



Federal Register

**Monday,
December 22, 2003**

Part LXIII

**Surface
Transportation Board**

Semiannual Regulatory Agenda

SURFACE TRANSPORTATION BOARD (STB)

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

49 CFR Ch. X

[STB Ex Parte No. 536 (Sub-No. 15)]

Semiannual Regulatory Agenda

AGENCY: Surface Transportation Board.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Surface Transportation Board (the Board), in accordance with the requirements of the Regulatory Flexibility Act, is publishing a semiannual agenda of: (1) current and projected rulemakings; and (2) existing regulations being reviewed to determine whether to propose modifications through rulemaking. Listed below are the regulatory actions to be developed or reviewed during the next 12 months. Following each rule identified is a brief description of the rule, including its purpose and legal basis.

FOR FURTHER INFORMATION CONTACT: A contact person is identified for each of the rules listed below.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act, 5 U.S.C. 601

et seq. (RFA), sets forth a number of requirements for agency rulemaking. Among other things, the RFA requires that, semiannually, each agency shall publish in the **Federal Register** a regulatory flexibility agenda, which shall contain:

(1) A brief description of the subject area of any rule that the agency expects to propose or promulgate, which is likely to have a significant economic impact on a substantial number of small entities;

(2) A summary of the nature of any such rule under consideration for each subject area listed in the agenda pursuant to paragraph (1), the objectives and legal basis for the issuance of the rule, and an approximate schedule for completing action on any rule for which the agency has issued a general notice of proposed rulemaking; and

(3) The name and telephone number of an agency official knowledgeable concerning the items listed in paragraph (1).

Accordingly, a list of proceedings appears below containing information about subject areas in which the Board is currently conducting rulemaking proceedings or may institute such

proceedings in the near future. It also contains information about existing regulations being reviewed to determine whether to propose modifications through rulemaking.

The agenda represents the Board's best estimate of rules that will be considered over the next 12 months. However, section 602(d) of the RFA, 5 U.S.C. 602(d), provides: "Nothing in [section 602] precludes an agency from considering or acting on any matter not included in a regulatory flexibility agenda or requires an agency to consider or act on any matter listed in such agenda."

The Board is publishing its fall 2003 regulatory flexibility agenda as part of the Unified Agenda of Federal Regulatory and Deregulatory Actions (Unified Agenda). The Unified Agenda is coordinated by the Office of Management and Budget (OMB), pursuant to Executive Order 12866. The Board is participating in the program voluntarily to assist OMB.

Decided: September 4, 2003.

By the Board, Chairman Nober.

Vernon A. Williams,
Secretary.

Surface Transportation Board—Long—Term Actions

Sequence Number	Title	Regulation Identification Number
4412	Small Rate Guidelines, STB Ex Parte No. 646	2140—AA70
4413	Class Exemption for Expedited Abandonment Procedure for Class II and Class III Railroads, STB Ex Parte No. 647	2140—AA71
4414	Public Participation in Rail Abandonment Proceedings, STB Ex Parte No. 537 (Sub—No. 1)	2140—AA72

Surface Transportation Board—Completed Actions

Sequence Number	Title	Regulation Identification Number
4415	Railroad Consolidation Procedures—Exemption for Temporary Trackage Rights, STB Ex Parte No. 282 (Sub—No. 20)	2140—AA68
4416	Removal of Divisions of Revenue Regulations, STB Ex Parte No. 637 (Sub—No. 1)	2140—AA69

Surface Transportation Board (STB)

Long-Term Actions

4412. • SMALL RATE GUIDELINES, STB EX PARTE NO. 646

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Legal Authority: 49 USC 10701(d)(3)

CFR Citation: 49 CFR 1109; 49 CFR 1114

Legal Deadline: None

Abstract: The Board is seeking comments to revise the Simplified Guidelines (Rate Guidelines—Non—Coal Proceedings, 1 STB 1004 (1996)) to provide small shippers meaningful access to regulatory relief in cases where a full stand-alone cost presentation is too costly.

