



# Federal Register

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**Monday,  
December 11, 2006**

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**Part XV**

**Department of  
Transportation**

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**Semiannual Regulatory Agenda**

## DEPARTMENT OF TRANSPORTATION (DOT)

## DEPARTMENT OF TRANSPORTATION

## Office of the Secretary

## 14 CFR Chs. I-III

## 23 CFR Chs. I-III

## 33 CFR Chs. I and IV

## 46 CFR Chs. I-III

## 48 CFR Ch. 12

## 49 CFR Subtitle A, Chs. I-VI and Chs. X-XII

## OST Docket 99-5129

## Department Regulatory Agenda; Semiannual Summary

**AGENCY:** Office of the Secretary, DOT.

**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** The regulatory agenda is a semiannual summary of all current and projected rulemakings, reviews of existing regulations, and completed actions of the Department. The agenda provides the public with information about the Department of Transportation's regulatory activity. It is expected that this information will enable the public to be more aware of and allow it to more effectively participate in the Department's regulatory activity. The public is also invited to submit comments on any aspect of this agenda.

**FOR FURTHER INFORMATION CONTACT:***General*

You should direct all comments and inquiries on the agenda in general to Neil R. Eisner, Assistant General Counsel for Regulation and Enforcement, Department of Transportation, 400 7th Street SW., Washington, DC 20590, (202) 366-4723.

*Specific*

You should direct all comments and inquiries on particular items in the agenda to the individual listed for the regulation or the general rulemaking contact person for the operating administration in Appendix B. Individuals who use a telecommunications device for the deaf (TDD) may call (202) 755-7687.

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**SUPPLEMENTARY INFORMATION:****Background**

Improvement of our regulations is a prime goal of the Department of Transportation (Department or DOT). There should be no more regulations than necessary and those that are issued should be simpler, more comprehensible, and less burdensome. Regulations should not be issued without appropriate involvement of the public; once issued, they should be periodically reviewed and revised, as needed, to assure that they continue to meet the needs for which they originally were designed.

To help the Department achieve these goals and in accordance with Executive Order 12866 "Regulatory Planning and Review" (58 FR 51735; October 4, 1993) and the Department's Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), the Department prepares a semiannual regulatory agenda. It summarizes all current and projected rulemaking, reviews of existing regulations, and completed actions of the Department. These are matters on which action has begun or is projected during the succeeding 12 months or such longer period as may be anticipated or for which action has been completed since the last agenda.

Additionally, during the past year, the Department completed an initiative to review its rules. As a part of this initiative, the Department held a public meeting and received public comments. On June 12, 2006 (71 FR 33780), the Department published its final regulatory review report.

The agendas are based on reports submitted by the offices initiating the rulemaking and are reviewed by the Department Regulations Council. The Department's last agenda was published in the **Federal Register** on April 24, 2006 (71 FR 22954). The next one is scheduled for publication in the **Federal Register** in April 2007.

**Significant/Priority Rulemakings**

The agenda covers all rules and regulations of the Department. We have classified rules as a DOT agency priority in the agenda if they are, essentially, very costly, controversial, or of substantial public interest under our Regulatory Policies and Procedures. All DOT agency priority rulemaking documents are subject to review by the Secretary of Transportation. If the Office of Management and Budget (OMB) decides a rule is subject to its review under Executive Order 12866, we have classified it as significant in the agenda.

**Explanation of Information on the Agenda**

The format for this agenda is required by a fall 2006 memorandum from the Office of Management and Budget.

First, the agenda is divided by initiating offices. Then, the agenda is divided into five categories: (1) Prerule stage, (2) proposed rule stage, (3) final rule stage, (4) long-term actions, and (5) completed actions. For each entry, the agenda provides the following information: (1) Its "significance;" (2) a short descriptive title; (3) its legal basis; (4) the related regulatory citation in the Code of Federal Regulations; (5) any legal deadline and, if so, for what action (e.g., NPRM, final rule); (6) an abstract; (7) a timetable, including the earliest expected date for a decision on whether to take the action; (8) whether the rulemaking will affect small entities and/or levels of government and, if so, which categories; (9) whether a Regulatory Flexibility Act (RFA) analysis is required (for rules that would have a significant economic impact on a substantial number of small entities); (10) a listing of any analyses an office will prepare or has prepared for the action (With minor exceptions, DOT requires an economic analysis for all its rulemakings.); (11) an agency contact office or official who can provide further information; (12) a Regulation Identifier Number (RIN) assigned to identify an individual rulemaking in the agenda and facilitate tracing further action on the issue; (13) whether the action is subject to the Unfunded Mandates Reform Act; (14) whether the action is subject to the Energy Act; and (15) whether the action is major under the congressional review provisions of the Small Business Regulatory Enforcement Fairness Act. If there is information that does not fit in the other

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categories, it will be included under a separate heading entitled "Additional Information."

For nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements (such as the Federal Aviation Administration's Airspace Rules), to keep those requirements operationally current, we only include the general category of the regulations, the identity of a contact office or official, and an indication of the expected number of regulations; we do not list individual regulations.

In the "Timetable" column, we use abbreviations to indicate the particular documents being considered. ANPRM stands for Advance Notice of Proposed Rulemaking, SNPRM for Supplemental Notice of Proposed Rulemaking, and NPRM for Notice of Proposed Rulemaking. Listing a future date in this column does not mean we have made a decision to issue a document; it is the earliest date on which we expect to make a decision on whether to issue it. In addition, these dates are based on current schedules. Information received subsequent to the issuance of this agenda could result in a decision not to take regulatory action or in changes to proposed publication dates. For example, the need for further evaluation could result in a later publication date; evidence of a greater need for the regulation could result in an earlier publication date.

Finally, a dot (•) preceding an entry indicates that the entry appears in the agenda for the first time.

#### Request for Comments

##### General

Our agenda is intended primarily for the use of the public. Since its inception, we have made modifications and refinements that we believe provide the public with more helpful information, as well as make the agenda easier to use. We would like you, the public, to make suggestions or comments on how the agenda could be further improved.

##### Reviews

We also seek your suggestions on which of our existing regulations you believe need to be reviewed to determine whether they should be revised or revoked. We particularly draw your attention to the Department's review plan in Appendix D. We are

continuing a significant review for 2006 of where revisions, improvements, or sunsets are appropriate on DOT rules and invite public comments as to this topic.

##### Regulatory Flexibility Act

The Department is especially interested in obtaining information on requirements that have a "significant economic impact on a substantial number of small entities" and, therefore, must be reviewed under the Regulatory Flexibility Act. If you have any suggested regulations, please submit them to us, along with your explanation of why they should be reviewed.

In accordance with the Regulatory Flexibility Act, comments are specifically invited on regulations that we have targeted for review under section 610 of the Act. The phrase (Section 610 Review) appears at the end of the title for these reviews. Please see Appendix D for the Department's section 610 review plans.

##### Federalism

Executive Order 13132 requires us to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" are defined in the Executive order to include regulations that have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, we encourage State and local governments to provide us with information about how the Department's rulemakings impact them.

##### Purpose

The Department is publishing this regulatory agenda in the **Federal Register** to share with interested members of the public the Department's preliminary expectations regarding its future regulatory actions. This should enable the public to be more aware of the Department's regulatory activity and should result in more effective public participation. This publication in the **Federal Register** does not impose any binding obligation on the Department or any of the offices within the Department with regard to any specific item on the

agenda. Regulatory action, in addition to the items listed, is not precluded.

**Maria Cino,**

*Acting Secretary of Transportation.*

#### Appendix A—Instructions for Obtaining Copies of Regulatory Documents

To obtain a copy of a specific regulatory document in the agenda, you should communicate directly with the contact person listed with the regulation at the address below. We note that most if not all such documents, including the semiannual agenda, are available through our Internet-accessible docket at <http://dms.dot.gov>. See Appendix C for more information.

##### *Federal Highway Administration (FHWA)*

(Name of contact person), Federal Highway Administration, 400 7th Street SW., Washington, DC 20590.

##### *Federal Motor Carrier Safety Administration (FMCSA)*

(Name of contact person), Federal Motor Carrier Safety Administration, 400 7th Street SW., Washington, DC 20590.

##### *Federal Railroad Administration (FRA)*

Michele Silva, Federal Railroad Administration, 1120 Vermont Avenue NW., Mail Stop 10, Washington, DC 20590; telephone (202) 493-6030.

##### *National Highway Traffic Safety Administration (NHTSA)*

(Name of contact person), National Highway Traffic Safety Administration, 400 7th Street SW., Washington, DC 20590.

##### *Federal Transit Administration (FTA)*

(Name of contact person), Federal Transit Administration, 400 7th Street SW., Washington, DC 20590.

##### *Saint Lawrence Seaway Development Corporation (SLSDC)*

(Name of contact person), Saint Lawrence Seaway Development Corporation, 400 7th Street SW., Room 5424, Washington, DC 20590.

##### *Pipeline and Hazardous Materials Safety Administration (PHMSA)*

(Name of contact person), Pipeline and Hazardous Materials Safety Administration (PHMSA), 400 7th Street SW., Washington, DC 20590.

##### *Maritime Administration (MARAD)*

Joel C. Richard, Secretary, Maritime Administration, 400 7th Street SW.,

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Room 7210, Washington, DC 20590, (202) 366-5746.

*The Research and Innovative Technology Administration (RITA)*

(Name of contact person), The Research and Innovative Technology Administration (RITA), 400 7th Street SW., Room 3103, Washington, DC 20590.

*Federal Aviation Administration (FAA)*

To obtain a copy of a specific Federal Aviation Administration (FAA) regulatory document in the agenda, you should communicate directly with the contact person listed with the regulation at the address or telephone number listed; access the FAA's Regulations and Policies web page at [http://www.faa.gov/regulations\\_policies/](http://www.faa.gov/regulations_policies/); call (202) 267-9680; or write to us at Federal Aviation Administration, Office of Rulemaking, ARM-1, 800 Independence Avenue SW., Washington, DC 20591.

*Office of the Secretary (OST)*

To obtain a copy of a specific regulatory document or to receive future copies of the Department's regulatory agenda write to: Assistant General Counsel for Regulation and Enforcement, C-50, Office of the General Counsel, Department of Transportation, Washington, DC 20590, (202) 366-4723.

**Appendix B—General Rulemaking Contact Persons**

The following is a list of persons who can be contacted within the Department for general information concerning the rulemaking process within the various operating administrations.

FAA - Rebecca MacPherson, Office of Chief Counsel, Regulations and Enforcement Division, 800 Independence Avenue SW., Room 915A, Washington, DC 20591; telephone (202) 267-3073.

FHWA - Julie Downey, Office of Chief Counsel, 400 7th Street SW., Room 4223, Washington, DC 20590; telephone (202) 366-0761.

FMCSA - Theresa M. Rowlett, Regulatory Ombudsman, Room 8202, 400 7th Street SW., Washington, DC 20590; telephone (202) 366-0596.

FRA - Michael Masci, Office of Chief Counsel, 1120 Vermont Avenue NW., Room 7034, Washington, DC 20590; telephone (202) 493-6037.

NHTSA - Steve Wood, Office of Chief Counsel, 400 7th Street SW., Room

5219, Washington, DC 20590; telephone (202) 366-2992.

FTA - Linda Lasley, Office of Chief Counsel, 400 7th Street SW., Room 9316, Washington, DC 20590; telephone (202) 366-4063.

SLSDC - Craig Middlebrook, General Counsel's Office, 400 7th Street SW., Room 5424, Washington, DC 20590; telephone (202) 366-0091.

PHMSA - Patricia Burke, Office of Chief Counsel, 400 7th Street SW., Room 8405, Washington, DC 20590; telephone (202) 366-4400.

MARAD - Christine Gurland, Office of Chief Counsel, Maritime Administration, 400 7th Street SW., Room 7221, Washington, DC 20590; telephone (202) 366-5181.

RITA - Robert Monniere, Office of Chief Counsel, Room 3105, 400 7th Street SW., Washington, DC 20590; telephone (202) 366-5498.

OST - Neil Eisner, Office of Regulation and Enforcement, 400 7th Street SW., Room 10424, Washington, DC 20590; telephone (202) 366-4723.

**Appendix C—Public Rulemaking Dockets**

The public may review or submit comments to the dockets for all of DOT via the Internet at the following address: <http://dms.dot.gov>. Examples of documents that may be in the dockets are proposed rules, public comments received, supporting analyses, studies, and reports. The above referenced Internet address allows the public to also sign up for the DOT List Serve to receive notification when certain documents are placed in the dockets.

The public also may review regulatory dockets at, or deliver comments on proposed rulemakings to, the Dockets Office at 400 7th Street SW., Room PL 401, Washington, DC 20590, 1-800-647-5527. Working Hours: 9-5.

**Appendix D—Review Plans for Section 610 and Other Requirements**

**Part I- The Plan**

*General*

The Department of Transportation has long recognized the importance of regularly reviewing its existing regulations to determine whether they need to be revised or revoked. Our 1979 Regulatory Policies and Procedures require such reviews. We also have responsibilities under Executive Order

12866 "Regulatory Planning and Review" and section 610 of the Regulatory Flexibility Act to conduct such reviews. This will include the use of plain language techniques in new rules and considering rewriting existing rules when we have the opportunity and resources permit. The Department is currently conducting a number of reviews of existing rules and is engaged in rulemaking actions resulting from these reviews.

*Section 610 Review Plan*

Section 610 requires that we conduct reviews of rules that (1) have been published within the last 10 years and (2) have a "significant economic impact on a substantial number of small entities" (SEIOSNOSE). It also requires that we publish in the **Federal Register** each year a list of any such rules that we will review during the next year. The Office of the Secretary and each of the Department's Operating Administrations have a 10-year review plan. These reviews are in accordance with section 610 of the Regulatory Flexibility Act.

*Other Review Plan(s)*

All elements of the Department, except for Federal Aviation Administration (FAA), have also elected to use this 10-year plan process to comply with the review requirements of the Department's Regulatory Policies and Procedures and Executive Order 12866. FAA is using a different approach, which is described in part II to this appendix.

*Changes to the Review Plan*

Some reviews may be conducted earlier than scheduled. For example, to the extent resources permit, the plain language reviews will be conducted more quickly. Other events, such as accidents, may result in the need to conduct earlier reviews of some rules. Other factors may also result in the need to make changes; for example, we may make changes in response to public comment on this plan or in response to a Presidentially mandated review. If there is any change to the review plan, we will note the change in the following unified agenda. For any section 610 review, we will provide the required notice prior to the review.

**Part II- The Review Process**

*The Analysis*

Generally, the agencies have divided their rules into 10 different groups and

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plan to analyze one group each year. For purposes of these reviews, a year will coincide with the fall-to-fall schedule for publication of the agenda. Thus, Year 1 (1998) began in the fall of 1998 and ends in the fall of 1999; Year 2 (1999) begins in the fall of 1999 and ends in the fall of 2000; and so on. We request public comment on the timing of the reviews. For example, is there a reason for scheduling an analysis and review for a particular rule earlier than we have? Any comments concerning the plan or particular analyses can be submitted to the regulatory contacts listed in Appendix B, General Rulemaking Contact Persons.

*Section 610 Review*

The Agency will analyze each of the rules in a given year's group to determine whether any rule has a SEIOSNOSE and, thus, requires review in accordance with section 610 of the Regulatory Flexibility Act. The level of analysis will, of course, depend on the nature of the rule and its applicability. Publication of agencies' section 610 analyses listed each fall in this agenda provides the public with notice and an opportunity to comment consistent with the requirements of the Regulatory Flexibility Act. We request that public comments be submitted to us early in the analysis year concerning the small entity impact of the rules to help us in making our determinations.

In each fall agenda, the Agency will publish the results of the analyses it has completed during the previous year. For rules that had a negative finding on SEIOSNOSE, we will give a short explanation (e.g., "these rules only establish petition processes that have no cost impact" or "these rules do not apply to any small entities"). For parts, subparts, or other discrete sections of rules that do have a SEIOSNOSE, we will announce that we will be conducting a formal section 610 review during the following 12 months. At this

stage, we will add an entry to the agenda in the prerulemaking section describing the review in more detail. We also will seek public comment on how best to lessen the impact of these rules and provide a name or docket to which public comments can be submitted. In some cases, the section 610 review may be part of another unrelated review of the rule. In such a case, we plan to clearly indicate which parts of the review are being conducted under section 610.

