programs and motor carrier safety regulations.

The MCSAC is composed of up to 20 voting representatives from safety advocacy, safety enforcement, labor, and industry stakeholders of motor carrier safety. The diversity of the Committee ensures the requisite range of views and expertise necessary to discharge its responsibilities. See the MCSAC Web site for details on pending tasks at <http://www.fmcsa.dot.gov/mcsac>.

Issued on: October 12, 2017.

**Larry W. Minor,**

*Associate Administrator for Policy.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2017-0015; Notice 2]

#### Volvo Trucks North America, Grant of Petition for Decision of Inconsequential Noncompliance

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

**ACTION:** Grant of petition.

**SUMMARY:** Volvo Trucks North America (VTNA), has determined that certain model year (MY) 2017 Volvo VNL and 2017 Volvo VNM heavy duty trucks do

not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 120, *Tire selection and rims and motor home/recreation vehicle trailer load carrying capacity information for motor vehicles with a GVWR of more than 4,536 kilograms (10,000 pounds)*. VTNA filed a noncompliance information report dated February 9, 2017. VTNA also petitioned NHTSA on February 28, 2017, and revised its petition on April 29, 2017, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety.

**ADDRESSES:** For further information on this decision contact Kerrin Bressant, Office of Vehicle Safety Compliance, the National Highway Traffic Safety Administration (NHTSA), telephone (202) 366-1110, facsimile (202) 366-5930.

#### SUPPLEMENTARY INFORMATION:

*I. Overview:* Volvo Trucks North America (VTNA), has determined that certain model year (MY) 2017 Volvo VNL and 2017 Volvo VNM heavy duty trucks do not fully comply with paragraph S5.2(b) of Federal Motor Vehicle Safety Standard (FMVSS) No. 120, *Tire selection and rims and motor home/recreation vehicle trailer load carrying capacity information for motor vehicles with a GVWR of more than 4,536 kilograms (10,000 pounds)*. VTNA filed a noncompliance report dated February 9, 2017, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports*. VTNA also petitioned NHTSA on February 28, 2017, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, and revised its petition on April 29, 2017, to obtain 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 July 20, 2017, in the *Federal Register* (82 FR 33549). 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-2017-0015."

*II. Vehicles Involved:* Approximately 862 MY 2017 Volvo VNL and 2017 Volvo VNM heavy duty trucks, manufactured between August 15, 2016, and November 10, 2016, are potentially involved.

*III. Noncompliance:* VTNA explains that the noncompliance is that the wheels on the subject vehicles

incorrectly identify the rim size as 24.5" x 8.25" instead of 22.5" x 8.25", and therefore do not meet the requirements of paragraph S5.2(b) of FMVSS No. 120. Specifically, the marking error overstates the wheel diameter by 2".

*IV. Rule Text:* paragraph S5.2 of FMVSS No. 120 states:

S5.2 *Rim marking.* Each rim or, at the option of the manufacturer in the case of a single-piece wheel, wheel disc shall be marked with the information listed in paragraphs (a) through (e) of this paragraph, in lettering not less than 3 millimeters high, impressed to a depth or, at the option of the manufacturer, embossed to a height of not less than 0.125 millimeters . . .

(b) The rim size designation, and in case of multipiece rims, the rim type designation. For example: 20 x 5.50, or 20 x 5.5.

#### *V. Summary of VTNA's Petition:*

VTNA 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, VTNA referenced a letter to NHTSA, dated December 5, 2016, from Arconic Wheel and Transportation Products (Arconic), which is the rim manufacturer, and provided the following reasoning:

1. A 24.5" inch tire will not seat on the rim; therefore, if someone tries to mount a 24.5" tire to the rim, it will not hold air and therefore cannot be inflated.

2. When tires are replaced, the technician will select the tire based on the size and rating of the tire being replaced. When Volvo manufactured the vehicle, the tire used was a 22.5" (*i.e.* the correct size for the rim). Therefore, the tires installed by Volvo have the correct size on the sidewall of the tire.

3. Volvo is required to list the tires size and inflation pressures on the certification label as required by 49 CFR 567. The information printed on the label is the correct size, a 22.5" inch tire and reflects the tires that were installed when manufactured. The certification label is located inside the driver's door and can be easily accessed by the tire installer.

Volvo 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.

To view VTNA's petition analyses in its entirety you can visit <https://www.regulations.gov/> by following the online instructions for accessing the dockets and by using the docket ID

number for this petition shown in the heading of this notice.

### NHTSA Decision

**NHTSA Analysis:** VTNA explains that the noncompliance is that the wheels on the subject vehicles incorrectly identify the rim size as 24.5" x 8.25" instead of 22.5" x 8.25", and therefore do not meet the requirements of paragraph S5.2(b) of FMVSS No. 120. Specifically, the marking error overstates the wheel diameter by 2".

