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**Authority:** 15 U.S.C. 2601 *et seq.*

Dated: September 21, 2015.

**James J. Jones,**

*Assistant Administrator, Office of Chemical Safety and Pollution Prevention.*

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**BILLING CODE 6560-50-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### 49 CFR Part 271

[Docket No. FRA-2009-0038]

RIN 2130-AC11

#### Risk Reduction Program

**AGENCY:** Federal Railroad Administration (FRA), Department of Transportation (DOT).

**ACTION:** Proposed rule; notice of comment period reopening.

**SUMMARY:** On February 27, 2015, FRA published a Notice of Proposed Rulemaking (NPRM) that would require certain railroads to develop a Risk Reduction Program (RRP). On September 29, 2015, the RRP Working Group of the Railroad Safety Advisory Committee (RSAC) held a meeting to review and discuss comments received in response to both the NPRM and an August 27, 2015, public hearing on the NPRM. FRA is reopening the comment period for this proceeding to allow

interested parties to submit written comments in response to views or information provided at the RRP Working Group meeting.

**DATES:** The comment period for this proceeding, consisting of the proposed rule published February 27, 2015, at 80 FR 10950, the August 27, 2015, hearing, announced at 80 FR 45500, July 30, 2015, and a prior notice of comment period reopening, announced at 80 FR 55285, September 15, 2015, is reopened. Written comments must be received by October 21, 2015. Comments received after that date will be considered to the extent possible without incurring additional expense or delay.

**ADDRESSES:** *Written comments:* Written comments related to Docket No. FRA-2009-0038 may be submitted by any of the following methods:

- *Web site:* The Federal eRulemaking Portal, <http://www.regulations.gov>. Follow the Web site's online instructions for submitting comments.
- *Fax:* 202-493-2251.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., Room W12-140, Washington, DC 20590.
- *Hand Delivery:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590, Room W12-140 on the Ground level of the West Building, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

*Instructions:* All submissions must include the agency name, docket name, and docket number or Regulatory Identification Number (RIN) for this rulemaking. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading in the **SUPPLEMENTARY INFORMATION** section of this document for Privacy Act information related to any submitted comments or materials.

*Docket:* For access to the docket to read background documents or comments received, go to <http://www.regulations.gov> at any time or to the Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC, Room W-12-140 on the Ground level of the West Building, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

**FOR FURTHER INFORMATION CONTACT:** Miriam Kloeppel, Staff Director, Risk Reduction Program Division, Office of Safety Analysis, FRA, 1200 New Jersey Avenue SE., Mail Stop 25, Washington, DC 20590, (202) 493-6224,

[Miriam.Kloeppel@dot.gov](mailto:Miriam.Kloeppel@dot.gov); or Elizabeth Gross, Trial Attorney, Office of Chief Counsel, FRA, 1200 New Jersey Avenue SE., Mail Stop 10, Washington, DC 20590, (202) 493-1342, [Elizabeth.Gross@dot.gov](mailto:Elizabeth.Gross@dot.gov).

**SUPPLEMENTARY INFORMATION:** The Rail Safety Improvement Act of 2008 (RSIA) requires the development and implementation of railroad safety risk reduction programs. Risk reduction is a comprehensive, system-oriented approach to safety that (1) determines an operation's level of risk by identifying and analyzing applicable hazards and (2) involves the development of actions to mitigate that risk. Each RRP is statutorily required to be supported by a risk analysis and an RRP Plan, which must include a Technology Implementation Plan and a Fatigue Management Plan. On February 27, 2015, FRA published an NPRM that would require certain railroads to develop an RRP. FRA also held a public hearing on August 27, 2015, to provide interested persons an opportunity to provide oral comments on the proposal. See 80 FR 10950, Feb. 27, 2015 and 80 FR 45500, Jul. 30, 2015.

On September 29, 2015, the RSAC's RRP Working Group held a meeting to review and discuss comments received in response to both the NPRM and the public hearing. FRA established RSAC as a collaborative forum to provide advice and recommendations to FRA on railroad safety matters. The RSAC includes representatives from all of the agency's major stakeholder groups, representing various railroad industry perspectives. See the RSAC Web site for details on prior RSAC activities and pending tasks at <http://rsac.fra.dot.gov/>. Please refer to the notice published in the **Federal Register** on March 11, 1996 (61 FR 9740), for additional information about the RSAC.

FRA is reopening the comment period for this proceeding to allow interested parties to submit written comments in response to views or information provided at the RRP Working Group meeting on September 29, 2015. Written comments must be received by October 21, 2015. Comments received after that date will be considered to the extent possible without incurring additional expense or delay.

#### Privacy Act Statement

Consistent with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice (DOT/ALL-

14 FDMS), which can be reviewed at [www.dot.gov/privacy](http://www.dot.gov/privacy).

Issued in Washington, DC.