*Other Reviews*

The Agency will also examine the specified rules to determine whether any other reasons exist for revising or revoking the rule or for rewriting the rule in plain language. In each fall agenda, the Agency will also publish information on the results of the examinations completed during the previous year.

*FAA*

The FAA, in addition to reviewing its rules in accordance with the schedule below, has established a process by which the public is asked for its comments on which rules need review the most. Any information that the FAA receives in connection with its annual section 610 analyses would, of course, also be reviewed in the spirit of E.O. 12866. In addition, in response to a recommendation of the White House Commission on Aviation Safety and Security, the FAA has completed a review of all its existing regulations to identify those in need of rewriting as performance-based or plain language regulations. The Agency also reviewed ongoing regulatory projects and proposals to identify additional candidates for revision. In all, the Agency reviewed 68 parts of the CFR, containing 3,884 sections, appendices, and Special Federal Aviation Regulations. In addition to using plain language in its current and future

regulations, the FAA intends to revise those regulations identified in its study when it has the opportunity and resources to do so.

*FMCSA*

The Regulatory Flexibility Act (RFA) section 610 requires agencies to provide information concerning any rule that may have a significant economic impact on a substantial number of small entities (SEIOSNOSE) in the spring and fall of each year as part of the Unified Regulatory Agenda. FMCSA has completed the third year of its 5-year analytical review cycle to evaluate whether our regulations and rules impose a SEIOSNOSE. The Agency's 5-year review plan coincides with the Department of Transportation's 10-year schedule for meeting the RFA section 610 requirements. We have also scheduled more in-depth regulatory reviews to determine if our rules are redundant, provide the intended safety benefit, are unnecessarily burdensome to small entities, written in plain language (consistent with Executive Order 12988 and 63 FR 31885), and still serve a meaningful purpose, or need to be modified.

*FTA*

FTA will undertake an analysis and review of its regulations to eliminate duplication and unnecessary requirements, to update and clarify its rules, and to bring them into conformity with the new statute, SAFETEA-LU.

**Part III- List of Pending Section 610 Reviews**

The agenda identifies the pending DOT Section 610 Reviews by inserting (Section 610 Review) after the title for the specific entry. Also, a Governmentwide list of section 610 reviews can be located in an index at the end of the Agenda. For further information on the pending reviews, see the agenda entries.

OFFICE OF THE SECRETARY  
SECTION 610 AND OTHER REVIEWS

Year	Regulations To Be Reviewed	Analysis Year	Review Year
1	14 CFR parts 200 through 212 .....	1998	1999
2	14 CFR parts 213 through 232 .....	1999	2000
3	14 CFR parts 234 through 254 .....	2000	2001
4	14 CFR parts 255 through 298 and 49 CFR part 40 .....	2001	2002
5	14 CFR parts 300 through 373 .....	2002	2003
6	14 CFR parts 374 through 398 .....	2003	2004
7	14 CFR part 399 and 49 CFR parts 1 through 11 .....	2004	2005

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OFFICE OF THE SECRETARY (Continued)  
SECTION 610 AND OTHER REVIEWS

Year	Regulations To Be Reviewed	Analysis Year	Review Year
8	49 CFR parts 17 through 28 .....	2005	2006
9	49 CFR parts 29 through 39 and parts 41 through 89 .....	2006	2007
10	49 CFR parts 91 through 99, 48 CFR parts 1201 through 1253, and new parts and subparts .....	2007	2008

**Year 6 (2003) List of rules analyzed and a summary of results**

## 14 CFR part 382 - Nondiscrimination on the Basis of Disability in Air Travel

- Section 610: No SEIOSNOSE. The Department conducted a thorough review of the part 382 program and determined that it was appropriate to make changes in the regulation. Some of the necessary changes (e.g., application to foreign air carriers) were also required by statute. Following this review, the Department issued a proposed revision to part 382 in November 2004 [RIN 2105-AC97]. A final rule is pending. The Department determined that the proposed revision did not have a SEIOSNOSE since most foreign carriers flying to the U.S. were not small entities. We also note that the changes to the portions of the rule affecting small U.S. carriers did not have significant economic effects.
- Plain Language: The proposed revision to part 382 was drafted using plain language techniques, such as the question and answer format, minimizing sentence length, and breaking up provisions into shorter sections and paragraphs. The proposal represents a substantial clarification of the format and language of the rule.
- General: The Department is currently working on a final rule based on the proposed revision to the rule.

## 14 CFR part 383 - Civil penalties

- Section 610: No SEIOSNOSE. The rule merely implements statutory requirements and imposes the minimal burden necessary.
- Plain Language: OST's plain language review of this rule indicates no need for substantial revision. If we propose to amend this part in the future, we will ensure it is written in plain language.
- General: No changes are needed at this time. The rule merely implements statutory requirements and imposes the minimal burden necessary. The rule was recently updated in July 2004.

## 14 CFR part 385 - Staff assignments and review of action under assignment

- Section 610: No SEIOSNOSE. The rule is cost-effective and imposes the minimal burden necessary.
- Plain Language: OST's plain language review of this rule indicates no need for substantial revision. When we propose to amend this part in the future, we will ensure it is written in plain language.
- General: Some technical corrections are needed to reflect organizational changes and make other minor corrections and updates. We will begin rulemaking as soon as resources allow. In general, the rule is cost-effective and imposes the minimal burden necessary.

**Year 7 (fall 2004) List of rules analyzed and a summary of results**

## 4 CFR part 399 - Statements of general policy

- Section 610: No SEIOSNOSE. In general, the part provides guidance to the industry and imposes minimal burden.
- Plain Language: OST's plain language review of this rule indicates no need for substantial revision. When we propose to amend this part in the future, we will ensure it is written in plain language.
- General: After a review, OST issued a NPRM in December 2005 [RIN 2105-AD56] concerning price advertising and is considering what, if any, further action to take. Some technical corrections are needed to other statements to reflect organizational changes and make various updates. We will begin rulemaking as soon as resources allow. In general, the part provides guidance to the industry and imposes minimal burden.

## 49 CFR part 1 - Organization and Delegation of Powers and Duties

- Section 610: No SEIOSNOSE. This rule is wholly internal to DOT in its application, describing which DOT officials have been delegated authority to implement various authorities and programs.
- Plain Language: This rule simply lists the authorities and subject matter areas under the jurisdiction of various DOT officials. As such, the plain language impacts of the rule text are minimal.
- General: This rule is subject to frequent additions (i.e., when new authorities in legislation are delegated to a DOT official) and deletions (i.e., when an authority or program expires). In addition, it changes when organizational delegations change (e.g., delegations to RSPA become delegations to PHMSA and RITA). These changes ensure that the rule is kept up-to-date.

## 49 CFR part 3 - Official Seal

- Section 610: No SEIOSNOSE. This brief part describes and pictures the Official Seal of DOT. It has no effects on anyone outside DOT.
- Plain Language: A picture being worth a thousand, even plain, words, the illustration of the DOT seal that is the focus of this part is not in need of any work in the plain language area.
- General: There is no revision of this rule needed in the foreseeable future.

## 49 CFR part 5 - Rulemaking Procedures

- Section 610: No SEIOSNOSE. This is an internal procedural rule describing the process DOT uses for rulemaking. The process is easy to access for large or small entities requesting DOT regulatory actions (e.g., through petitions

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for rulemaking or exemption). Under the rule, anyone seeking to have the Department initiate some kind of regulation need only write an explanatory letter to the Department.

- Plain Language: DOT will incorporate plain language techniques in any future revision of this rule.
  - General: This rule contains the basic ways in which DOT initiates and conducts rulemaking. Other, more detailed, requirements concerning rulemaking are contained in a variety of statutes, and Executive orders, and OMB and DOT directives and guidance. Consequently, there is little need for revision of part 5.
- 49 CFR part 6- Implementation of Equal Access to Justice Act in Agency proceedings
- Section 610: No SEIOSNOSE. The rule simply implements a statute and imposes the minimal burden necessary.
  - Plain Language: OST's plain language review of this rule indicates no need for substantial revision. When we propose to amend this part in the future, we will ensure it is written in plain language.
  - General: Some technical changes are needed to reflect organizational changes within the Department and will be made as resources allow. The rule simply implements a statute and imposes the minimal burden necessary.
- 49 CFR part 7- Public availability of information
- Section 610: No SEIOSNOSE. In general, the rule is cost-effective and imposes the minimal burden necessary.
  - Plain Language: OST's plain language review of this rule indicates no need for substantial revision. If we propose to amend this part in the future, we will ensure it is written in plain language.
  - General: Some technical corrections are needed to reflect organizational changes and make other minor corrections and updates. We will begin rulemaking as soon as resources allow. In general, the rule is cost-effective and imposes the minimal burden necessary.
- 49 CFR part 8- Classified information: Classification/declassification/access
- Section 610: OST has conducted section 610 reviews for this part and find no SEIOSNOSE.
  - Plain Language: OST's plain language review of this rule indicates no need for substantial revision. If we propose to amend this part in the future, we will ensure it is written in plain language.
  - General: Some technical corrections are needed to reflect organizational changes and make other minor corrections and updates. We will begin rulemaking as soon as resources allow. In general, the rule is cost-effective and imposes the minimal burden necessary.
- 49 CFR part 9- Testimony of employees of the Department and production of records in legal proceedings
- Section 610: No SEIOSNOSE. This rule primarily governs the activities of DOT employees with respect to litigation in which the Federal Government is not a party. It is intended to prevent DOT employees and offices from being burdened by requests by private litigants for participation in such litigation. The rule provides a procedure by which an attorney, representing any entity, regardless of size, can request an exemption from the rule's prohibition of DOT employee participation or production of records.
  - Plain Language: The rule is drafted primarily with an audience of lawyers in mind, and therefore is expressed in fairly legalistic language. DOT will incorporate plain language techniques in any future revision of this rule.
  - General: The Department is currently considering whether changes to the scope and applicability of the provisions of this part are warranted.
- 49 CFR part 10- Maintenance of and access to records pertaining to individuals
- Section 610: No SEIOSNOSE. In general, the rule implements various statutory requirements and imposes the minimal burden necessary.
  - Plain Language: OST's plain language review of this rule indicates no need for substantial revision. If we propose to amend this part in the future, we will ensure it is written in plain language.
  - General: Some technical corrections are needed to reflect organizational changes and make other minor corrections and updates. We will begin rulemaking as soon as resources allow. In general, the rule implements various statutory requirements and imposes the minimal burden necessary. In addition, we are continually reviewing the requirements in this rule pursuant to OMB guidance regarding personally identifiable information.
- 49 CFR part 11 - Protection of Human Subjects
- Section 610: No SEIOSNOSE. This rule governs actions by research institutions, such as universities, who conduct research involving human subjects that DOT funds support. It applies to research by Federal agencies (e.g., the Volpe Center) as well. The research agencies involved are most often not small entities. The rule is DOT's incarnation of Governmentwide policies and rules originally developed by the Department of Health and Human Services.
  - Plain Language: DOT will incorporate plain language techniques in any future revision of this rule.
  - General: There is no current need to revise this rule. Any future revision would have to be Governmentwide.
- Year 8 (fall 2005) List of rules analyzed and a summary of results**
- 49 CFR part 17 - Intergovernmental Review of Department of Transportation Programs and Activities.
- Section 610: No SEIOSNOSE. This rule, which implements a 1982 Executive order, is based on an OMB model rule. It establishes procedures to ensure that DOT agency actions are appropriately coordinated with state and local governments. It imposes no burdens on state and local governments of whatever size, and the coordination of various policies or projects could help to reduce burdens on small units of government.
  - Plain Language: DOT will incorporate plain language techniques in any future revision of this rule.
  - General: There is no current need to revise this rule. Any future revision would have to be Governmentwide.
- 49 CFR part 18 - Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments
- Section 610: No SEIOSNOSE. This rule implements Governmentwide requirements of OMB circulars concerning grant programs. It is primarily a procedural rule designed to ensure the proper stewardship of Federal grant funds. Its

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provisions involve some administrative costs to state and local grantees, but these costs are unlikely to be significant, especially compared with the grant funds that are provided through the rule's procedures.

- Plain Language: DOT will incorporate plain language techniques in any future revision of this rule.
  - General: There is no current need to revise this rule. Any future revision would have to be Governmentwide.
- 49 CFR part 19 - Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Non-Profit Organization
- Section 610: No SEIOSNOSE. This rule implements Governmentwide requirements of OMB circulars concerning grant programs. It is primarily a procedural rule designed to ensure the proper stewardship of Federal grant funds. Its provisions involve some administrative costs to non-profit grantees, but these costs are unlikely to be significant, especially compared with the grant funds that are provided through the rule's procedures.
  - Plain Language: DOT is incorporating plain language techniques in its current revision of this rule.
  - General: Based on a review, this rule is currently in the process of being revised for greater consistency with part 18.
- 49 CFR part 20 - New restrictions on lobbying
- Section 610: No SEIOSNOSE. The rule implements a statute and imposes the minimal burden necessary.
  - Plain Language: OST's plain language review of this rule indicates no need for substantial revision. If we propose to amend this part in the future, we will ensure it is written in plain language.
  - General: No changes are needed at this time. The rule implements statute and imposes the minimal burden necessary.
- 49 CFR part 21 - Nondiscrimination in the Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964.
- Section 610: No SEIOSNOSE. This is a regulation forbidding discrimination on the basis of race, color, or national origin in DOT-assisted programs. It largely consists of compliance procedures, as well as provision of assurances of nondiscrimination by recipients. It has negligible economic effects on regulated parties. It is based on a model rule, originally developed by the Department of Justice, which is used throughout the Government.
  - Plain Language: DOT will incorporate plain language techniques in any future revision of this rule.
  - General: There is no current need to revise this rule. Any future revision would have to be Governmentwide.
- 49 CFR part 23 - Participation by Disadvantaged Business Enterprise in Airport Concessions
- Section 610: No SEIOSNOSE. The Department conducted a thorough review of the part 23 program and determined that it was appropriate to make changes in the regulation. Some of the necessary changes were also required by statute. Following this review, the Department issued a revised part 23 in March 2005 [RIN 2105-AD51]. While this rule affects many small businesses, who are intended to be its main beneficiaries, the Department determined that the rule does not have a significant economic impact on anyone.
  - Plain Language: The revised part 23 was drafted using plain language techniques, such as the question and answer format, minimizing sentence length, and breaking up provisions into shorter sections and paragraphs.
  - General: The Department is working on a final rule based on a March 2005 SNPRM concerning small business size standards, which will be of interest to small businesses seeking to participate in the DBE program. In addition, the rule has a "sunset" provision that will result in a thorough review in 2009.
- 49 CFR part 24 - Uniform relocation assistance and real property acquisition for Federal and federally assisted programs
- Section 610: No SEIOSNOSE. The rule is cost-effective and imposes the minimal burden necessary.
  - Plain Language: OST's plain language review of this rule indicates no need for substantial revision. If we propose to amend this part in the future, we will ensure it is written in plain language.
  - General: No changes are needed at this time. The rule is cost-effective and imposes the minimal burden necessary. The rule was recently revised on January 4, 2005.
- 49 CFR part 25 - Nondiscrimination on the Basis of Sex in Programs or Activities Receiving Federal Financial Assistance.
- Section 610: No SEIOSNOSE. This regulation implements title IX of the Education Amendments of 1972. This is the DOT incarnation of a Governmentwide model rule. Because DOT provides little, if any, financial assistance to educational institutions that are not already covered by the title IX rules of other agencies (e.g., the Department of Education), the incremental effects of part 25 on educational institutions, including those that are small entities, is negligible.
  - Plain Language: DOT will incorporate plain language techniques in any future revision of this rule.
  - General: There is no current need to revise this rule. Any future revision would have to be Governmentwide.
- 49 CFR part 26 - Participation by Disadvantaged Business Enterprise (DBE) in Department of Transportation Financial Assistance Programs
- Section 610: No SEIOSNOSE. The DBE program is aimed at improving contracting opportunities for small businesses owned and controlled by socially and economically disadvantaged individuals. Virtually all the businesses it affects are small entities. There is no doubt that a DBE rule always affects a substantial number of small entities. However, while improving program administration, facilitating DBE participation, and responding to legal developments, the rule is essentially cost-neutral with respect to small entities in general. Part 26 is required by statute, and it does not impose new burdens or costs on small entities. It does not affect the total funds or business opportunities available to small businesses that seek to work in DOT financial assistance programs.
  - Plain Language: The rule was drafted in accordance with plain language principles and techniques.
  - General: While there may be minor amendments from time to time, no overall revision of the rule is needed at this time.
- 49 CFR parts 27 - Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance



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- Section 610: No SEIOSNOSE. Most substantive requirements for accessibility of facilities are contained in the Department's Americans with Disabilities Act (ADA) rules. This rule, under section 504 of the Rehabilitation Act, is now mainly focused on providing compliance procedures concerning ADA requirements applicable to DOT financial assistance recipients. Part 27 itself consequently has minimal economic effects on recipients.
  - Plain Language: DOT will incorporate plain language techniques in any future revision of this rule.
  - General: There is no current need to revise this rule.
- 49 CFR part 28 - Nondiscrimination on the Basis of Disability in Programs or Activities Conducted by the Department of Transportation
- Section 610: No SEIOSNOSE. This rule governs only actions by the DOT itself with respect to its own programs, activities, and facilities. There are no regulated parties outside the DOT.
  - Plain Language: DOT will incorporate plain language techniques in any future revision of this rule.
  - General: This rule is based on a Governmentwide model rule developed by the Department of Justice; any future changes would probably need to be Governmentwide as well.