NHTSA has reviewed VTNA's analyses that the subject noncompliance is inconsequential to motor vehicle safety and provides the following analysis:

When it comes to mating a tire and rim combination, it becomes very apparent very quickly that either an oversized tire on a rim or an undersized tire on the same sized rim will not properly seat to that rim. In this particular case (the former) as VTNA has mentioned in its petition, if someone tries to mount a 24.5" inch tire on an undersized rim (22.5"), it will not hold air and therefore cannot be inflated. The inability to mount the incorrect tire on the rim precludes one's ability to actually drive with an incorrect tire-rim combination on public roadways. Furthermore, FMVSS No. 120 paragraph S5.3 requires vehicles be labeled with proper tire/rim size combinations. This additional information is available to provide the vehicle operator or technician with the correct tire/rim size information.

**NHTSA's Decision:** In consideration of the foregoing, NHTSA finds that VTNA has met its burden of persuasion that the FMVSS No. 120 noncompliance is inconsequential as it relates to motor vehicle safety. Accordingly, VTNA's petition is hereby granted and VTNA is consequently exempted from the obligation to provide notification of, and remedy for, the subject noncompliance in the affected vehicles under 49 U.S.C. 30118 and 30120.

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, this decision only applies to the subject vehicles that VTNA no longer controlled at the time it determined that the noncompliance existed. However, the granting of 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 VTNA 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.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2017-0013; Notice 2]

#### Hyundai Motor America, Grant of Petition for Decision of Inconsequential Noncompliance

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

**ACTION:** Grant of petition.

**SUMMARY:** Hyundai Motor America (Hyundai), on behalf of Hyundai Motor Company, has determined that certain model year (MY) 2015 Hyundai Sonata motor vehicles do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 108, *Lamps, Reflective Devices, and Associated Equipment*. Hyundai filed a noncompliance information report dated February 5, 2017. Hyundai also petitioned NHTSA on February 3, 2017, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety.

**ADDRESSES:** For further information on the decision contact Leroy Angeles, Office of Vehicle Safety Compliance, the National Highway Traffic Safety Administration (NHTSA), telephone (202) 366-5304, facsimile (202) 366-3081.

#### SUPPLEMENTARY INFORMATION:

*I. Overview:* Hyundai Motor America (Hyundai), has determined that certain model year (MY) 2015 Hyundai Sonata motor vehicles do not fully comply with paragraph S6.5.3.4.1 of Federal Motor Vehicle Safety Standard (FMVSS) No. 108, *Lamps, Reflective Devices, and Associated Equipment*. Hyundai filed a noncompliance information report dated February 5, 2017, *Defect and Noncompliance Responsibility and Reports*. Hyundai also petitioned NHTSA on February 3, 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.

Notice of receipt of the Hyundai petition was published, with a 30-day public comment period, on April 17, 2017, in the **Federal Register** (82 FR 18208). No comments were received. To view the petition and all supporting documents log onto the Federal Docket Management System (FDMS) Web site at: <http://www.regulations.gov/>. Then follow the online search instructions to locate docket number "NHTSA-2017-0013."

*II. Vehicles Involved:* Approximately 3,054 MY 2015 Hyundai Sonata motor vehicles, manufactured between April 25, 2014, and May 16, 2014, are potentially involved.

*III. Noncompliance:* Hyundai explains that the noncompliance is that the lens on the replaceable headlamp assembly in the subject vehicles is missing the HB bulb designation, as required by paragraph S6.5.3.4.1 of FMVSS No. 108.

*IV. Rule Text:* Paragraph S6.5.3.4.1 of FMVSS No. 108 states in pertinent part:

S6.5.3.4 Replacable bulb headlamp markings.

S6.5.3.4.1 The lens of each replaceable bulb headlamp must bear permanent marking in front of each replacable light source with which it is equipped that states either: The HB Type, if the light source conforms to S11 of this standard for filament light sources, or the bulb marking/designation provided in compliance with Section VIII of appendix A of 49 CFR part 564 (if the light source conforms to S11 of this standard for discharge light sources) . . .

*V. Summary of Hyundai's Petition:* Hyundai 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, Hyundai submitted the following reasoning:

(a) *The noncompliance has no impact on headlamp performance:* The mismarked headlamps are the correct headlamps for the affected vehicles and conform to all applicable FMVSS photometric and other requirements. In a recent decision involving similar facts, NHTSA granted an inconsequentiality petition involving a noncompliant bulb marking because the use of the mismarked bulb would "not create a noncompliance with any of the headlamp performance requirements of FMVSS No. 108 or otherwise present an increased risk to motor vehicle safety." Osram Sylva Products, Inc., grant of petition for decision of Inconsequential Noncompliance, 78 FR 22943, 22944 (Dep't of Trans. Apr. 17, 2013).