

○ 201 of the above 313 involved a deployment of the subject or peer driver air bag.

○ 17 of the above 201 involved a non-deployment of the passenger air bag and a passenger fatality (and an adult-sized passenger).

○ Three of the 17 involved the MY 2006–2008 Impala, resulting in a rate of 0.63 incidents per million registered vehicle years, which is slightly lower than the peer group average of 0.73 incidents per million registered vehicle years.

■ Two of the above three fatalities involved unbelted passenger occupants.  
 ■ The one remaining fatality involved an older occupant ( $\leq 75$  years old) where the seat belt status could not be established.

ODI concluded that the FARS analysis showed the overall occurrence of passenger fatality due to OCS air bag suppression is low (less than 1 per million registered vehicle years) and that the Impala is not an outlier in terms of passenger side fatalities (due to the passenger air bag being suppressed and/or not deploying) when compared to other GM peer and non-GM peer vehicles.

• *Summary of GM's Reports:* As part of its analysis, ODI requested information from GM on the MY 2006–2008 Impala and other GM peer vehicles that use the same PODS–B OCS system. Based on GM's response that identified 10 alleged complaints on approximately 851,000 vehicles produced, the Impala vehicles had an exposure adjusted complaint rate of approximately 0.16 incidents per 100,000 vehicles per year. By comparison, the peer vehicles had eight alleged complaints from 617,000 vehicles produced and thus had an exposure adjusted complaint rate of 0.17 incidents per 100,000 vehicles per year. These rates are comparable and do not support the existence of a defect trend in the Impala OCS compared to the other GM vehicles.

• *GM Assessment:* As stated in their response to ODI's information request, GM's assessment of the alleged defect is as follows:

○ *The SVs do not contain a defect.*  
 ○ *The SVs meet or exceed all Federal Motor Vehicle Safety Standards (FMVSS).*

○ *The SVs pose no additional risk when meeting 3- and 6-year-old occupant FMVSS requirements.*

○ *The OCS is proven through testing and peer comparison to work in "real world" situations.*

■ *The OCS "Adult lock" feature occurs after 60 seconds (and continues to be locked down to a level of 41 lbs. creating sufficient hysteresis).*

■ *The OCS has a built in natural latency of 1.5 seconds, to prevent reclassifications during momentary movements.*

■ *The OCS has been tested in panic stops, hard acceleration, hard turns, ditches/rough roads, and with various size adults seated in expected "comfort" positions.*

■ *The OCS locks the passenger classification prior to an impact when a vehicle deceleration greater than  $> 1.5 G$ 's is detected (for  $> 2$  ms).*

○ *The OCS functioned properly in the subject vehicle crash.*

■ *No air bag system issues were detected prior to the event.*

■ *Review of the EDR or PODS data showed no issues, and that the passenger air bag was suppressed prior to Event #2.*

■ *GM believes the passenger reached for the steering wheel after event #1 and moved out of position (which changed/suppressed the passenger air bag in the last few seconds prior to Event #2) and cites blood evidence on the driver bag from the passenger thumb injury in support of its assessment.*

#### Conclusion

The subject PODS–B OCS was widely used by GM and other OEMs across the time frame of interest. Based on the information provided and reviewed during the DP14–001 investigation, the passenger air bag OCS used in the MY 2006–2008 Impala and other vehicles does not appear to contain a safety-related defect. NHTSA did not identify an issue with the subject MY 2008 Impala involved in the subject crash, nor has it identified a safety-related defect trend existing in the OCS used in the MY 2006–2008 Impala vehicles, in GM peer vehicles, or in other non-GM peer vehicles. Therefore, the petition is denied. However, the agency will continue to monitor this issue and take further action if warranted by changing future circumstances.

**Authority:** 49 U.S.C. 30162(d); delegations of authority at CFR 1.50 and 501.8

**Jeffrey Mark Giuseppe,**

*Associate Administrator for Enforcement.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA–2020–0009]

#### Denial of Motor Vehicle Defect Petition, DP16–002

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

**ACTION:** Denial of petition for a defect investigation.

**SUMMARY:** This notice sets forth the reasons for the denial of a petition submitted on September 28, 2015, by Mr. Matthew Oliver, Executive Director, North Carolina Consumers Council, Inc. (NCCC), to NHTSA's Office of Defects Investigation (ODI). The petition requests that the agency commence a proceeding to evaluate the scope and effectiveness of two recalls for brake master cylinder leakage issued by Nissan for model year (MY) 2007 and 2008 Nissan Sentra vehicles. The petitioner submitted a narrative indicating master cylinder failure for one MY 2008 Nissan (VOQ 1010805749) along with four (4) other owner complaints found in NHTSA's complaint database. The Petitioner alleges that these five complaints indicate insufficiency of effectiveness and scope for the recall actions. For the reasons set forth below, NHTSA disagrees. NHTSA will continue to monitor the situation, but has concluded that further expenditure of the agency's investigative resources on the issues raised by the petition does not appear to be warranted. The agency accordingly has denied the petition. The petition is hereinafter identified as DP16–002.

**FOR FURTHER INFORMATION CONTACT:** Mr. Brian E. Smith, Vehicle Defects Division—B, Office of Defects Investigation, NHTSA, 1200 New Jersey Ave. SE, Washington, DC 20590, telephone (202) 366–6975.