**Year 9 (fall 2006) List of rule(s) that will be analyzed during the next year**

- 49 CFR part 91 - International Air Transportation Fair Competitive Practices  
 49 CFR part 92 - Recovering Debts to the United States by Salary Offset  
 49 CFR part 93 - Aircraft Allocation  
 49 CFR part 95 - Advisory Committees  
 49 CFR part 98 - Enforcement of Restrictions on Post-Employment Activities  
 49 CFR part 99 - Employee Responsibilities and Conduct

**FEDERAL AVIATION ADMINISTRATION  
SECTION 610 REVIEW PLAN**

Year	Regulations To Be Reviewed	Analysis Year	Review Year
1	14 CFR parts 1 through 21 .....	1998	1999
2	14 CFR parts 23 through 34 .....	1999	2000
3	14 CFR parts 35 through 49 .....	2000	2001
4 *	14 CFR parts 61 through 77 .....	2001	2002
5	14 CFR parts 91 through 105 .....	2002	2003
6	14 CFR parts 107 through 133 .....	2003	2004
7	14 CFR parts 135 through 147 .....	2004	2005
8	14 CFR parts 150 through 169 .....	2005	2006
9	14 CFR parts 170 through 198 .....	2006	2007
10	14 CFR parts 400 through 415 .....	2007	2008

\* FAA will also review all other rules dealing with alcohol and drugs

**Year 5 (fall 2002) List of rules continuing to be analyzed**

- 14 CFR part 91 - General Operating and Flight Rules

**Year 5 (fall 2002) List of rules analyzed and a summary of results**

- 14 CFR part 93 - Special Air Traffic Rules

- Section 610: The Agency has conducted section 610 reviews for this part and found no SEIOSNOSE.
- Plain Language: In conducting the section 610, we did not review for plain language. However, we propose to amend these parts, we will ensure the regulation(s) are written in plain language.
- General: No changes are necessary since the benefits of the rule justify its costs and the regulations impose the least burden.

- 14 CFR part 95 - IFR Altitudes

- Section 610: The Agency has conducted section 610 reviews for this part and found no SEIOSNOSE.
- Plain Language: In conducting the section 610, we did not review for plain language. However, we propose to amend these parts, we will ensure the regulation(s) are written in plain language.
- General: No changes are necessary since the benefits of the rule justify its costs and the regulations impose the least burden.

- 14 CFR part 97 - Standard Instrument Approach Procedures

- Section 610: The Agency has conducted section 610 reviews for this part and found no SEIOSNOSE.
- Plain Language: In conducting the section 610, we did not review for plain language. However, we propose to amend these parts, we will ensure the regulation(s) are written in plain language.
- General: No changes are necessary since the benefits of the rule justify its costs and the regulations impose the least burden.

- 14 CFR part 99 - Security Control of Air Traffic

- Section 610: The Agency has conducted section 610 reviews for this part and found no SEIOSNOSE.
- Plain Language: In conducting the section 610, we did not review for plain language. However, we propose to amend these parts, we will ensure the regulation(s) are written in plain language.

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- General: No changes are necessary since the benefits of the rule justify its costs and the regulations impose the least burden.
- 14 CFR part 101 - Moored Balloons, Kites, Unmanned Rockets and Unmanned Free Balloons
- Section 610: The Agency has conducted section 610 reviews for this part and finds no SEIOSNOSE.
- Plain Language: In conducting the section 610, we did not review for plain language. However, we propose to amend these parts, we will ensure the regulation(s) are written in plain language.
- General: No changes are necessary since the benefits of the rule justify its costs and the regulations impose the least burden.
- 14 CFR part 103 - Ultralight Vehicles
- Section 610: The Agency has conducted section 610 reviews for this part and found no SEIOSNOSE.
- Plain Language: In conducting the section 610, we did not review for plain language. However we propose to amend these parts, we will ensure the regulation(s) are written in plain language.
- General: No changes are necessary since the benefits of the rule justify its costs and the regulations impose the least burden.
- 14 CFR part 105 - Parachute Operations
- Section 610: The Agency has conducted section 610 reviews for this part and finds no SEIOSNOSE.
- Plain Language: In conducting the section 610, we did not review for plain language. However we propose to amend these parts, we will ensure the regulation(s) are written in plain language.
- General: No changes are necessary since the benefits of the rule justify its costs and the regulations impose the least burden.

**Year 6 (fall 2003) List of rules scheduled to be analyzed during the next year**

- 14 CFR parts 107 and 109 have been transferred to the Department of Homeland Security, Transportation Security Administration
- 49 CFR part 119 - Certification: Air Carriers and Commercial Operators
- 49 CFR part 121 - Operating Requirements: Domestic, Flag, and Supplemental Operations
- 49 CFR part 125 - Certification and Operations: Airplanes Having a Seating Capacity of 20 or More Passengers or a Maximum Payload Capacity of 6,000 Pounds or More; and Rules Governing Persons on Board Such Aircraft
- 49 CFR part 129 - Operations: Foreign Air Carriers and Foreign Operators of U.S.-Registered Aircraft Engaged in Common Carriage
- 49 CFR part 133 - Rotorcraft External-Load Operations

**Year 7 (fall 2004) List of rules that will be analyzed beginning fall 2008**

- 14 CFR part 135 - Operating Requirements: Commuter and on demand operations and rules governing persons on board such aircraft
- 14 CFR part 137 - Agricultural aircraft operations
- 14 CFR part 139 - Certification of Airports
- 14 CFR part 141 - Pilot schools
- 14 CFR part 142 - Training centers
- 14 CFR part 145 - Repair stations
- 14 CFR part 147 - Aviation maintenance technician schools

**Year 8 (fall 2005) List of rules that will be analyzed beginning fall 2009**

- 14 CFR part 150 - Airport noise compatibility planning
- 14 CFR part 151 - Federal aid to airports
- 14 CFR part 152 - Airport aid program
- 14 CFR part 155 - Release of airport property from surplus property disposal restrictions
- 14 CFR part 156 - State block grant pilot program
- 14 CFR part 157 - Notice of construction, alteration, activation, and deactivation of airports
- 14 CFR part 158 - Passenger facility charges (PFCs)
- 14 CFR part 161 - Notice and approval of airport noise and access restrictions
- 14 CFR part 169 - Expenditure of Federal funds for nonmilitary airports or air navigation facilities thereon

The Agency will perform analysis of parts scheduled for review years 9 and 10 beginning fall 2010. While we have made significant progress, we were unable to perform the required analyses within the 10-year plan due to the need to perform other high priority safety regulatory actions designed to further reduce the air carrier and general aviation accident rate. However, we recognize the importance of reviewing the impact of existing rules on small entities and have developed this plan to ensure that the reviews occur.

**FEDERAL HIGHWAY ADMINISTRATION  
SECTION 610 AND OTHER REVIEWS**

Year	Regulations To Be Reviewed	Analysis Year	Review Year
1	None .....	1998	1999
2	None .....	1999	2000
3	23 CFR parts 450, 657 and 771 .....	2000	2001

## DOT

FEDERAL HIGHWAY ADMINISTRATION (Continued)  
SECTION 610 AND OTHER REVIEWS

Year	Regulations To Be Reviewed	Analysis Year	Review Year
4	23 CFR parts 1-260 .....	2001	2002
5	23 CFR parts 420, 460-480 .....	2002	2003
6	23 CFR part 500 .....	2003	2004
7	23 CFR parts 600-656, 658-669 .....	2004	2005
8	23 CFR parts 710-924 .....	2005	2006
9	23 CFR parts 1200-1252 .....	2006	2007
10	New parts and subparts .....	2007	2008

**Federal-Aid Highway Program**

The FHWA has adopted regulations in title 23 of the CFR, chapter I, related to the Federal-Aid Highway Program.

These regulations implement and carry out the provisions of Federal law relating to the administration of Federal aid for highways. The primary law authorizing Federal aid for highways is chapter I of title 23 of the U.S.C. Section 145 of title 23 expressly provides for a federally assisted State program. For this reason, the regulations adopted by the FHWA in title 23 of the CFR primarily relate to the requirements that States must meet to receive Federal funds for the construction and other work related to highways. Because the regulations in title 23 primarily relate to States, which are not defined as small entities under the Regulatory Flexibility Act, the FHWA believes that its regulations in title 23 do not have a significant economic impact on a substantial number of small entities.

The FHWA solicits public comment on this preliminary conclusion.

**Year 8 (Fall 2005) List of Rules analyzed and summary of the results****23 CFR part 710 - Right-of-Way and real estate**

- Section 610: No SEIOSNOSE. This section applies primarily to State transportation agencies that are not small entities.
- Plain Language: FHWA's plain language review of these rules indicates no need for substantial revision.
- General: No changes are needed. These regulations are cost effective and impose the least burden.

**23 CFR part 750 - Highway beautification**

- Section 610: No SEIOSNOSE. This section applies primarily to State transportation agencies that are not small entities.
- Plain Language: FHWA's plain language review of these rules indicates no need for substantial revision.
- General: No changes are needed. These regulations are cost effective and impose the least burden.

**23 CFR part 751 - Junkyard control and acquisition**

- Section 610: No SEIOSNOSE. This section applies primarily to State transportation agencies that are not small entities.
- Plain Language: FHWA's plain language review of these rules indicates no need for substantial revision.
- General: No changes are needed. These regulations are cost effective and impose the least burden.

**23 CFR part 752 - Landscape and roadside development**

- Section 610: No SEIOSNOSE. This section applies primarily to State transportation agencies that are not small entities.
- Plain Language: FHWA's plain language review of these rules indicates no need for substantial revision.
- General: No changes are needed. These regulations are cost effective and impose the least burden.

**23 CFR part 771 - Environmental impact and related procedures**

- Section 610: No SEIOSNOSE. This section applies primarily to State transportation agencies that are not small entities.
- Plain Language: FHWA's plain language review of these rules indicates no need for substantial revision.
- General: We are currently working with the Federal Transit Administration to update this rule; mainly to comply with statutory changes.

**23 CFR part 772 - Procedures for abatement of highway traffic noise and construction noise**

- Section 610: No SEIOSNOSE. This section applies primarily to State transportation agencies that are not small entities.
- Plain Language: FHWA's plain language review of these rules indicates no need for substantial revision.
- General: We recently updated this regulation to require the use of the FHWA Traffic Noise Model (FHWA TNM) or any other model determined by the FHWA to be consistent with the methodology of the FHWA TNM. Additionally, we added specific reference to acceptable highway traffic noise prediction methodology and removes references to a noise measurement report and vehicle noise emission levels that no longer need to be included in the regulation.

**23 CFR part 777 - Mitigation of environmental impacts to privately owned wetlands**

- Section 610: No SEIOSNOSE. This section applies primarily to State transportation agencies that are not small entities.
- Plain Language: FHWA's plain language review of these rules indicates no need for substantial revision.
- General: No changes are needed. These regulations are cost effective and impose the least burden.

**23 CFR part 810 - Mass transit and special use highway projects**

- Section 610: No SEIOSNOSE. This section applies primarily to State transportation agencies that are not small entities.
- Plain Language: FHWA's plain language review of these rules indicates no need for substantial revision.
- General: No changes are needed. These regulations are cost effective and impose the least burden.

**23 CFR part 924 - Highway Safety improvement program**

- Section 610: No SEIOSNOSE. This section applies primarily to State transportation agencies that are not small entities.
- Plain Language: FHWA's plain language review of these rules indicates no need for substantial revision.
- General: No changes are needed. These regulations are cost effective and impose the least burden.

## DOT

**Year 9 (fall 2006) List of rule(s) that will be analyzed during the next year**

- 23 CFR part 1200 - Uniform procedures for State Highway Safety Programs
- 23 CFR part 1205 - Highway safety programs; determinations of effectiveness
- 23 CFR part 1206 - Rules of procedure for invoking sanctions under the Highway Safety Act of 1966
- 23 CFR part 1208 - Minimal drinking age
- 23 CFR part 1210 - Operation of motor vehicles by intoxicated minors
- 23 CFR part 1215 - Use of safety belts - compliance and transfer-of-funds procedures
- 23 CFR part 1225 - Operation of motor vehicles by intoxicated persons
- 23 CFR part 1235 - Uniform system for parking for persons with disabilities
- 23 CFR part 1240 - Safety incentive grants for use of seat belts - allocations based on seat belt use rates
- 23 CFR part 1250 - Political subdivision participation in State highway safety programs
- 23 CFR part 1251 - State highway safety agency
- 23 CFR part 1252 - State matching of planning and administration costs

**FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION  
SECTION 610 AND OTHER REVIEWS**

Year	Regulations To Be Reviewed	Analysis Year	Review Year
1	None .....	1998	1999
2	None .....	1999	2000
3	None .....	2000	2001
4	None .....	2001	2002
5	None .....	2002	2003
6	49 CFR parts 372 subpart A, 381, 386, 388 and 389 .....	2003	2004
7	49 CFR parts 325, 350, 355, 382-385, 390-393, and 396-399 .....	2004	2005
8	49 CFR parts 356, 367, 370, 371, 372 subparts B-C, 373, 374, 376, and 379 .....	2005	2006
9	49 CFR parts 360, 365, 366, 368, 377, 378, and 387 .....	2006	2007
10	49 CFR 375, 395, and new parts and subparts .....	2007	2008

**Year 8 (fall 2006) List of rules analyzed and a summary of the results**

## 49 CFR part 356 - Motor Carrier Routing Regulations

- Section 610: No SEIOSNOSE. This part applies to motor carriers of property and passengers. With the exception of insignificant costs associated with notification requirements listed in 356.5(b) and 356.13, these rules do not restrict or impose any requirement which could result in a significant cost to any impacted entities.
- Plain Language: FMCSA will integrate plain language techniques to the extent possible as rulemakings are written to address amendments mandated by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU).
- General: Although part 356 implements the provisions of 49 U.S.C. 13902, changes may be required as segments of the rule may have been superseded by registration of routes language in part 367 and insurance requirements codified under part 387.

## 49 CFR part 367 - Standards for Registration With States

- Section 610: No SEIOSNOSE. This administrative part primarily informs the States of rules for registering motor carriers. A few of the rules authorize non-burdensome fees on a significant number of motor carriers; but, since States are not counted as small entities and the fees are low, we find no significant costs imposed on any small entities.
- Plain Language: FMCSA will integrate plain language techniques as rulemakings are written to respond to changes driven by SAFETEA-LU as part of the Unified Carrier Registration System Plan.
- General: FMCSA interviewed stakeholders of part 367 and they concluded that this rule is still needed to implement the Single State Registration System (SSRS) under 49 U.S.C. 14504. This regulation will be rewritten as part of the Unified Carrier Registration System Plan.

## 49 CFR part 370 - Principles and Practices for the Investigation and Voluntary Disposition of Loss and Damage Claims and Processing Salvage

- Section 610: No SEIOSNOSE. This part establishes minimum standards for filing and processing claims for property loss or damage. The rules are not restrictive since the Motor Carrier Act of 1980 overrode part 370's only prohibition which restricted preferential treatment to shippers. Consequently we see no significant cost impact to any small entities.
- Plain Language: FMCSA will rewrite these rulemakings using plain language techniques as resources permit.
- General: FMCSA interviewed stakeholders of part 370 and concluded the rules are still needed to provide carriers with prudent business practices and to help arbitrate disputes involving the household goods (HHG) industry.