Timetable:

Action	Date	FR Cite
Hearing	03/31/03	68 FR 15553
Notice	04/07/03	68 FR 16862
Next Action	Undetermined	

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: No

Government Levels Affected: None

URL For More Information:

stb.dot.gov

URL For Public Comments:

stb.dot.gov

Agency Contact: Beryl Gordon, Deputy Director, Office of Proceedings, Surface Transportation Board, 1925 K Street NW., Washington, DC 20423—0001

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RIN: 2140-AA70

4413. • CLASS EXEMPTION FOR EXPEDITED ABANDONMENT PROCEDURE FOR CLASS II AND CLASS III RAILROADS, STB EX PARTE NO. 647

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 49 USC 10502; 49 USC 10903

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: The Surface Transportation Board will consider a proposal to create a Class exemption for Class II and Class III railroads from the prior approval abandonment requirements, and any other matters interested persons may raise about the abandonment process.

Timetable:

Action	Date	FR Cite
ANPRM	08/13/03	68 FR 48332
Next Action	Undetermined	

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: No

Government Levels Affected: None

URL For More Information:

stb.dot.gov

URL For Public Comments:

stb.dot.gov

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RIN: 2140-AA71

4414. • PUBLIC PARTICIPATION IN RAIL ABANDONMENT PROCEEDINGS, STB EX PARTE NO. 537 (SUB—NO. 1)

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: Not Yet Determined

CFR Citation: 49 CFR 1152.20(a)(2)(xi)

Legal Deadline: None

Abstract: The Board is proposing to amend its regulations concerning the service of a notice of intent to abandon or discontinue rail service by removing an obsolete reference to a labor organization and making technical changes.

Timetable:

Action	Date	FR Cite
NPRM	09/02/03	68 FR 52168
NPRM Comment Period End	10/02/03	
Next Action	Undetermined	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For More Information:

stb.dot.gov

URL For Public Comments:

stb.dot.gov

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RIN: 2140-AA72

Surface Transportation Board (STB)

Completed Actions

4415. RAILROAD CONSOLIDATION PROCEDURES—EXEMPTION FOR TEMPORARY TRUCKAGE RIGHTS, STB EX PARTE NO. 282 (SUB—NO. 20)

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 11323 to 11325; 49 USC 10502

CFR Citation: 49 CFR 1180.2(d)(8); 49 CFR 1180.4(g)(2)(iii)

Legal Deadline: None

Abstract: The STB adopts a class exemption for trackage rights that, by their terms, are for overhead operations only and expire on a date certain, not to exceed one year from the effective date of the exemption.

Timetable:

Action	Date	FR Cite
NPRM	02/10/03	68 FR 6695

Action	Date	FR Cite
NPRM Comment Period End	03/12/03	
Final Action	05/23/03	68 FR 28139
Final Action Effective	06/22/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

STB

Completed Actions

URL For More Information:

stb.dot.gov

URL For Public Comments:

stb.dot.gov

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RIN: 2140-AA68

**4416. • REMOVAL OF DIVISIONS OF
REVENUE REGULATIONS, STB EX
PARTE NO. 637 (SUB—NO. 1)**

Priority: Info./Admin./Other. Major
status under 5 USC 801 is
undetermined.

Legal Authority: 49 USC 10705**CFR Citation:** 49 CFR 1137.1**Legal Deadline:** None

Abstract: The Board is removing its
regulations concerning divisions of
revenue proceedings because of
changes in the statute and the
infrequency of divisions of revenue
complaints.

Timetable:

Action	Date	FR Cite
NPRM	05/06/03	68 FR 23947
NPRM Comment Period End	06/05/03	
Final Action	08/29/03	68 FR 51919
Final Action Effective	09/28/03	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For More Information:**

stb.dot.gov

URL For Public Comments:

stb.dot.gov

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RIN: 2140-AA69

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