**Robert C. Lauby,**

*Associate Administrator for Railroad Safety,  
Chief Safety Officer.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

#### 49 CFR Parts 393 and 396

[Docket No. FMCSA-2015-0176]

RIN 2126-AB81

#### Parts and Accessories Necessary for Safe Operation; Inspection, Repair, and Maintenance; General Amendments

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** FMCSA proposes to amend the regulations for “Parts and Accessories Necessary for Safe Operation,” and “Inspection, Repair and Maintenance,” of the Federal Motor Carrier Safety Regulations (FMCSRs) in response to several petitions for rulemaking from the Commercial Vehicle Safety Alliance (CVSA) and the American Trucking Associations (ATA), and two safety recommendations from the National Transportation Safety Board (NTSB). Specifically, the Agency proposes to add a definition of “major tread groove;” revise the rear license plate lamp requirement to provide an exception for truck tractors registered in States that do not require tractors to have a rear license plate; provide specific requirements regarding when violations or defects noted on a roadside inspection report need to be corrected; amend Appendix G to the FMCSRs, “Minimum Periodic Inspection Standards,” to include provisions for the inspection of antilock braking systems (ABS), automatic brake adjusters, and brake adjustment indicators, speed-restricted tires, and motorcoach passenger seat mounting anchorages; and amend the periodic inspection rules to eliminate the option for motor carriers to use a violation—free roadside inspection report as proof of completing a comprehensive inspection at least once every 12 months. In addition, the Agency proposes to eliminate introductory text from Appendix G to the FMCSRs

because the discussion of the differences between the North American Standard Inspection out-of-service criteria and FMCSA’s periodic inspection criteria is unnecessary.

**DATES:** You must submit comments on or before December 7, 2015.

**ADDRESSES:** You may submit comments identified by docket number FMCSA-2015-0176 using any one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the online instructions for submitting comments.

- *Mail:* Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590-0001.

- *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329.

- *Fax:* 202-493-2251.

To avoid duplication, please use only one of these four methods. See the “Public Participation and Request for Comments” heading under the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this proposed rule, call or email Mr. Mike Huntley, Vehicle and Roadside Operations Division, Office of Bus and Truck Standards and Operations, Federal Motor Carrier Safety Administration, telephone: 202-366-5370; [michael.huntley@dot.gov](mailto:michael.huntley@dot.gov). If you have questions about viewing or submitting material to the docket, call Ms. Barbara Hairston, Program Manager, Docket Services, telephone 202-366-9826.

#### SUPPLEMENTARY INFORMATION:

##### Executive Summary

FMCSA is responsible for regulations to ensure that all commercial motor vehicles (CMVs) are systematically inspected, repaired, and maintained and that all parts and accessories necessary for the safe operation of CMVs are in safe and proper operating condition at all times. In response to several petitions for rulemaking from CVSA and ATA and two safety recommendations from the NTSB, FMCSA proposes to amend various provisions in parts 393 and 396 of the FMCSRs. The proposed amendments generally do not involve the establishment of new or more stringent requirements, but instead clarify existing requirements to increase consistency of enforcement activities.

Specifically, the Agency proposes to (1) add a definition of “major tread groove” in § 393.5; (2) delete the requirement in Table 1 of § 393.11 for truck tractors to have a rear license plate light when State law does not require the vehicle to have a rear license plate; (3) clarify § 396.9 regarding when violations or defects noted on a roadside inspection report need to be corrected; (4) amend Appendix G to the FMCSRs, “Minimum Periodic Inspection Standards,” to include provisions for the inspection of (a) ABS, automatic brake adjusters, and brake adjustment indicators, (b) speed-restricted tires, and (c) motorcoach passenger seat mounting anchorages; (5) amend § 396.17(f) to eliminate references to roadside inspections; and (6) amend § 396.19(b) regarding inspector qualifications as a result of the amendments to § 396.17(f) described above. In addition, the Agency proposes to eliminate as unnecessary a portion of Appendix G to the FMCSRs that describes the differences between the out-of-service criteria and FMCSA’s annual inspection.

The Agency believes the potential economic impact of these changes is negligible because the proposed amendments generally do not involve new or more stringent requirements, but a clarification of existing requirements.

#### Public Participation and Request for Comments

FMCSA encourages you to participate in this rulemaking by submitting comments and related materials.

##### Submitting Comments

If you submit a comment, please include the docket number for this rulemaking (FMCSA-2015-0176), indicate the heading of the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comment online, go to [www.regulations.gov](http://www.regulations.gov), type the docket number, “FMCSA-2015-0176” in the “Keyword” box, and click “Search.” When the new screen appears, click the “Comment Now!” button and type your comment into the text box in the following screen. Choose whether you are submitting your comment as an