## 49 CFR part 371 — Brokers of Property

- Section 610: No SEIOSNOSE. This part provides guidelines for entities involved in arranging the transportation of property for a fee. The part defines who/what constitutes an agent, and outlines the agent's responsibilities. The rules do not obligate action beyond basic recordkeeping at a trivial cost; therefore, we find no significant cost burden imposed on any small entities.

**DOT**

- Plain Language: FMCSA will rewrite these rulemakings using plain language techniques as resources permit.
- General: FMCSA has issued an Advance Notice of Proposed Rulemaking (69 FR 75554) to determine whether the rules adequately protect HHG transportation consumers.
- 49 CFR part 372 - Exemptions, Commercial Zones, and Terminal Areas, Subparts B and C
- Section 610: No SEIOSNOSE. This part defines areas of commercial vehicle operations which are exempt from FMCSA authority, and therefore impose no fees, costs, or actions upon any small entities.
- Plain Language: FMCSA will rewrite these rulemakings using plain language techniques as resources permit.
- General: No changes are needed as these rules support 49 U.S.C. 13506(b) which defines commercial zone exemptions, and 49 U.S.C. 13503 which defines exemptions associated with terminals. The benefits of this part outweigh the trivial costs and the minimal burden on society it may impose.
- 49 CFR part 373 — Receipts and Bills
- Section 610: No SEIOSNOSE. This part implements the provisions of 49 U.S.C. 14706, and addresses carrier liability related to receipts and bills of lading. These rules do not impose any significant cost on any small entities, as they involve standard business practices that a reasonable person would undertake.
- Plain Language: FMCSA will rewrite the regulations using plain language techniques as resources permit.
- General: According to a recent FMCSA survey of stakeholders, the rules are still needed and do not require changes. The benefits of this part outweigh the trivial costs and the minimal burden on society it may impose.
- 49 CFR part 374 - Passenger Carrier Regulations
- Section 610: There is a SEIOSNOSE. The majority of the rules in part 374 have no significant economic impact on a substantial number of small entities as they deal with passenger conduct including: anti-discrimination, smoking bans, and procedures for declaring excess baggage. The SEIOSNOSE is limited to section 374.309(a), which requires stations to be regularly patrolled. We estimate a marginal cost of \$3,000 per year, limited to patrols required for a small company during un-staffed periods.
- Plain Language: FMCSA will rewrite the regulations using plain language techniques as resources permit.
- General: The Agency is performing a regulatory effectiveness review of part 374 to identify opportunities to reduce any unnecessary burdens on society. FMCSA will propose a rulemaking if the regulatory review determines that the burden on society caused by the SEIOSNOSE can be remedied.
- 49 CFR part 376 - Lease and Interchange of Vehicles
- Section 610: No SEIOSNOSE. Part 376 provides specific rules for and protections to the owner-operator regarding the leasing of commercial vehicles and related equipment. These rules require a small amount of paperwork, and do not amount to a significant cost to any entity.
- Plain Language: FMCSA will rewrite the regulations using plain language techniques as resources permit.
- General: FMCSA interviewed stakeholders of part 376 and concluded that the rules are necessary to protect owner-operators from being exploited by firms who control the leasing of commercial motor vehicles.
- 49 CFR part 379 - Preservation of Records
- Section 610: No SEIOSNOSE. Part 379 requires motor carriers and freight forwarders engaged in interstate commerce to retain records that in many cases are also required by the Internal Revenue Service, Securities and Exchange Commission, and State and local jurisdictions and therefore, this is not a SEIOSNOSE.
- Plain Language: FMCSA will rewrite the regulations using plain language techniques as resources permit.
- General: These regulations continue to be needed, as they allow FMCSA access to documents necessary in validating motor carrier statutory compliance with 49 U.S.C. 14122 and 14123.

**Year 9 (fall 2007) List of rules to be analyzed during the next year**

- 49 CFR part 360 - Fees for Motor Carrier Registration and Insurance
- 49 CFR part 365 - Rules Governing Applications for Operating Authority
- 49 CFR part 366 - Designation of Process Agent
- 49 CFR part 368 - Application for a Certificate of Registration to Operate in Municipalities in the United States on the United States-Mexico International Border or within the Commercial Zones of Such Municipalities
- 49 CFR part 377 - Payment of Transportation Charges
- 49 CFR part 378 - Procedures Governing the Processing, Investigation, and Disposition of Overcharge, Duplicate Payment, or Overcollection Claims
- 49 CFR part 387 - Minimum Levels of Financial Responsibility for Motor Carriers

**NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION  
SECTION 610 AND OTHER REVIEWS**

Year	Regulations To Be Reviewed	Analysis Year	Review Year
1	49 CFR parts 501 through 526 and 571.213 .....	1998	1999
2	49 CFR parts 571.131, 571.217, 571.220-571.222 .....	1999	2000
3	49 CFR parts 571.101-571.110, and 571.135 .....	2000	2001
4	49 CFR parts 529-579, except 571 .....	2001	2002
5	49 CFR parts 571.111-571.129, and 580-590 .....	2002	2003
6	49 CFR part 571.201-571.212 .....	2003	2004
7	49 CFR parts 571.214-571.219, except 571.217 .....	2004	2005

DOT

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION (Continued)  
SECTION 610 AND OTHER REVIEWS

Year	Regulations To Be Reviewed	Analysis Year	Review Year
8	49 CFR parts 591-594 .....	2005	2006
9	49 CFR parts 571.223 - 571.304, 500, and new parts and subparts under 49 CFR .....	2006	2007
10	23 CFR parts 1200-1300, and new parts and subparts .....	2007	2008

**Year 7 (Fall 2004) List of rules analyzed and a summary of the results**

- 49 CFR part 571.214 — Side impact protection
- Section 610: No SEIOSNOSE. No small entities are affected.
- Plain Language: This rule is being amended using plain language techniques. Where confusing or wordy language has been identified, we will make revisions.
- General: No other changes are needed because the requirements support NHTSA’s mission of saving lives, preventing injuries and reducing economic costs due to road traffic crashes. The benefits of the rule justify the costs, and the regulations impose the least cost on society.
- 49 CFR part 571.215 — [Reserved]
- 49 CFR part 571.216 — Roof crush resistance
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: This rule is being amended using plain language techniques. Where confusing or wordy language has been identified, we will make revisions.
- General: No other changes are needed because the requirements support NHTSA’s mission of saving lives, preventing injuries and reducing economic costs due to road traffic crashes. The benefits of the rule justify the costs, and the regulations impose the least cost on society.
- 49 CFR part 571.218 — Motorcycle helmets
- Section 610: No SEIOSNOSE. No small entities are affected.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.
- General: No changes are needed. These regulations are cost effective and impose the least burden.
- 49 CFR part 571.219 — Windshield zone intrusion
- Section 610: No SEIOSNOSE. No small entities are affected.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.
- General: No changes are needed. These regulations are cost effective and impose the least burden.

**Year 8 (fall 2005) List of rules continuing to be analyzed**

- 49 CFR part 591 — Importation of Vehicles and Equipment Subject to Federal Safety, Bumper and Theft Prevention Standards
- 49 CFR part 592 — Registered Importers of Vehicles Not Originally Manufactured to Conform to the Federal Motor Vehicle Safety Standards
- 49 CFR part 593 — Determinations That a Vehicle Not Originally Manufactured to Conform to the Federal Motor Vehicle Safety Standards is Eligible for Importation
- 49 CFR part 594 — Schedule of Fees Authorized by 49 U.S.C. 30141

**Year 9 (fall 2006) List of rules that will be analyzed during the next year**

- 49 CFR part 571.223 - Standard No. 223; Rear impact guards.
- 49 CFR part 571.224 - Standard No. 224; Rear impact protection.
- 49 CFR part 571.225 - Standard No. 225; Child restraint anchorage systems.
- 49 CFR part 571.301 - Standard No. 301; Fuel system integrity.
- 49 CFR part 571.302 - Standard No. 302; Flammability of interior materials.
- 49 CFR part 571.303 - Standard No. 303; Fuel system integrity of compressed natural gas vehicles.
- 49 CFR part 571.304 - Standard No. 304; Compressed natural gas fuel container integrity.
- 49 CFR part 500 - Standard No. 500; Low-speed vehicles

FEDERAL RAILROAD ADMINISTRATION  
SECTION 610 AND OTHER REVIEWS

Year	Regulations To Be Reviewed	Analysis Year	Review Year
1	49 CFR parts 200 through 201 .....	1998	1999
2	49 CFR parts 207, 209, 211, 215, and 256 .....	1999	2000
3	49 CFR parts 210, 212, 214, and 217 .....	2000	2001
4	49 CFR part 219 .....	2001	2002
5	49 CFR parts 218 and 221 .....	2002	2003
6	49 CFR parts 216 and 228 through 229 .....	2003	2004
7	49 CFR parts 223 and 233 .....	2004	2005

DOT

FEDERAL RAILROAD ADMINISTRATION (Continued)  
SECTION 610 AND OTHER REVIEWS

Year	Regulations To Be Reviewed	Analysis Year	Review Year
8	49 CFR parts 225, 231, and 234 .....	2005	2006
9	49 CFR parts 235 through 236, 250, 260, and 266 .....	2006	2007
10	49 CFR parts 213, 220, 230, 232, 239, 240, and 265 .....	2007	2008

**Year 8 (fall 2005) List of rules analyzed and a summary of results**

- 49 CFR part 225 - Railroad Accidents/Incidents: Reports Classification and Investigations
- Section 610: There is no SEIOSNOSE. Section 225.3 specifically states that certain Internal Control Plan and recordkeeping requirements are not applicable to railroads below a certain size. FRA also makes available a free software package to all railroads that would allow for FRA recordkeeping and reporting.
- Plain Language: FRA's plain language review of this rule indicates no need for substantial revision.
- General: Since the FRA needs accurate information on the hazards and risks that exist on the nation's railroads to effectively carry out its regulatory responsibilities, to determine comparative trends of railroad safety, and to develop hazard elimination and risk reduction programs that focus on preventing railroad injuries and accidents, the requirements set forth in part 225 will improve railroad safety for industry employees and general public.
- 49 CFR part 231 - Railroad Safety Appliances Standards
- Section 610: There is no SEIOSNOSE. Small railroads generally purchase rail equipment that has already been used in transportation by Class I and Class II railroads. As a result, rail equipment used by small railroads is often in compliance with part 231 standards at the time of acquisition. In addition, small railroads are not substantially affected by rail equipment maintenance costs that are associated with part 231 requirements because most rail equipment repairs are performed by Class I and Class II railroads and/or billed to the car owner. Although part 231 may have some impact on small railroads, FRA has deemed any such impact to be necessary to ensure uniform and consistent equipment design requirements, which contribute to the safety of railroad employees who work on or about the rail equipment.
- Plain Language: Plain Language: FRA's plain language review of this rule indicates no need for substantial revision.
- General: The rule provides for railroad safety standards which are necessary to ensure the protection and safety of railroad employees and general public, and to minimize the number of casualties.
- 49 CFR Part 234 - Grade Crossing Signal System Safety
- Section 610: There is no SEIOSNOSE. This rule does not apply to railroads that exclusively operate freight trains only on track which is not part of the general railroad system of transportation, rapid transit operations within an urban area that are not connected to the general railroad system of transportation or railroads that operates passenger trains only on track inside insular installations. Since small railroads have proportionately smaller number of grade crossing warning systems to inspect, test and maintain, therefore, smaller railroads would have a smaller burden of cost per crossing.
- Plain Language: FRA's plain language review of this rule indicates no need for substantial revision.
- General: Since the rule prescribes maintenance, inspection and testing standards for highway-rail grade crossing warning systems, standards for the reporting of failures of such systems and minimum actions railroads must take when such warning systems malfunction. These regulations are necessary to ensure the protection and safety of railroad employees and general public, and to minimize the number of casualties.

**Year 9 (fall 2007) List of rules to be analyzed during the next year**

- 49 CFR part235 — Instructions Governing Applications for Approval of a Discontinuance or Material Modification of a Signal System or Relief From the Requirements of Part 236
- 49 CFR part236 - Rules, Standards, and Instructions Governing the Installation, Inspection, Maintenance, and Repair of Signal and Train Control Systems, Devices, and Appliances
- 49 CFR part250 - Guarantee of Certificates of Trustees of Railroads in Reorganization
- 49 CFR part260 - Regulations Governing Loans and Loan Guarantees Under the Railroad Rehabilitation and Improvement Financing Program
- 49 CFR part266 — Assistance to States for Local Rail Service Under Section 5 of the Department of Transportation Act

FEDERAL TRANSIT ADMINISTRATION  
SECTION 610 AND OTHER REVIEWS

Year	Regulations To Be Reviewed	Analysis Year	Review Year
1	None .....	1998	1999
2	None .....	1999	2000
3	None .....	2000	2001
4	49 CFR parts 661 and 665 .....	2001	2002
5	None .....	2002	2003

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FEDERAL TRANSIT ADMINISTRATION (Continued)  
SECTION 610 AND OTHER REVIEWS

Year	Regulations To Be Reviewed	Analysis Year	Review Year
6	None .....	2003	2004
7	49 CFR parts 601 and 659 .....	2004	2005
8	49 CFR parts 604 and 605 .....	2005	2006
9	49 CFR parts 661 and 665 .....	2006	2007
10	49 CFR parts 624 and 633 .....	2007	2008

**Year 8 (fall 2005) List of rules continuing to be analyzed**

49 CFR part 604 - Charter Services  
49 CFR part 605 - School Bus Operations

**Year 9 (fall 2006) List of rules that will be analyzed during the next year**

49 CFR part 601 - Buy America Requirements  
49 CFR part 665 - Bus Testing

MARITIME ADMINISTRATION  
SECTION 610 AND OTHER REVIEWS

Year	Regulations To Be Reviewed	Analysis Year	Review Year
1	46 CFR parts 201 through 207 .....	1998	1999
2	46 CFR parts 221 through 232 .....	1999	2000
3	46 CFR parts 249 through 295 .....	2000	2001
4	46 CFR part 298 .....	2001	2002
5	46 CFR parts 307 through 310 .....	2002	2003
6	46 CFR parts 315 through 339 .....	2003	2004
7	46 CFR parts 340 and 347 .....	2004	2005
8	46 CFR parts 349 through 380 .....	2005	2006
9	46 CFR parts 381 through 387 .....	2006	2007
10	46 CFR parts 390 through 391 .....	2007	2008

**Year 8 (Fall 2005) List of rules analyzed and a summary of the results**

- 46 CFR part 349 - Reemployment Rights of Certain Merchant Seamen
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
  - Plain Language: Where confusing or wordy language has been identified, we will make revisions.
  - General: We will continue to review these regulations and make changes when necessary.
- 46 CFR part 350 - Seamen's Service Awards
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
  - Plain Language: Where confusing or wordy language has been identified, we will make revisions.
  - General: We will continue to review these regulations and make changes when necessary.
- 46 CFR part 351 - Depositories
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
  - Plain Language: Where confusing or wordy language has been identified, we will make revisions.
  - General: We will continue to review these regulations and make changes when necessary.
- 46 CFR part 355 - Requirements for Establishing United States Citizenship
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
  - Plain Language: Where confusing or wordy language has been identified, we will make revisions.
  - General: We will continue to review these regulations and make changes when necessary.
- 46 CFR part 356 - Requirements for Vessels of 100 Feet or Greater in Registered Length to Obtain a Fishery Endorsement to the Vessel's Documentation
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
  - Plain Language: Where confusing or wordy language has been identified, we will make revisions.
  - General: We will continue to review these regulations and make changes when necessary.
- 46 CFR part 370 - Claims
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.



**DOT**

- Plain Language: Where confusing or wordy language has been identified, we will make revisions.
  - General: We will continue to review these regulations and make changes when necessary.
- 46 CFR part 380 - Procedures
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
  - Plain Language: Where confusing or wordy language has been identified, we will make revisions.
  - General: We will continue to review these regulations and make changes when necessary.