**SUPPLEMENTARY INFORMATION:** By letter received on September 28, 2015, Mr. Matthew Oliver of Raleigh, NC, submitted a petition requesting that the agency investigate the scope and effectiveness of two recalls for brake master cylinder leakage issued by Nissan for model year (MY) 2007 and 2008 Nissan Sentra vehicles. The petition was based on one incident of a MY 2008 Nissan Sentra master cylinder developing a slow leak for several years prior to the submission of the petition. According to the petition, the failed vehicle was inspected by a repair

facility and brake fluid was found inside the brake booster, as was the case in the failures described in Nissan Recalls 08V-311 and 09V-431.

On December 20, 2016, ODI opened a Defect Petition (DP16-002) to further review the issue raised in the petitioner's letter.

The following is a summary of the reviews and analysis conducted during DP16-002:

- *Review of VOQ complaints identified in the petition:* The petitioner identified four other complaints in the petition letter. Each of these VOQ complaints will be addressed individually.

- *VOQ 10299791*—This VOQ for a 2008 Nissan Sentra described three replacements of the master cylinder for leakage. Some of the repairs may have occurred under warranty prior to recall remedy availability. This vehicle is part of the recall population and did receive the recall remedy. All of the replacements occurred in the first two years of vehicle use. ODI could not determine if any of the reported failures involved a remedy replacement part.

- *VOQ 10449038*—This VOQ for a 2008 Nissan Sentra mentions a fire in proximity to the master cylinder area under the hood. Fire is not indicated as an outcome for the failure addressed by the recalls. The complaint describes engine stalling prior to the fire event. The vehicle was sold with a salvage title prior to the fire event, according to Carfax. The vehicle is part of the recall population and did receive the recall remedy.

- *VOQ 10567372*—This VOQ is for a 2008 Nissan Sentra which falls outside of the recall population. The failure occurred six years into the life of the vehicle.

- *VOQ 10638813*—This VOQ is for a 2008 Nissan Sentra which is included in the recall population and received the recall remedy. The complaint was filed by a subsequent owner four years after the remedy was performed.

- *Review of additional VOQ complaints*—ODI identified two more VOQ complaints responsive to this defect petition. One complaint vehicle (10839357) was repaired under the recall in 2008 and had a master cylinder failure eight years later in 2016. The second complaint vehicle (10330891) suffered a second master cylinder failure within two years after the recall repair.

- *ODI review of Nissan data*—ODI requested and received data from Nissan detailing the original defect determination. They also provided warranty trend data for the recalled vehicles and for vehicles produced after

the production change which delimited the end of the recall population.

- *Improper machining of the internal seal groove*—Nissan identified a production machining process for the bore of the master cylinder body which sometimes resulted in chattering and an uneven surface of the internal seal groove. Nissan supplier Bosch implemented manufacturing changes in early 2008 to prevent this condition.

- *Mold changes for the isolation seal*—The specifications and tolerances for the isolation seal were updated to produce better sealing of the master cylinder. The improved seal was introduced into production on April 18, 2008. This date marks the end of the recall vehicle population.

- *Warranty Data*—ODI reviewed the incident rate and warranty data for the vehicle populations affected by the recall and vehicle populations produced after the final production changes were implemented. The recall populations show a significant spike in incident rates during the first three years of vehicle service. The vehicles produced after the production fix fail at a much lower rate and do not exhibit the premature failure spikes found in the recall population.

- *Presence of a warning light*—The master cylinder is equipped with a fluid level sensor which will alert the driver to a slow leak. A warning light on the instrument panel will illuminate when the fluid is at a low but safe level. If the driver does not take action to remedy the low fluid either by adding fluid or getting the master cylinder fixed, reduced braking could result.

#### Conclusion

Nissan conducted safety recalls 08V-311 and 09V-431 to remedy leaking master cylinders on certain MY 2007 and 2008 Nissan Sentra vehicles. The recall populations were determined based on production changes to the master cylinder which were fully implemented as of April 18, 2008.

ODI identified two MY 2008 Nissan Sentra complaints, including the petitioner's vehicle, which were not covered by the recalls and reported a leaking master cylinder. All of these incidents occurred six or more years into the service life of the vehicle. ODI also identified three complaints which reported a master cylinder leaking after receiving the recall remedy. Only one of these failures occurred within 36 months of the recall remedy. The original recall addressed failures which occurred early in the life of the vehicle, and involved elevated incident rates during the first 36 months of vehicle service. Master cylinders are generally

expected to experience wear and display a finite service life.

After a review of the available data, including a thorough search of NHTSA's complaint database, the agency has not identified a trend that would call into question the scope or adequacy of Nissan's recalls. Accordingly, and in view of the need to allocate and prioritize NHTSA's limited resources to best accomplish the agency's safety mission, ODI is denying the petition. A detailed summary of ODI's analysis of this petition will be published in the **Federal Register** and is also available in the investigative file for this action.

**Authority:** 49 U.S.C. 30162(d); delegations of authority at CFR 1.50 and 501.8

**Jeffrey Mark Giuseppe,**

*Associate Administrator for Enforcement.*

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## DEPARTMENT OF THE TREASURY

### Office of Foreign Assets Control

#### Notice of OFAC Sanctions Actions

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

**ACTION:** Notice.

**SUMMARY:** The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons and aircraft that have 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 these persons and these aircraft are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

**DATES:** See **SUPPLEMENTARY INFORMATION** section for effective date(s).

**FOR FURTHER INFORMATION CONTACT:** OFAC: 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; or the Department of the Treasury's Office of the General Counsel: Office of the Chief Counsel (Foreign Assets Control), tel.: 202-622-2410.

#### **SUPPLEMENTARY INFORMATION:**

##### **Electronic Availability**

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions