

recordkeeping. This document reopens and extends the comment periods for each proposed rule for an additional 30 days. Commenters requested additional time to submit written comments for the proposed rules.

**DATES:** Comments, identified by docket identification (ID) number EPA-HQ-OPPT-2016-0387 and by docket identification (ID) number EPA-HQ-OPPT-2016-0231 must be received on or before May 19, 2017.

**ADDRESSES:** Follow the detailed instructions provided under **ADDRESSES** in the **Federal Register** documents of January 19, 2017, (82 FR 7432) (FRL-9950-08) or (82 FR 7464) (FRL-9958-57).

**FOR FURTHER INFORMATION CONTACT:**

*For technical information contact:* Cindy Wheeler, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001; telephone number: 202-566-0484; email address: [wheeler.cindy@epa.gov](mailto:wheeler.cindy@epa.gov) or Ana Corado, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001; telephone number: 202-564-0140; email address: [corado.ana@epa.gov](mailto:corado.ana@epa.gov).

*For general information contact:* The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554-1404; email address: [TSCA-Hotline@epa.gov](mailto:TSCA-Hotline@epa.gov).

**SUPPLEMENTARY INFORMATION:** This document reopens public comment periods established in the two proposed rules issued in the **Federal Register** of January 19, 2017 (82 FR 7432) (FRL-9950-08) and (82 FR 7464) (FRL-9958-57). In the first action, EPA proposed a rule under section 6 of the Toxic Substances Control Act (TSCA) to prohibit the manufacture (including import), processing, and distribution in commerce of trichloroethylene (TCE) for use in vapor degreasing; to prohibit the use of TCE in vapor degreasing; to require manufacturers (including importers), processors, and distributors, except for retailers, of TCE for any use to provide downstream notification of these prohibitions throughout the supply chain; and to require limited recordkeeping. In the second notice, EPA proposed a rule under section 6 of TSCA to prohibit the manufacture (including import), processing, and distribution in commerce of methylene chloride and N-methylpyrrolidone (NMP) for consumer and most types of

commercial paint and coating removal; to prohibit the use of methylene chloride and NMP in these commercial uses; to require manufacturers (including importers), processors, and distributors, except for retailers, of methylene chloride and NMP for any use to provide downstream notification of these prohibitions throughout the supply chain; and to require recordkeeping. EPA is hereby reopening the comment periods for 30 days, to May 19, 2017.

Even though EPA received requests for a lengthier extension of the comment periods, the Agency has concluded that a 30-day reopening of the comment period is sufficient. EPA has already provided for a substantial comment period, now totaling 90 days, for each of the two proposals. EPA has already extended the original 60-day comment period for the proposed rule in TCE in vapor degreasing for 30 days, from March 20, 2017, to April 19, 2017 (82 FR 10732, February 15, 2017). This notice provides the second extension of the comment period for that proposed rule. EPA proposed the rule on methylene chloride and NMP in paint and coating removal with a 90-day comment period, ending on April 19, 2017. Additionally, much of the technical bases for the proposals has been available to the public since the risk assessments for methylene chloride and TCE were published in 2014 and the risk assessment for NMP was published in 2015, and the commenters' expressed need for further extension was general in nature (e.g., the complexity and importance of the subject matter, and prospective commenters' desire to continue conferring and reviewing the technical basis for EPA's proposal). The Agency, therefore, is extending the comment period at its own discretion, in the interest of receiving comprehensive public comment for the benefit of the current rules.

To submit comments, or access a docket, please follow the detailed instructions provided under **ADDRESSES** in the **Federal Register** documents of January 19, 2017, (82 FR 7432) (FRL-9950-08) or (82 FR 7464) (FRL-9958-57). If you have questions, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

**List of Subjects in 40 CFR Part 751**

Environmental protection, Chemicals, Export notification, Hazardous substances, Import certification, Methylene Chloride, N-Methylpyrrolidone, Trichloroethylene, Recordkeeping.

Dated: April 18, 2017.

**Wendy Cleland-Hamnett,**

*Acting Assistant Administrator for Chemical Safety and Pollution Prevention.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

#### 49 CFR Parts 350

[Docket No. FMCSA-2014-0470]

RIN 2126-AB84

#### State Inspection Programs for Passenger-Carrier Vehicles; Withdrawal

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

**ACTION:** Advance notice of proposed rulemaking; withdrawal.

**SUMMARY:** FMCSA withdraws its April 27, 2016, advance notice of proposed rulemaking (ANPRM) concerning the establishment of requirements for States to implement annual inspection programs for commercial motor vehicles (CMVs) designed or used to transport passengers (passenger-carrying CMVs). FMCSA sought information from all interested parties that would enable the Agency to assess the risks associated with improperly maintained or inspected passenger-carrying CMVs. The ANPRM also sought public comments concerning the effectiveness of the current FMCSA annual inspection standards, and data on the potential costs and benefits of a Federal requirement for each State to implement a mandatory inspection program. FMCSA inquired about how the Agency might incentivize States to adopt such programs. After reviewing all the public comments, and in consideration of the comments provided by individuals attending the three public listening sessions held in 2015, FMCSA has determined there is not enough data and information available to support moving forward with a rulemaking action.

**DATES:** The ANPRM "State Inspection Programs for Passenger-Carrier Vehicles," published on April 27, 2016 (81 FR 24769), is withdrawn as of May 1, 2017.

**FOR FURTHER INFORMATION CONTACT:** Ms. Loretta Bitner, Chief, Commercial Passenger Carrier Safety Division at 202-385-2428, or via email at [Loretta.Bitner@dot.gov](mailto:Loretta.Bitner@dot.gov), Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington,

DC 20590–0001. If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

#### SUPPLEMENTARY INFORMATION:

##### Background/Topics Addressed During the Comment Period

In accordance with § 32710 of the Moving Ahead for Progress in the 21st Century Act (MAP–21) (Pub. L. 112–141, 126 Stat. 405, 815), FMCSA published an ANPRM in the **Federal Register** on April 27, 2016 (81 FR 24769). The Agency sought information from industry and other stakeholders on the maintenance and inspection of passenger-carrying CMVs that would help FMCSA decide whether to propose a rule that mandates States to impose an annual inspection process.

FMCSA requested information from commercial passenger carriers and other stakeholders in order to consider proposing a rule that would require the States to establish annual inspection programs for passenger-carrying CMVs. The requested information was necessary to assist FMCSA in quantifying the economic benefits and costs of potentially moving forward with establishing an inspection program and in assessing risks associated with improperly maintained or inspected passenger-carrying CMVs. The ANPRM also was intended to provide information on the effectiveness of existing Federal inspection requirements in mitigating risks and ensuring safe and proper operations.<sup>1</sup> In the effort to gather relevant data, FMCSA posed a series of questions addressing the following matters:

- Existing State Mandatory Vehicle Inspection Programs for Passenger-Carrying CMVs.
- Measuring Effectiveness of Inspection Programs.
- Inspection Facilities and Locations.
- Costs.
- Uniformity of Mandatory Vehicle Inspections Programs.
- Current Federal Standards.
- Federal Authority.

<sup>1</sup> Subsequent to publication of the ANPRM, FMCSA issued a rule that eliminated the option of relying on roadside inspections as satisfying the periodic inspection requirement. See 81 FR 47722 (July 22, 2016).

#### Discussion of Comments

The Agency received 22 public comments, with 10 commenters expressing general opposition to the mandatory State inspection requirement discussed in the ANPRM. Seven commenters supported the establishment of such a requirement; four commenters neither supported nor opposed a possible requirement, and one commenter's issue was out-of-scope. Many commenters indicated that the existing standards for annual inspections prescribed in the Federal Motor Carrier Safety Regulations (FMCSRs) or their own programs were sufficient. Commenters also indicated that current standards are effective at mitigating risk when properly enforced. Several commenters made their support contingent on factors such as uniformity in inspection standards, standardization of inspector training, a self-inspection option, and required reciprocity, whereby States would be required to recognize inspections conducted outside their States.

Several commenters, including State agencies in Michigan, Pennsylvania, and Texas, addressed questions aimed at measuring the effectiveness of inspection programs. However, none of these commenters was able to determine whether the establishment of an inspection program reduced the number of safety violations detected. Michigan's Department of Motor Vehicles indicated it improved its inspection process by educating carriers on the required State inspection criteria in 2013; it has since observed a 10% increase in vehicles passing their initial safety inspection.

Few commenters addressed how FMCSA might incentivize the States to establish mandatory inspection programs. The South Carolina Transport Police noted that a mandate would be a strain on its resources. The Michigan Department of Transportation noted that a program should be subsidized with Federal funding. A representative from Pennsylvania suggested providing additional Federal highway funding to those States with well-defined programs.

#### FMCSA Decision

FMCSA withdraws the April 2016 ANPRM because the Agency is not

aware of data or information that supports the development of a notice of proposed rulemaking to require the States to establish mandatory annual inspection programs for passenger-carrying vehicles.

The Agency held a series public listening sessions<sup>2</sup> concerning this subject prior to publication of the ANPRM. Those sessions provided interested parties with the opportunity to share their views on the merits of requiring State inspections of passenger CMVs. Transcripts of the sessions are available in the public docket noted above. Stakeholders' remarks and comments proved valuable in developing the questions posed in the ANPRM, but the information they provided was not sufficient to support moving beyond the ANPRM. The Agency received a broad range of comments identifying issues FMCSA would need to consider in a rulemaking, such as the costs of mandatory inspection programs, the value of a nation-wide uniform inspection standard, and the need for national training of inspectors to eliminate inconsistencies in how inspection standards are applied. Both industry and the enforcement community expressed concerns about the cost of an inspection program. Stakeholders' estimates of costs for program administration and individual inspections varied significantly.

The Agency does not foresee the availability of Federal funding to incentivize the States to adopt such programs under its existing grant programs.

Issued under the authority of delegation in 49 CFR 1.87 on: April 25, 2017.

**Daphne Y. Jefferson,**

*Deputy Administrator.*

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<sup>2</sup> The listening sessions were conducted at the American Bus Association Marketplace in St. Louis, Missouri on January 13, 2015, a United Motor Coach Association meeting in New Orleans, Louisiana on January 18, 2015, and a Commercial Vehicle Safety Alliance workshop in Jacksonville, Florida on April 14, 2015.