**Year 9 (Fall 2006) List of rules that will be analyzed during the next year**

- 46 CFR part 381 - Cargo Preference - U.S. Flag Vessels
- 46 CFR part 382 - Determination of Fair and Reasonable Rates for the Carriage of Bulk and Packaged Preference Cargoes on U.S.-Flag Commercial Vessels
- 46 CFR part 385 - Research and Development Grant and Cooperative Agreements Regulations
- 46 CFR part 386 - Regulations Governing Public Buildings and Grounds at the United States Merchant Marine Academy
- 46 CFR part 387 - Utilization and Disposal of Surplus Federal Real Property for Development or Operation of a Port Facility

**PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION (PHMSA)  
SECTION 610 AND OTHER REVIEWS**

Year	Regulations To Be Reviewed	Analysis Year	Review Year
1	49 CFR sections 171.15, 171.16 (incident reports) .....	1998	1999
2	49 CFR parts 106 and 107 (hazardous materials safety procedures), 171 (general hazmat requirements), 190 (pipeline safety procedures), and 195 (hazardous liquid pipeline corrosion control) .....	1999	2000
3	49 CFR parts 174, 177 (rail and highway carriage), 191 (gas pipeline transportation reports), and 192 (gas pipeline corrosion control) .....	2000	2001
4	49 CFR parts 176 (vessel carriage) and 199 (pipeline employee drug and alcohol testing) .....	2001	2002
5	49 CFR parts 172, 173, 174, 175, 176, 177, and 178 (radioactive material) .....	2002	2003
6	49 CFR parts 172, 173, 174, 176, and 178 (explosives), and 193 (liquefied natural gas facilities), and parts 172, 173, 178, and 180 (cylinders) .....	2003	2004
7	49 CFR 173 (shipper requirements) and 194 (onshore oil pipeline response plans) .....	2004	2005
8	49 CFR parts 110 (training and planning grants), 178 (non-bulk packaging) and 195 (hazardous liquid pipeline transportation) .....	2005	2006
9	49 CFR parts 178 through 180 (bulk packaging) and 198 (State pipeline safety grants) .....	2006	2007
10	49 CFR parts 172 (communications, emergency response, training and hazmat table) and 175 (air carriage) .....	2007	2008

**Year 6 (fall 2003) List of rules for which analysis is ongoing**

- 49 CFR part 193 - Liquefied natural gas facilities: Federal safety standards

**Year 7 (fall 2004) List of rules for which analysis is ongoing**

- 49 CFR part 194 - Response plans for onshore oil pipelines

**Year 8 (fall 2005) List of rules for which analysis is ongoing**

- 49 CFR part 110 - Hazardous Materials Public Sector Training and Planning Grants
- 49 CFR part 178 - Specifications for Packagings (Non-Bulk)
- 49 CFR part 195 - Hazardous Liquid Reporting Requirements

**Year 9 (fall 2006) List of rules that will be analyzed during the next year**

- 49 CFR part 178 through 180 - Bulk packaging
- 49 CFR part 198 (State pipeline safety grants)

**RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION (RITA)  
SECTION 610 AND OTHER REVIEWS**

Year	Regulations To Be Reviewed	Analysis Year	Review Year
1	14 CFR part 241, form 41 .....	1998	1999
2	14 CFR part 241, schedule T-100, and part 217 .....	1999	2000
3	14 CFR part 298, 49 CFR 1420 .....	2000	2001
4	14 CFR part 241, section 19-7 .....	2001	2002
5	14 CFR part 291 .....	2002	2003
6	14 CFR part 234 .....	2003	2004
7	14 CFR part 249 .....	2004	2005
8	14 CFR part 248 .....	2005	2006
9	14 CFR part 250 .....	2006	2007

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RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION (RITA) (Continued)  
SECTION 610 AND OTHER REVIEWS

Year	Regulations To Be Reviewed	Analysis Year	Review Year
10	14 CFR part 374a, ICAO .....	2007	2008

**Year 6 (fall 2003) List of rules continuing to be analyzed**

14 CFR part 234 - Airline service quality performance reports

**Year 7 (fall 2004) List of rules continuing to be analyzed**

14 CFR part 249 - Preservation of air carrier records

**Year 8 (fall 2006) List of rules continuing to be analyzed**

14 CFR part 248 - Submission of audit reports

**Year 9 (fall 2006) List of rules that will be analyzed during the next year**

14 CFR part 250 — Oversales

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION  
SECTION 610 AND OTHER REVIEWS

Year	Regulations To Be Reviewed	Analysis Year	Review Year
1	33 CFR parts 401 through 403 .....	1998	1999

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2179	+Accessibility of Passenger Vessels to Individuals With Disabilities .....	2105-AB87
2180	Short-Term Lending Program (STLP) .....	2105-AD50
2181	Grants to Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations Requirements .....	2105-AD60

+ DOT-designated significant regulation

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2182	+Use of Oxygen by Air Carrier Passengers .....	2105-AC29
2183	Americans With Disabilities Act Accessibility Standards .....	2105-AC86
2184	+Nondiscrimination on the Basis of Disability in Air Travel .....	2105-AC97
2185	Procedures for Transportation Workplace Drug and Alcohol Testing Programs .....	2105-AD26
2186	Participation by Disadvantaged Business Enterprises in Airport Concessions .....	2105-AD51
2187	+Protection of Sensitive Security Information .....	2105-AD59
2188	Procedures for Reimbursement of General Aviation Operators and Service Providers in the Washington, DC, Area .....	2105-AD61

+ DOT-designated significant regulation

Office of the Secretary—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
2189	+Aviation Data Requirements Review and Modernization Program .....	2105-AC71
2190	Mentor/Protege Program .....	2105-AD20
2191	+Review of Data Filed by Certificated or Commuter Air Carriers To Support Continuing Fitness Determinations Involving Citizenship Issues .....	2105-AD25
2192	+Accommodations in Air Travel for Deaf, Hard of Hearing, and Deaf-Blind Individuals .....	2105-AD41
2193	Debarment and Suspension (Nonprocurement) Requirements .....	2105-AD46
2194	Transportation for Individuals With Disabilities Miscellaneous Amendments .....	2105-AD54

+ DOT-designated significant regulation

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## Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2195	Procedures for Transportation Workplace Drug and Alcohol Testing Programs .....	2105-AD47
2196	Procedures for Transportation Workplace Drug and Alcohol Testing Programs .....	2105-AD55
2197	+Price Advertising .....	2105-AD56
2198	Procedures for Transportation Workplace Drug and Alcohol Testing Programs: Revision of Substance Abuse Professional Credential Requirement .....	2105-AD57
2199	Canadian Charter Air Taxis—Technical Changes .....	2105-AD58

+ DOT-designated significant regulation

## Federal Aviation Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2200	+Revisions to Digital Flight Data Recorder Regulations for B-737 Airplanes and for Part 125 Operators .....	2120-AG87
2201	Transponder Continuous Operation .....	2120-AH67
2202	+Enhanced Airworthiness Program for Airplane Systems (EAPAS) and SFAR 88 .....	2120-AI31
2203	+Drug Enforcement Assistance .....	2120-AI43
2204	+Repair Stations—Ratings and Quality System .....	2120-AI53
2205	Special Requirements for Special Use Transport Category Airplanes .....	2120-AI61
2206	+Security-Related Considerations in the Design and Operation of Transport Category Airplanes .....	2120-AI66
2207	+Congestion Management Rule for LaGuardia Airport .....	2120-AI70
2208	Production and Airworthiness Approvals .....	2120-AI78
2209	+Filtered Flight Data .....	2120-AI79
2210	+Commuter Operations in Very Light Jets (VLJS) ( <b>Reg Plan Seq No. 85</b> ) .....	2120-AI84

+ DOT-designated significant regulation

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

## Federal Aviation Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2211	Instrument Flight Rules .....	2120-AA63
2212	Airworthiness Directives .....	2120-AA64
2213	Standard Instrument Approach Procedures .....	2120-AA65
2214	Airspace Actions .....	2120-AA66
2215	+National Air Tour Safety Standards .....	2120-AF07
2216	Area Navigation (RNAV) and Miscellaneous Amendments .....	2120-AH77
2217	+Revisions to Cockpit Voice Recorder and Digital Flight Data Recorder Regulations .....	2120-AH88
2218	+Extended Operations (ETOPS) of Multi-Engine Airplanes .....	2120-AI03
2219	+Aging Aircraft Program (Widespread Fatigue Damage) ( <b>Reg Plan Seq No. 86</b> ) .....	2120-AI05
2220	High-Intensity Radiated Fields .....	2120-AI06
2221	Airplane Performance and Handling Qualities in Icing Conditions .....	2120-AI14
2222	+Flightdeck Door Monitoring and Crew Discreet Alerting System .....	2120-AI16
2223	+Transport Airplane Fuel Tank Flammability Reduction ( <b>Reg Plan Seq No. 87</b> ) .....	2120-AI23
2224	+Experimental Permit for Suborbital Reusable Launch Vehicles .....	2120-AI56
2225	+Human Space Flight Requirements for Crew and Space Flight Participants .....	2120-AI57
2226	Passenger Facility Charge Program, Debt Service, Air Carrier Bankruptcy, and Miscellaneous Changes .....	2120-AI68
2227	Fire Penetration Resistance of Thermal Acoustic Insulation Installed on Transport Category Airplanes .....	2120-AI75
2228	FAA-Approved Child Restraint Systems .....	2120-AI76
2229	Fees for Certification Services and Approvals Performed Outside the United States .....	2120-AI77
2230	Direct Final Rule Process .....	2120-AI80
2231	Special Federal Aviation Regulation No. XX—Mitsubishi MU-2B Series Airplane Special Training, Experience, and Operating Requirements .....	2120-AI82
2232	Inspection Authorization 2-Year Renewal .....	2120-AI83

+ DOT-designated significant regulation

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

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## Federal Aviation Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
2233	Safe, Efficient Use and Preservation of the Navigable Airspace .....	2120-AH31
2234	Performance and Handling Qualities Requirements for Rotorcraft .....	2120-AH87
2235	+Washington, DC, Metropolitan Area Special Flight Rules Area .....	2120-AI17
2236	Damage Tolerance Data for Repairs and Alterations .....	2120-AI32
2237	+Special Awareness Training for the Washington, DC, Metropolitan Area .....	2120-AI63
2238	Aircraft Engine Standards for Life-Limited Parts .....	2120-AI72
2239	Airworthiness Standards; Engine Bird Ingestion .....	2120-AI73
2240	Airworthiness Standards: Safety Analysis .....	2120-AI74

+ DOT-designated significant regulation

## Federal Aviation Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2241	+Licensing and Safety Requirements for Launch .....	2120-AG37
2242	+Certification Procedures for Products and Parts ( <b>Completion of a Section 610 Review</b> ) .....	2120-AG93
2243	Flight Simulation Device Qualification .....	2120-AH07
2244	Airman and Medical Certificate Disqualification Based on Alcohol Violations and Refusals To Submit to Drug or Alcohol Testing .....	2120-AH82
2245	Issuance of Standard Airworthiness Certificates for Aircraft Manufactured From Spare and Surplus Parts .....	2120-AH90
2246	Safety Standards for Flight Guidance Systems .....	2120-AI41
2247	Miscellaneous Changes to Commercial Space Transportation Regulations .....	2120-AI45
2248	Safety Approvals .....	2120-AI50
2249	+Congestion and Delay Reduction at Chicago O'Hare International Airport .....	2120-AI51
2250	Civil Penalty Inflation Adjustment Revisions .....	2120-AI52
2251	Thermal Acoustic Insulation Installed on Transport Category Airplanes .....	2120-AI64
2252	Use of Additional Portable Oxygen Concentrator Devices Onboard Aircraft .....	2120-AI81

+ DOT-designated significant regulation

## Federal Highway Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2253	+Express Lane Demonstration Project .....	2125-AF07
2254	Temporary Traffic Control Devices .....	2125-AF10
2255	Environmental Review of Activities That Support the Deployment of ITS Projects .....	2125-AF15

+ DOT-designated significant regulation

## Federal Highway Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2256	+Metropolitan Transportation Planning .....	2125-AF09
2257	Worker Visibility .....	2125-AF11
2258	+Design-Build Contracting .....	2125-AF12
2259	+Surface Transportation Project Delivery Pilot Program .....	2125-AF13
2260	+Parks, Recreation Areas, Wildlife and Waterfowl Refuges, and Historical Sites .....	2125-AF14
2261	Traffic Control Devices on Federal-Aid and Other Streets and Highways; Standards .....	2125-AF16
2262	Size and Weight Enforcement and Regulations .....	2125-AF17
2263	Construction and Maintenance .....	2125-AF18

## DOT

## Federal Highway Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
2264	+National Standards for Traffic Control Devices; the Manual on Uniform Traffic Control Devices for Streets and Highways; Maintaining Traffic Sign Retroreflectivity .....	2125-AE98
2265	+Projects of National and Regional Significance .....	2125-AF08

+ DOT-designated significant regulation

## Federal Highway Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2266	Design Standards for Highways; Interstate System .....	2125-AF06

## Federal Motor Carrier Safety Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2267	+Medical Certification Requirements as Part of the Commercial Driver's License ( <b>Reg Plan Seq No. 88</b> ) .....	2126-AA10
2268	+Unified Registration System ( <b>Reg Plan Seq No. 89</b> ) .....	2126-AA22
2269	+New Entrant Safety Assurance Process .....	2126-AA59
2270	+Certification of Safety Auditors, Safety Investigators, and Safety Inspectors .....	2126-AA64
2271	+Federally Approved Safety Inspection Program and Decal to Verify Compliance with Safety and Operating Authority Regulations .....	2126-AA72
2272	+Brokers of Household Goods Transportation by Motor Vehicle .....	2126-AA84
2273	+Requirements for Intermodal Equipment Providers and Motor Carriers and Drivers Operating Intermodal Equipment .....	2126-AA86
2274	+Electronic On-Board Recorders for Hours-of-Service Compliance .....	2126-AA89
2275	+National Registry of Certified Medical Examiners ( <b>Reg Plan Seq No. 90</b> ) .....	2126-AA97
2276	+Consumer Complaint Information .....	2126-AB01
2277	+Commercial Drivers License Testing and Learners Permit Standards .....	2126-AB02
2278	+Railroad Highway Grade Crossing Safety .....	2126-AB04

+ DOT-designated significant regulation

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

## Federal Motor Carrier Safety Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2279	General Jurisdiction Over Freight Forwarder Service .....	2126-AA25
2280	+Hours of Service of Drivers; Supporting Documents .....	2126-AA76
2281	+Parts and Accessories Necessary for Safe Operations; Surge Brake Requirements .....	2126-AA91
2282	Amendments To Implement Certain Provisions of SAFETEA-LU .....	2126-AA96

+ DOT-designated significant regulation

## Federal Motor Carrier Safety Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
2283	+Application by Certain Mexico-Domiciled Motor Carriers to Operate Beyond U.S. Municipalities and Commercial Zones on the U.S.-Mexico Border .....	2126-AA34
2284	+Safety Monitoring System and Compliance Initiative for Mexico-Domiciled Motor Carriers Operating in the United States .....	2126-AA35
2285	+Limitations on the Issuance of Commercial Driver Licenses with a Hazardous Materials Endorsement .....	2126-AA70

## DOT

## Federal Motor Carrier Safety Administration—Long-Term Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
2286	+Qualifications of Drivers; Diabetes Standard .....	2126-AA95
2287	+Interstate Van Operations .....	2126-AA98
2288	Intrastate Operations of Interstate Motor Carriers .....	2126-AB03

+ DOT-designated significant regulation

## Federal Motor Carrier Safety Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2289	+Railroad-Highway Grade Crossing Safety .....	2126-AA18
2290	Enforcement of Operating Authority Requirements .....	2126-AA78
2291	Cargo Securement Standards .....	2126-AA88
2292	Motor Carrier Reports .....	2126-AA92
2293	+Revocation of Operating Authority .....	2126-AA99
2294	+Patterns of Safety Violations by Carrier Management .....	2126-AB00

+ DOT-designated significant regulation

## National Highway Traffic Safety Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2295	Review: Side Impact Protection .....	2127-AF54
2296	Review: Redesigned Air Bags .....	2127-AH13

## National Highway Traffic Safety Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2297	Buses Manufactured in Two or More Stages; Certification of Buses Manufactured in More Than One Stage .....	2127-AJ56
2298	FMVSS No. 403 Platform Lift Systems Control Lighting, Illumination and Testing Requirements .....	2127-AJ93
2299	Confidential Business Information .....	2127-AJ95

## National Highway Traffic Safety Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2300	+Rear Convex Cross-View Mirrors .....	2127-AG41
2301	+Roof Crush Resistance <b>(Reg Plan Seq No. 91)</b> .....	2127-AG51
2302	+Upgrade Door Retention Performance .....	2127-AH34
2303	Incorporation of EuroSID II Dummy Into 49 CFR Part 572 .....	2127-AI89
2304	Vehicles Built in Two or More Stages—Standard 201 .....	2127-AI93
2305	+Definitions, Designated Seating Position .....	2127-AI94
2306	+Side Impact Protection Upgrade—FMVSS No. 214 <b>(Reg Plan Seq No. 92)</b> .....	2127-AJ10
2307	Incorporation of SID-IIs Side Impact Crash Test Dummy Into Part 572 .....	2127-AJ16
2308	+Reduced Stopping Distance Requirements for Truck Tractors <b>(Reg Plan Seq No. 93)</b> .....	2127-AJ37
2309	FMVSS 213, Addition of 10-Year Old Test Dummy .....	2127-AJ44
2310	Subpart T Hybrid III-10C Dummy, 10-Year-Old Child .....	2127-AJ49
2311	Cargo Carrying Capacity of Motor Home and Travel Trailers .....	2127-AJ57
2312	FMVSS No. 208 CRS Installation Procedure for LATCH-Equipped Seats .....	2127-AJ59
2313	Administrative Rewrite of FMVSS No. 108; Lamps, Reflective Devices, and Associated Equipment .....	2127-AJ75
2314	+Electronic Stability Control (ESC) <b>(Reg Plan Seq No. 94)</b> .....	2127-AJ77

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## National Highway Traffic Safety Administration—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
2315	FMVSS No. 138 Tire Pressure Monitoring Systems (TPMS) Phase-in; Response to Petitions for Reconsideration	2127-AJ90
2316	Early Warning Reporting (EWR) Clarifying Amendments .....	2127-AJ94

+ DOT-designated significant regulation

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

## National Highway Traffic Safety Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2317	Child Restraint System Webbing Strength .....	2127-AI66
2318	+Event Data Recorders .....	2127-AI72
2319	+5th Percentile Dummy Belted Barrier Crash Test Requirements—Standard 208 .....	2127-AI98
2320	Modernize FMVSS 114 "Theft Protection" .....	2127-AJ31
2321	Procedures for Participating In and Receiving Data From the National Driver Register Problem Driver Pointer System Pursuant to a Personnel Security Investigation and Determination .....	2127-AJ66
2322	Amendment to Grant Criteria for Alcohol-Impaired Driving Countermeasures Programs (Section 410) .....	2127-AJ73
2323	New Car Assessment Program; Safety Labeling .....	2127-AJ76
2324	Response to Petitions for Reconsideration, FMVSS No. 118, Power-Operated Window, Partition, and Roof Panel Systems .....	2127-AJ78
2325	FMVSS No. 101 Petition for Reconsideration of Final Rule .....	2127-AJ81
2326	Conforming Civil and Criminal Penalties to Statutory Requirements .....	2127-AJ83
2327	Definition of Low Speed Vehicles (LSV) Response to Petitions for Reconsideration .....	2127-AJ85
2328	+Motorcyclist Safety Grant Program .....	2127-AJ86
2329	Schedule of Fees .....	2127-AJ87
2330	Insurer Reporting Requirements for October 2006 .....	2127-AJ88
2331	Light Duty Truck Lines Subject to the Requirements of Part 541 and Exempted Vehicle Lines for Model Year 2007 .....	2127-AJ89
2332	Vehicles Built in Two or More Stages, Response to Petitions for Reconsideration .....	2127-AJ91
2333	FMVSS No. 209 Response to Petitions for Reconsideration on Emergency Locking Retractor Requirements .....	2127-AJ92

+ DOT-designated significant regulation

## Federal Railroad Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2334	+Amendments to Design Standards for Pressurized Railroad Tank Cars .....	2130-AB69
2335	+Grant Program for Local Rail Line Relocation and Improvement Projects .....	2130-AB74
2336	Railroad Operating Rules: Program of Operational Tests and Inspections; Railroad Operating Practices: Handling Equipment, Switches, and Derails .....	2130-AB76
2337	Proposed Direct Final Rulemaking Procedures .....	2130-AB77
2338	Passenger Equipment Safety Standards; Front-End Strength of Multiple-Unit Locomotives and Cab Cars .....	2130-AB80
2339	Miscellaneous Amendments to the Federal Railroad Administration's Accident/Incident Reporting Requirements ....	2130-AB82

+ DOT-designated significant regulation

## Federal Railroad Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2340	Revisions to Civil and Criminal Penalties; Penalty Guidelines .....	2130-AB70
2341	Track Safety Standards; Inspection of Joints in Continuous Welded Rail (CWR) .....	2130-AB71
2342	+Passenger Train Emergency Systems .....	2130-AB72

## DOT

## Federal Railroad Administration—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
2343	Establishment of an Emergency Relief Docket and Procedures for Handling Petitions for Emergency Waiver Relief From the Federal Regulations .....	2130-AB79

+ DOT-designated significant regulation

## Federal Railroad Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2344	+Locomotive Crashworthiness .....	2130-AB23
2345	+Occupational Noise Exposure for Railroad Operating Employees .....	2130-AB56
2346	Passenger Equipment Safety Standards; Miscellaneous Amendments and Attachments of Safety Appliances on Passenger Equipment .....	2130-AB67
2347	+Use of Locomotive Horns at Highway-Rail Grade Crossings .....	2130-AB73
2348	+Assessment of Fees on Commuter Railroads for Use of Northeast Corridor Infrastructure .....	2130-AB75

+ DOT-designated significant regulation

## Federal Transit Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2349	Project Management Oversight .....	2132-AA92

## Federal Transit Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2350	+Major Capital Investment Projects-New/Small Starts .....	2132-AA81
2351	+Charter Bus Operations .....	2132-AA85
2352	Revisions to the Joint FTA/FHWA NEPA Regulation .....	2132-AA87
2353	Medical Transportation Demonstration Grant Program .....	2132-AA88
2354	Buy America Requirements and Waiver Procedures .....	2132-AA90
2355	Clean Fuels Grant Program .....	2132-AA91

+ DOT-designated significant regulation

## Federal Transit Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2356	+Metropolitan and Statewide Transportation Planning .....	2132-AA82
2357	Emergency Procedures for Public Transportation Systems .....	2132-AA89

+ DOT-designated significant regulation

## Federal Transit Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
2358	+Protection of Parks, Wildlife and Waterfowl Refuges, and Historical Sites .....	2132-AA83
2359	+Public Transportation Security Grants—SAFETEA-LU .....	2132-AA84

+ DOT-designated significant regulation



## DOT

## Federal Transit Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2360	Controlled Substances and Alcohol Misuse Testing .....	2132-AA86

## Pipeline and Hazardous Materials Safety Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2361	+Hazardous Materials: Requirements for Storage of Explosives During Transportation .....	2137-AE06
2362	Hazardous Materials: Revision of Requirements for Security Plans .....	2137-AE22

+ DOT-designated significant regulation

## Pipeline and Hazardous Materials Safety Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2363	+Hazardous Materials: Enhancing Rail Transportation Safety and Security for Hazardous Materials Shipments .....	2137-AE02
2364	+Prohibition on the Transportation of Primary Lithium Batteries Aboard Passenger Aircraft .....	2137-AE05
2365	Pipeline Safety: Distribution Integrity Management .....	2137-AE15
2366	Hazardous Materials Safety: Harmonization With the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization's Technical Instructions .....	2137-AE16
2367	Hazardous Materials: Fuel Cells Transported by Passenger Aircraft in Carry-On Baggage .....	2137-AE19
2368	Hazardous Materials: Revision of Requirements for Emergency Response Telephone Numbers .....	2137-AE21

+ DOT-designated significant regulation

## Pipeline and Hazardous Materials Safety Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2369	+Hazardous Materials: Transportation of Oxygen Cylinders and Oxygen Generators Aboard Aircraft .....	2137-AD33
2370	+Hazardous Materials; Transportation of Lithium Batteries .....	2137-AD48
2371	Hazardous Materials: Revision of Requirements for Authorization of Use of International Standards .....	2137-AE01
2372	Pipeline Safety: Integrity Management Program Modifications and Clarifications .....	2137-AE07
2373	Pipeline Safety: Design and Construction Requirements To Reduce Internal Corrosion in Gas Transmission Pipelines .....	2137-AE09
2374	Registration and Fee Assessment Program .....	2137-AE11

+ DOT-designated significant regulation

## Pipeline and Hazardous Materials Safety Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
2375	Hazardous Materials: Security Requirements for Motor Carriers Transporting Hazardous Materials .....	2137-AD70
2376	Hazardous Materials: Miscellaneous Packaging Amendments .....	2137-AD89
2377	+Pipeline Safety: Protecting High Consequence Areas From Rural Petroleum Gathering Lines and Low Stress Lines .....	2137-AD98
2378	Hazardous Materials; Miscellaneous Amendments .....	2137-AE10
2379	+Hazardous Materials: Enforcement Regulations .....	2137-AE13
2380	Pipeline Safety: Partial Relief From Public Awareness Regulations for Certain Small Operators .....	2137-AE17

+ DOT-designated significant regulation

DOT

Pipeline and Hazardous Materials Safety Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2381	Hazardous Materials: Revision of Requirements for Carriage by Aircraft .....	2137-AD18
2382	+Hazardous Materials: Safety Requirements for External Product Piping on Cargo Tanks Transporting Flammable Liquids .....	2137-AD36
2383	Pipeline Safety: Annual Update of Standards Incorporated by Reference .....	2137-AD68
2384	Hazardous Materials Regulations: Aluminum Cylinders—Revised Requalification and Use Criteria for the DOT 3 AL Cylinder Made of Aluminum Alloy 6351-TG .....	2137-AD78
2385	Hazardous Materials: Requirements for UN Standard Cylinders .....	2137-AD91
2386	Hazardous Materials: Infectious Substances; Harmonization With the United Nations .....	2137-AD93
2387	Incorporation of Statutorily Mandated Revisions to the Hazardous Materials Regulations .....	2137-AE12
2388	Hazardous Materials: Increase in Civil and Criminal Penalties .....	2137-AE14
2389	Hazardous Materials: Preemption Determinations, Procedural Regulations .....	2137-AE18
2390	Hazardous Materials: Minor Editorial Corrections and Clarifications .....	2137-AE20

+ DOT-designated significant regulation

Maritime Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
2391	Launch Barge Waiver Program .....	2133-AB67
2392	Maintenance and Repair Reimbursement Pilot Program .....	2133-AB68

Research and Innovative Technologies Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2393	Submission of Aviation Data via the Internet .....	2139-AA11

Department of Transportation (DOT)

Proposed Rule Stage

Office of the Secretary (OST)

**2179. +ACCESSIBILITY OF PASSENGER VESSELS TO INDIVIDUALS WITH DISABILITIES**

**Priority:** Other Significant

**Legal Authority:** 42 USC 12101 et seq; PL 101-336, Americans with Disabilities Act

**CFR Citation:** 49 CFR 37

**Legal Deadline:** None

**Abstract:** The Department’s Americans with Disabilities Act (ADA) final rule, published September 6, 1991, reserved portions of the rule concerning passenger vessels. The ADA covers passenger vessels, but issuing accessibility requirements for vessels involves complex issues unlike those affecting land transportation. This rulemaking would address these issues and propose feasible requirements to make passenger vessels accessible to,

and usable by, individuals with disabilities. Timing of this rulemaking is dependent on action by the Architectural and Transportation Barriers Compliance Board (Access Board) to adopt accessibility guidelines for passenger vessels.

**Timetable:**

Action	Date	FR Cite
ANPRM	11/26/04	69 FR 69246
ANPRM Comment Period End	03/28/05	
NPRM	12/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:** dms.dot.gov

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TDD Phone: 202 755-7687  
Email: bob.ashby@ost.dot.gov

**RIN:** 2105-AB87

**2180. SHORT-TERM LENDING PROGRAM (STLP)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 332

**CFR Citation:** 49 CFR 22

## DOT—OST

## Proposed Rule Stage

**Legal Deadline:** None

**Abstract:** This rule would provide guidelines for the Short-Term Lending Program (STLP) designed for disadvantaged business enterprises (DBEs) involved in transportation related contracts. In response to the developmental needs of DBEs, the Office of Small and Disadvantaged Business Utilization and Minority Resource Center developed the STLP to guarantee short-term revolving lines of credit for certified DBEs.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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**RIN:** 2105-AD50

**2181. • GRANTS TO INSTITUTIONS OF HIGHER EDUCATION, HOSPITALS, AND OTHER NON-PROFIT ORGANIZATIONS REQUIREMENTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 322(a)

**CFR Citation:** 49 CFR 18; 49 CFR 19

**Legal Deadline:** None

**Abstract:** This rulemaking would amend Department of Transportation regulations on uniform administrative requirements for grants and agreements with Institutions of Higher Education, Hospitals, and other Nonprofit Organizations. Specifically, the DOT proposes to make requirements for these grants and agreement consistent with the uniform administrative requirements for grants and cooperative agreements to State and Local governments.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Nilza F. Velazquez, Attorney, Office of the General Counsel (C-10), 400 Seventh Street SW., Washington, DC 20590, 202 366-9164, 202 366-9170, nilza.velazquez@dot.gov

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**RIN:** 2105-AD60

## Department of Transportation (DOT)

## Final Rule Stage

## Office of the Secretary (OST)

**2182. +USE OF OXYGEN BY AIR CARRIER PASSENGERS**

**Priority:** Other Significant

**Legal Authority:** 49 USC 41705

**CFR Citation:** 14 CFR 382

**Legal Deadline:** None

**Abstract:** This rulemaking would address the carriage and use of certain respiratory devices (i.e., ventilators, respirators, continuous positive airway pressure (CPAP) machines, and certain portable oxygen concentrators) by passengers aboard commercial aircraft. It would also address difficulties experienced by passengers needing supplemental oxygen on airline flights, including costs associated with in-flight medical oxygen. OST originally attempted to schedule the publishing of a final rule by 9/30/2006.

**Timetable:**

Action	Date	FR Cite
NPRM	09/07/05	70 FR 53108
NPRM Comment Period Extended	10/21/05	70 FR 61241

Action	Date	FR Cite
NPRM Comment Period Extended	10/21/05	
NPRM Comment Period End	11/07/05	
End of Extended Comment Period	01/30/06	
Final Rule	05/00/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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**RIN:** 2105-AC29

**2183. AMERICANS WITH DISABILITIES ACT ACCESSIBILITY STANDARDS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 552a

**CFR Citation:** 49 CFR 27, 49

**Legal Deadline:** None

**Abstract:** The Department of Transportation is proposing to amend its rules implementing the Americans with Disabilities (ADA) by adopting as its standards revised accessibility guidelines proposed by the Access Board. The Access Board published an NPRM to revise and update the accessibility guidelines for the ADA and Architectural Barriers Act (ABA) in the November 16, 1999 issue of the Federal Register, and published final rules in July 2004. The Department's final rules will incorporate the new ADAAG as well as technical amendments made by the Access Board.

## DOT—OST

## Final Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	08/08/00	65 FR 48444
NPRM Comment Period End	09/07/00	
Final Action	12/00/06	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590  
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**RIN:** 2105-AC86**2184. +NONDISCRIMINATION ON THE BASIS OF DISABILITY IN AIR TRAVEL****Priority:** Other Significant**Legal Authority:** 14 USC 41702; 14 USC 41705; 14 USC 41712**CFR Citation:** 14 CFR 382**Legal Deadline:** None

**Abstract:** This rulemaking would add coverage under the Air Carrier Access Act to foreign air carriers and comprehensively update and revise 14 CFR part 382. It would also clarify or propose new provisions in such areas as movable aisle armrests, preboarding announcements, and accessibility of carrier web sites.

**Timetable:**

Action	Date	FR Cite
NPRM	11/04/04	69 FR 64364
Comment Period Extended	01/28/05	70 FR 4058
NPRM Comment Period End	02/02/05	
Comment Period End	03/04/05	
Final Rule	05/00/07	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-4723  
TDD Phone: 202 755-7687  
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**RIN:** 2105-AC97**2185. PROCEDURES FOR TRANSPORTATION WORKPLACE DRUG AND ALCOHOL TESTING PROGRAMS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 102; 49 USC 301; 49 USC 322; 49 USC 5331; 49 USC 20140; 49 USC 31306; 49 USC 45101**CFR Citation:** 49 CFR 40**Legal Deadline:** None

**Abstract:** This rulemaking would amend certain provisions of its drug and alcohol testing procedures to change instructions to laboratories, medical review officers, and employers with respect to adulterated, substituted, diluted, and invalid specimen results. This action would create consistency with specimen validity requirements established by the U.S. Department of Health and Human Services and to modify some measures taken in other rulemaking actions. Also, this rule would include rulemaking action specified in RINs 2105-AD47 and 2105-AD55.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	05/25/03	68 FR 31624
Interim Final Rule Effective	05/28/03	
Interim Final Rule Comment Period End	08/26/03	
Final Action	12/00/06	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Robert C. Ashby, Deputy Assistant General Counsel for

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**RIN:** 2105-AD26**2186. PARTICIPATION BY DISADVANTAGED BUSINESS ENTERPRISES IN AIRPORT CONCESSIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 47107; 42 USC 2000d; 49 USC 322; EO 12138**CFR Citation:** 49 CFR 26; 49 CFR 23**Legal Deadline:** None

**Abstract:** This action would amend the business size standards for the Department of Transportation's airport concession disadvantaged business enterprise (ACDBE) program. It also would address issues such as additional measures to combat fraud and abuse in the program and to provide additional flexibility for airports in implementing the program.

**Timetable:**

Action	Date	FR Cite
SNPRM	03/22/05	70 FR 14520
SNPRM Comment Period End	06/20/05	
SNPRM Comment Period Extended	07/15/05	70 FR 40973
Extended SNPRM Comment Period End	08/19/05	
Final Rule	12/00/06	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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**RIN:** 2105-AD51

## DOT—OST

## Final Rule Stage

**2187. • +PROTECTION OF SENSITIVE SECURITY INFORMATION****Priority:** Other Significant**Legal Authority:** 46 USC 70102 to 70106; 49 USC 114, 5103, 44901 to 44907; 49 USC 44913 to 44914, 44916 to 44918, 44935 to 44936; 49 USC 44942, 46105**CFR Citation:** 49 CFR 15; 49 CFR 1520**Legal Deadline:** None**Abstract:** This rulemaking would publish a final rule addressing the May 2004 Interim Final Rule and respond to any comments.**Timetable:**

Action	Date	FR Cite
Final Rule	04/00/07	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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Phone: 202 366-9156  
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Email: bob.ross@ost.dot.gov**RIN:** 2105-AD59**2188. • PROCEDURES FOR REIMBURSEMENT OF GENERAL AVIATION OPERATORS AND SERVICE PROVIDERS IN THE WASHINGTON, DC, AREA****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 109-115, 119 Stat 2396**CFR Citation:** 14 CFR 331**Legal Deadline:** None**Abstract:** This rulemaking would establish procedures to implement section 185 of the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriation Act (November 30, 2005). Section 185 is intended to compensate certain fixed-based general aviation operators or providers of general aviation ground support

services at five airports in the Washington, DC, metropolitan area for direct and incremental losses due to the actions of the Federal Government to close airports to general aviation operations following the terrorist attacks of September 11, 2001.

**Timetable:**

Action	Date	FR Cite
NPRM	10/04/06	71 FR 58546
NPRM Comment Period End	11/03/06	
Final Rule	01/00/07	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** James R. Dann, Deputy Assistant General Counsel, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-9167**RIN:** 2105-AD61

## Department of Transportation (DOT)

## Long-Term Actions

## Office of the Secretary (OST)

**2189. +AVIATION DATA REQUIREMENTS REVIEW AND MODERNIZATION PROGRAM****Priority:** Other Significant**Legal Authority:** 49 USC 40101; 49 USC 41101; 49 USC 41708; 49 USC 41709; 49 USC 41301; 49 USC 41501; 49 USC 41701**CFR Citation:** 14 CFR 241; 14 CFR 250; 14 CFR 298; 14 CFR 374a; 14 CFR 234**Legal Deadline:** None**Abstract:** This rulemaking requested public comments from reporting carriers and aviation data users on the nature, scope, source, and means for collecting, processing, and distributing airline traffic, fare, and financial data. Specifically, it invited comments on whether existing airline traffic, fare, and financial data should be amended, supplemented, or replaced; whether selected forms and reports should be retained, modified, or eliminated; whether the Department should require

all aviation data to be filed electronically; and how the aviation data system should be reengineered to enhance efficiency and to reduce costs for both the Department and the airline industry.

**Timetable:**

Action	Date	FR Cite
ANPRM	07/15/98	63 FR 38128
ANPRM Comment Period End	09/14/98	
Reply Comment Period End	10/13/98	
NPRM	02/17/05	70 FR 8139
NPRM Comment Period Extended	04/18/05	70 FR 20098
NPRM Comment Period End	04/18/05	
Extended NPRM Comment Period End	07/18/05	

Next Action Undetermined

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:**

Undetermined

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Todd Homan, Industry Economist, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-9605**RIN:** 2105-AC71**2190. MENTOR/PROTEGE PROGRAM****Priority:** Info./Admin./Other**Legal Authority:** PL 95-507**CFR Citation:** 13 CFR 124; 49 CFR 26**Legal Deadline:** None

## DOT—OST

## Long-Term Actions

**Abstract:** This rulemaking would provide motivation and encouragement to firms to assist small businesses (SB), including HUBZone small businesses (HUBZone), small disadvantaged businesses (SDB), and small women-owned businesses (WOSB), in enhancing their business operations and increasing their capacities. This action would assist the Department of Transportation in meeting its mandated small business contracts and subcontract goals, foster the establishment of long-term business relationships between these entities and prime contractors, and increase the overall number of these entities that receive DOT contract and subcontract consideration and awards.

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal, State

**URL For More Information:** [dms.dot.gov](http://dms.dot.gov)

**URL For Public Comments:** [dms.dot.gov](http://dms.dot.gov)

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**RIN:** 2105-AD20

**2191. +REVIEW OF DATA FILED BY CERTIFICATED OR COMMUTER AIR CARRIERS TO SUPPORT CONTINUING FITNESS DETERMINATIONS INVOLVING CITIZENSHIP ISSUES**

**Priority:** Other Significant

**Legal Authority:** 49 USC 401; 49 USC 411; 49 USC 417

**CFR Citation:** 14 CFR 204; 14 CFR 399

**Legal Deadline:** None

**Abstract:** This rulemaking would clarify policies that may be used during initial and continuing fitness reviews of U.S. carriers when citizenship is at issue. It would add a new section to 14 CFR part 399 that clarifies how the Department will interpret actual control of a U.S. air carrier during fitness reviews. It would also affect how we interpret the circumstances influencing

a determination of actual control, allowing easier access to international capital markets. The rulemaking would also make minor amendments to 14 CFR part 204 to update existing language in part 204.

**Timetable:**

Action	Date	FR Cite
ANPRM	07/30/03	
ANPRM Comment Period End	09/29/03	
NPRM	11/07/05	70 FR 67389
NPRM Comment Period End	01/06/06	
Supplemental NPRM	05/05/06	71 FR 26425
Supplemental NPRM Comment Period End	07/05/06	

Next Action Undetermined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:** [dms.dot.gov](http://dms.dot.gov)

**URL For Public Comments:** [dms.dot.gov](http://dms.dot.gov)

**Agency Contact:** Bill Bertram, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590

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**RIN:** 2105-AD25

**2192. +ACCOMMODATIONS IN AIR TRAVEL FOR DEAF, HARD OF HEARING, AND DEAF-BLIND INDIVIDUALS**

**Priority:** Other Significant

**Legal Authority:** 49 USC 41705; 49 USC 41310; 49 USC 41702; 49 USC 41712

**CFR Citation:** 14 CFR 382

**Legal Deadline:** None

**Abstract:** This rulemaking would expand accommodations provided to deaf, hard of hearing, and deaf-blind air travelers under the Air Carrier Access Act. The purpose of this rulemaking would be to improve access for air travelers who are deaf, hard of hearing and deaf-blind during all phases of air travel, from the airport to the flight itself. This rule would apply to certain foreign and domestic air carriers. Also, the rulemaking action would respond to a petition for rulemaking.

**Timetable:**

Action	Date	FR Cite
NPRM	02/23/06	71 FR 9285
Comment Period Extended	04/18/06	71 FR 19838
Comment Period End	04/24/06	
End of Extended Comment Period	06/24/06	
Next Action	Undetermined	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:** [dms.dot.gov](http://dms.dot.gov)

**URL For Public Comments:** [dms.dot.gov](http://dms.dot.gov)

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**RIN:** 2105-AD41

**2193. DEBARMENT AND SUSPENSION (NONPROCUREMENT) REQUIREMENTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 103-355, sec 2455; 108 Stat. 3327; 31 USC 6101 note; EO 11738 (3 CFR 1973 Comp, p 799); EO 12549 (3 CFR 1986 Comp, p 189)

**CFR Citation:** 49 CFR 29

**Legal Deadline:** None

**Abstract:** The non significant NPRM would amend the Department's suspension and debarment rule by adopting optional lower tier coverage prohibiting excluded persons from participating in subcontracts at lower tiers below the first tier below a covered contract.

**Timetable:**

Action	Date	FR Cite
NPRM	10/05/05	70 FR 58175
NPRM Comment Period End	11/04/05	
Next Action	Undetermined	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

## DOT—OST

## Long-Term Actions

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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RIN: 2105-AD46

**2194. TRANSPORTATION FOR INDIVIDUALS WITH DISABILITIES MISCELLANEOUS AMENDMENTS**
**Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 42 USC 12101to12213**CFR Citation:** 49 CFR 37**Legal Deadline:** None

**Abstract:** This rulemaking would propose amendments to 49 CFR part 37 in several areas: Rail station platform standards, reasonable modifications of policies and procedures, pedestrian access, and codifying existing DOT procedures for issuing interpretations and guidance.

**Timetable:**

Action	Date	FR Cite
NPRM	02/27/06	71 FR 9761
NPRM Comment Period End	04/28/06	
NPRM Comment Period Extended	05/01/06	71 FR 25544
End of Extended Comment Period	07/28/06	
Next Action Undetermined		

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-4723  
TDD Phone: 202 755-7687  
Email: bob.ashby@ost.dot.gov

RIN: 2105-AD54

## Department of Transportation (DOT)

## Office of the Secretary (OST)

## Completed Actions

**2195. PROCEDURES FOR TRANSPORTATION WORKPLACE DRUG AND ALCOHOL TESTING PROGRAMS**
**Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 102, 301, 322, 5331, 20140, 31306, 54101**CFR Citation:** 49 CFR 40**Legal Deadline:** None

**Abstract:** This rulemaking has been included in actions taken in RIN 2105-AD26. This interim final rule would amend DOT specimen validity testing (SVT) procedures to avoid inconsistencies with a Department of Health and Human Services rule.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/09/04	69 FR 64865
Interim Final Rule Effective	11/09/04	
Interim Final Rule Comment Period End	12/09/04	
Merged with RIN 2105-AD26	08/07/06	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Jim L. Swart, Drug and Alcohol Policy Advisor, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590

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Fax: 202 366-3897

Email: jim.swart@ost.dot.gov

RIN: 2105-AD47

**2196. PROCEDURES FOR TRANSPORTATION WORKPLACE DRUG AND ALCOHOL TESTING PROGRAMS**
**Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 102, 301, 322, 5331, 20140, 31306, 45101 et seq**CFR Citation:** 49 CFR 40**Legal Deadline:** None

**Abstract:** This rulemaking has been included in actions taken in RIN 2105-AD26. The Department of Transportation would amend certain provisions of its drug and alcohol testing procedures to change instructions to laboratories, medical review officers, and employers with respect to adulterated, substituted, diluted, and invalid specimen results. These changes would consistency with specimen validity requirements established by the U.S. Department of

Health and Human Services. This rule would also make specimen validity testing mandatory within the regulated transportation industries.

**Timetable:**

Action	Date	FR Cite
NPRM	10/31/05	70 FR 62276
NPRM Comment Period End	12/30/05	
Merged with RIN 2105-AD26	08/07/06	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:** Local**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Jim L. Swart, Drug and Alcohol Policy Advisor, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590  
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Email: jim.swart@ost.dot.gov

RIN: 2105-AD55

## DOT—OST

## Completed Actions

**2197. +PRICE ADVERTISING****Priority:** Other Significant**Legal Authority:** 49 USC 41712**CFR Citation:** 14 CFR 399**Legal Deadline:** None

**Abstract:** This rulemaking would withdraw a Notice of Proposed Rulemaking (NPRM) that sought comments on whether and, if so, how the Department should amend 14 CFR 399.84, its air transportation price-advertising rule. As a matter of enforcement policy, the Department has long allowed limited exceptions to the strict terms of the rule. The NPRM called for comments on several options: maintain the current practice with or without codifying all of its elements in the rule; enforce the rule as written; revise the rule to eliminate most or all requirements for airfare advertisements but to specify that consumers must be told the total price before any purchase is made; eliminate the rule altogether. The Department has decided based on the comments that the public Internet will best be served by maintaining the status quo.

**Timetable:**

Action	Date	FR Cite
NPRM	12/14/05	70 FR 73960
NPRM Comment Period End	02/13/06	
Withdrawn	09/22/06	71 FR 55398

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Betsy Wolf,

Department of Transportation, Office of the Secretary, 400 7th Street SW., Washington, DC 20590  
Phone: 202 366-9359

Email: betsy.wolf@dot.gov

**RIN:** 2105-AD56**2198. PROCEDURES FOR TRANSPORTATION WORKPLACE DRUG AND ALCOHOL TESTING PROGRAMS: REVISION OF SUBSTANCE ABUSE PROFESSIONAL CREDENTIAL REQUIREMENT****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 102, 301, 322, 5331, 20140, 31306, 45101 et seq**CFR Citation:** 49 CFR 40**Legal Deadline:** None

**Abstract:** This action would implement a SAFETEA-LU requirement that the Department conduct a rulemaking to include certified marriage and family therapists among the credentialed professionals eligible to perform substance abuse professional (SAP) services in the DOT drug and alcohol testing program.

**Timetable:**

Action	Date	FR Cite
NPRM	03/10/06	71 FR 12331
NPRM Comment Period End	04/10/06	
Final Rule	08/23/06	71 FR 49382
Final Rule Effective	09/22/06	
Final Rule Corrections Effective Date	09/22/06	71 FR 55347

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Jim L. Swart, Drug

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**RIN:** 2105-AD57**2199. • CANADIAN CHARTER AIR TAXIS—TECHNICAL CHANGES****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 401; 49 USC 417**CFR Citation:** 14 CFR 294**Legal Deadline:** None

**Abstract:** This rulemaking would eliminate or amend provisions in 14 CFR part 294 that do not comport with the current United States-Canada bilateral aviation agreement. It would also make several other technical changes to part 294 and add a provision making it clear that Canadian charter air taxis are exempt from the statutory requirement for foreign air carriers to file family assistance plans.

**Timetable:**

Action	Date	FR Cite
Final Rule	08/23/06	71 FR 49344
Final Rule Effective	09/22/06	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Jonathan Dols,

Supervisory Trial Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Room 4116, Washington, DC 20590  
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**RIN:** 2105-AD58**BILLING CODE** 4910-9X-S



Department of Transportation (DOT)  
Federal Aviation Administration (FAA)

## Proposed Rule Stage

**2200. +REVISIONS TO DIGITAL  
FLIGHT DATA RECORDER  
REGULATIONS FOR B-737  
AIRPLANES AND FOR PART 125  
OPERATORS**

**Priority:** Other Significant

**Legal Authority:** 49 USC 106(g); 49 USC 40113; 49 USC 40119; 49 USC 44101; 49 USC 44701 to 44702; 49 USC 44705; 49 USC 44709 to 44711; 49 USC 44713; 49 USC 44716 to 44717; 49 USC 44722; 49 USC 44901; 49 USC 44903 to 44904; 49 USC 44912; 49 USC 46105; 49 USC 1155; 49 USC 40103; 49 USC 40120; 49 USC 44111; 49 USC 44711; 49 USC 44712; 49 USC 44715; 49 USC 46306; 49 USC 46316; 49 USC 46504; 49 USC 46506 to 46507; 49 USC 47122; 49 USC 47508; 49 USC 47528 to 47531

**CFR Citation:** 14 CFR 121; 14 CFR 125; 14 CFR 91

**Legal Deadline:** None

**Abstract:** This rulemaking would amend the digital flight data recorder (DFDR) regulations for transport category airplanes to add a requirement for all Boeing 737 (B-737) series airplanes to record additional flight data parameters. It is based on safety recommendations issued by the National Transportation Safety Board (NTSB) following the investigation of the 1994 USAir Flight 427 accident. This rulemaking is significant because of substantial public interest. A final rule had been scheduled for August 11, 2000. Since publication of the NPRM, the FAA has mandated significant changes to the rudder system on 737s. Accordingly, the proposed rule would apply to a different set of airplanes than originally anticipated. The FAA is requesting comment on this change in applicability and is requesting updated economic information about the installation of the proposed monitoring equipment.

**Timetable:**

Action	Date	FR Cite
NPRM	11/18/99	64 FR 63139
NPRM Comment Period End	12/20/99	
Supplemental NPRM	09/05/06	71 FR 52381
Supplemental NPRM Comment Period End	12/04/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Project Number: AIR-99-272R.

ANALYSIS: Regulatory Evaluation, 11/18/99, 64 FR 63139

**URL For More Information:**  
dms.dot.gov

**URL For Public Comments:**  
dms.dot.gov

**Agency Contact:** Timothy Shaver, Avionic Systems Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202-385-4686  
Email: timothy.shaver@faa.gov

**RIN:** 2120-AG87

**2201. TRANSPONDER CONTINUOUS  
OPERATION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 106(g); 49 USC 40113; 49 USC 40119; 49 USC 44701 to 44702; 49 USC 44705; 49 USC 44709 to 44711; 49 USC 44713; 49 USC 44716 to 44717; 49 USC 44722; 49 USC 44901; 49 USC 44903 to 44904; 49 USC 44912; 49 USC 45101 to 45105; 49 USC 46105; 49 USC 44713

**CFR Citation:** 14 CFR 21

**Legal Deadline:** None

**Abstract:** The FAA is withdrawing the NPRM published on January 14, 2003 that proposed to require airplanes operated in domestic, flag, and supplemental operations to ensure immediate activation and continuous transmission of the designated hijack alert code to air traffic control (ATC) during a hijack situation. After September 11, 2002, the increased threat of hijacking and realization that a plane could be used as a weapon became the basis for the proposed rule. The intent was to provide the flight crew of commercial airplanes with the ability to initiate an immediate national security response in the event of a hijacking. The overwhelming majority of comments opposed the proposal for several reasons. Because of the reasons given, including completed security enhancements to strengthen flight deck doors, we are withdrawing the proposal. Current regulations ensure an adequate level of aviation security.

**Timetable:**

Action	Date	FR Cite
NPRM	01/14/03	68 FR 1942

Action	Date	FR Cite
NPRM Comment Period End	03/17/03	
To Be Withdrawn	12/00/06	

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** This is a withdrawal of an NPRM — there are no costs associated with the action.

**URL For More Information:**  
dms.dot.gov

**URL For Public Comments:**  
dms.dot.gov

**Agency Contact:** Richard Jennings, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 1895 Phoenix Boulevard, Suite 450, Atlanta, GA 30349  
Phone: 770 703-6090

**RIN:** 2120-AH67

**2202. +ENHANCED AIRWORTHINESS  
PROGRAM FOR AIRPLANE SYSTEMS  
(EAPAS) AND SFAR 88**

**Priority:** Other Significant

**Legal Authority:** 49 USC 106(g); 49 USC 1155; 49 USC 1372; 49 USC 40103; 49 USC 40119; 49 USC 40120; 49 USC 106(g); 49 USC 40103; 49 USC 40113; 49 USC 40119 and 40120; 49 USC 41706; 49 USC 4401; 49 USC 44111; 49 USC 44701 to 44705; 49 USC 44709 to 44713; 49 USC 44715 to 44717

**CFR Citation:** 14 CFR 1; 14 CFR 25; 14 CFR 91; 14 CFR 121; 14 CFR 125; 14 CFR 129; 14 CFR 1; 14 CFR 121; 14 CFR 129; 14 CFR 25; 14 CFR 91

**Legal Deadline:** None

**Abstract:** This rulemaking would change wiring system and fuel tank system requirements for transport category airplanes. It would organize and clarify design requirements for wire systems, by moving existing regulatory references to wiring into a single section of the regulations specifically for wiring and adding new certification rules to address aging issues in wire systems. This rulemaking would require holders of type certificates for certain transport category airplanes to conduct analyses and make necessary changes to existing Instructions for Continued Airworthiness (ICA) to improve

## DOT—FAA

## Proposed Rule Stage

maintenance procedures for wire systems. It would require operators to incorporate those ICA for wiring into their maintenance or inspection programs. It would also clarify requirements of certain existing operational rules for operators to incorporate ICA for fuel tank systems into their maintenance or inspection programs. The intent of this rulemaking is to help ensure the continued safety of commercial airplanes by improving the design, installation, and maintenance of their electrical wiring systems as well as by aligning those requirements as closely as possible with the requirements for fuel tank system safety.

**Timetable:**

Action	Date	FR Cite
NPRM	10/06/05	70 FR 58507
NPRM Comment Period End	02/03/06	
Disposition of Comments	12/00/06	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Stephen M Slotte, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, WA 98055-2315  
Phone: 425 227-2315

RIN: 2120-AI31

**2203. +DRUG ENFORCEMENT ASSISTANCE**

Priority: Other Significant

**Legal Authority:** 49 USC 106(g); 49 USC 40113 to 40114; 49 USC 44101 to 44108; 49 USC 44110 to 44111

**CFR Citation:** 14 CFR 47; 14 CFR 61; 14 CFR 63; 14 CFR 65

**Legal Deadline:** Final, Statutory, September 18, 1989, Final Rule.

**Abstract:** This rule would amend airmen certification and aircraft registration requirements. Two years after the final rule becomes effective, paper pilot certificates may no longer be used to exercise piloting privileges. Five years after the final rule becomes

effective, certain other paper airmen certificates, such as those of flight engineers and mechanics, may no longer be used to exercise the privileges authorized by those certificates. To exercise the privileges after those respective dates, the airmen would have to hold upgraded, counterfeit-resistant plastic certificates. Student pilots would not be affected. In addition, those who transfer ownership of U.S.-registered aircraft would have 5 days from the transaction to notify the FAA Aircraft Registry. Those who apply for aircraft registration would have to include their printed or typed name with their signature. These changes are responsive to concerns raised in the FAA Drug Enforcement Assistance Act. The purpose of the changes is to upgrade the quality of data and documents to assist Federal, State, and local agencies to enforce the Nation's drug laws.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/06	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Mark Lash, Civil Aviation Registry, Department of Transportation, Federal Aviation Administration, 6500 South MacArthur Boulevard, Oklahoma City, OK 73169  
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RIN: 2120-AI43

**2204. +REPAIR STATIONS—RATINGS AND QUALITY SYSTEM**

Priority: Other Significant

**Legal Authority:** 49 USC 106(g); 49 USC 40113; 49 USC 44701 to 44702; 49 USC 44707; 49 USC 44709; 49 USC 4717

CFR Citation: 14 CFR 145

Legal Deadline: None

**Abstract:** This rulemaking will amend the regulations for repair stations by revising the system of ratings and requiring repair stations to establish a quality program. This rulemaking will

add changes critical to maintaining safety. These include: Requiring a repair station to maintain a capability list; requiring a repair station to designate a chief inspector; requiring permanent housing for all repair stations for their facilities, equipment, materials, and personnel; and identifying reasons for denying a repair station certificate, especially when a previously held certificate has been revoked. In addition, the rulemaking will clarify recent revisions to the repair station regulations. This action is necessary to reflect changes in aviation technology and repair station business practices.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/06	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Herbert E. Daniel, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
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RIN: 2120-AI53

**2205. SPECIAL REQUIREMENTS FOR SPECIAL USE TRANSPORT CATEGORY AIRPLANES**

Priority: Substantive, Nonsignificant

**Legal Authority:** 49 USC 106(g); 49 USC 40113; 49 USC 44701; 49 USC 44702; 49 USC 44704

CFR Citation: 14 CFR 25

Legal Deadline: None

**Abstract:** This rule will amend the airworthiness standards for transport category airplanes by adding new cabin interior criteria for operators of private use airplanes. These standards may be used instead of the specific requirements that affect transport category airplanes operated by air carriers. These standards will supplement the requirements for operation under the air traffic and general operating rules. This rule is

## DOT—FAA

## Proposed Rule Stage

intended to provide alternative criteria for transport category airplanes that are operated for private use, while continuing to provide an acceptable level of safety for those operations.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Alan Sinclair,

Airframe and Cabin Safety Branch,  
Department of Transportation, Federal  
Aviation Administration, 1601 Lind  
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Fax: 425-227-1320  
Email: alan.sinclair@faa.gov

**RIN:** 2120-AI61

**2206. +SECURITY-RELATED  
CONSIDERATIONS IN THE DESIGN  
AND OPERATION OF TRANSPORT  
CATEGORY AIRPLANES**

**Priority:** Other Significant

**Legal Authority:** 49 USC 40113, 44701,  
44702, 44704; 49 USC 103(g)

**CFR Citation:** 14 CFR 121; 14 CFR 25

**Legal Deadline:** None

**Abstract:** This rulemaking would implement certain security related requirements governing the design of transport category airplanes. The requirements would provide improved airplane design features and greater protection of the cabin, flightdeck, and cargo compartments from the detonation of explosive or incendiary devices, penetration by projectiles, and intrusion by unauthorized persons. The FAA would also require operators to establish a "least risk bomb location" on all affected airplanes and to incorporate certain information into relevant operator's manuals. This rule would adopt several International Civil Aviation Organization standards and harmonize FAA and international regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Jeff Gardlin, Federal  
Aviation Administration, Department of  
Transportation, Federal Aviation  
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SW., Renton, WA 98055-4056  
Phone: 425 227-2136  
Email: jeff.gardlin@faa.gov

**RIN:** 2120-AI66

**2207. +CONGESTION MANAGEMENT  
RULE FOR LAGUARDIA AIRPORT**

**Priority:** Economically Significant.  
Major under 5 USC 801.

**Legal Authority:** 49 USC 106(g); 49  
USC 40103; 49 USC 40106; 49 USC  
40109; 49 USC 40113; 49 USC 40113;  
49 USC 44502; 49 USC 44514; 49 USC  
44701; 49 USC 44701; 49 USC 44719;  
49 USC 46301

**CFR Citation:** 14 CFR 93

**Legal Deadline:** None

**Abstract:** This rulemaking would propose a new rule to address the potential for increased congestion and delay at New York's LaGuardia Airport (LaGuardia) when the High Density Rule (HDR) expires there on January 1, 2007. The rulemaking, if adopted, would establish an operational limit on the number of aircraft landing and taking off at the airport. To offset the effect of this limit, the proposed rule would increase utilization of the airport by encouraging the use of larger aircraft through implementing an airport-wide, average aircraft size requirement designed to increase the number of passengers that may use the airport within the overall proposed operational limits.

**Timetable:**

Action	Date	FR Cite
NPRM	08/29/06	71 FR 51359
NPRM Comment Period Extended	10/24/06	71 FR 62217
NPRM Comment Period End	10/30/06	
Extended NPRM Comment Period End	12/29/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** OMB has indicated they will need the full 90 days to review this NPRM. Therefore, it will be a challenge to publish a final rule before the HDR expires at LaGuardia. Options are available for how to proceed if this final rule does not publish by December 31, 2006.

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Molly W Smith,  
Federal Aviation Administration,  
Department of Transportation, Federal  
Aviation Administration, 800  
Independence Avenue SW.,  
Washington, DC 20591  
Phone: 202 267-3344  
Email: molly.w.smith@faa.gov

**RIN:** 2120-AI70

**2208. • PRODUCTION AND  
AIRWORTHINESS APPROVALS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 40105, 40113;  
42 USC 7572; 49 USC 44701 to 44702,  
44704, 44707, 44709, 44711, 44713,  
44715, 45303 ; 49 USC 106(g)

**CFR Citation:** 14 CFR 21; 14 CFR 45

**Legal Deadline:** None

**Abstract:** The FAA is proposing changes to its certification procedures and identification requirements for aeronautical products and parts. The proposed changes address standardizing requirements for production approval holders; requiring production approval holders to issue airworthiness approvals for aircraft engines, propellers, and other aviation parts; requiring manufacturers to mark all parts and components; and revising export airworthiness approval requirements to facilitate global manufacturing. The intent of these proposed changes is to promote safety by ensuring that aircraft, and parts designed specifically for use in aircraft, wherever manufactured, meet applicable standards. This action is also necessary to update our regulations to reflect the current global aircraft and aircraft parts manufacturing environment.

## DOT—FAA

## Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	10/05/06	71 FR 58913
NPRM Comment Period End	01/03/07	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** Businesses**Government Levels Affected:** None

**Additional Information:** This proposal would result in significant cost savings for production approval holders. FAA has evaluated these proposed changes and has determined there is substantial public interest in the implementation of these changes with regard to public safety as well as support of the aviation industry. In some cases, these changes have been the result of ARAC recommendations and, as such should provide minimal controversy when implemented. The majority of this rulemaking project has been an ongoing effort for more than 8 years and has resulted in a draft NPRM, which should facilitate a shortened rulemaking process.

In most cases, these proposed revisions have little or no impact on the aviation industry while providing significant safety benefits, providing standardization to the certification process and increasing FAA effectiveness and efficiency in determining and resolving unsafe

conditions at the earliest possible opportunity.

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Frank P. Paskeiwicz, Production and Airworthiness Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-8361

**RIN:** 2120-AI78**2209. • +FILTERED FLIGHT DATA****Priority:** Other Significant

**Legal Authority:** 49 USC 106(g); 49 USC 40113; 49 USC 40119; 49 USC 44101; 49 USC 44701 to 44702; 49 USC 44705; 49 USC 44709 to 44711; 49 USC 44713; 49 USC 44716 to 44717; 49 USC 44722; 49 USC 44901; 49 USC 44903 to 44904; 49 USC 44912

**CFR Citation:** 14 CFR 121**Legal Deadline:** None

**Abstract:** This rulemaking would amend the digital flight data recorder (DFDR) regulations by prohibiting certain types of signal filtering for a set of specified recorded parameters. This rulemaking is based on recommendations issued by the National Transportation Safety Board

(NTSB). The rulemaking is intended to improve the accuracy and quality of the data recorded on DFDRs and used during accident and incident investigations.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/06	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Timothy Shaver, Avionic Systems Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202-385-4686  
Email: timothy.shaver@faa.gov

**RIN:** 2120-AI79**2210. • +COMMUTER OPERATIONS IN VERY LIGHT JETS (VLJS)**

**Regulatory Plan:** This entry is Seq. No. 85 in part II of this issue of the **Federal Register**.

**RIN:** 2120-AI84

## Department of Transportation (DOT)

## Final Rule Stage

## Federal Aviation Administration (FAA)

**2211. INSTRUMENT FLIGHT RULES****Priority:** Routine and Frequent

**Legal Authority:** 49 USC 40120; 49 USC 44502; 49 USC 44514; 49 USC 44719; 49 USC 44721; 49 USC 106(g); 49 USC 40103; 49 USC 40106; 49 USC 40113; 49 USC 40114

**CFR Citation:** 14 CFR 95**Legal Deadline:** None

**Abstract:** This is a nonsignificant body of regulations which prescribes altitudes governing the operation of aircraft under Instrument Flight Rules (IFR) on Air Traffic System (ATS) routes, or other direct routes which have a designated Minimum En route Altitude (MEA). In addition, it designates mountainous areas and changeover points as they relate to

route altitudes. These regulations are an established body of technical requirements that are issued routinely and frequently to maintain operational efficiency. Total actions expected-270. 10/00/2006-10/00/2007.

**Timetable:**

Action	Date	FR Cite
Action Will Continue Through	10/00/07	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Peter Dula, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-8212  
Email: peter.dula@faa.gov

**RIN:** 2120-AA63**2212. AIRWORTHINESS DIRECTIVES****Priority:** Routine and Frequent

**Legal Authority:** 49 USC 106(g); 49 USC 40113; 49 USC 44701

**CFR Citation:** 14 CFR 39**Legal Deadline:** None

**Abstract:** This rule would issue Airworthiness Directives (AD) as needed to address any unsafe condition

## DOT—FAA

## Final Rule Stage

in a type certificated product, if that unsafe condition is likely to exist or develop in products of the same type design. Airworthiness Directives are legally enforceable rules that apply to the following type certificated products: aircraft, aircraft engines, propellers, and appliances. Part 39 of title 14 requires each operator of a product affected by an AD to comply with the terms of the AD, to continue to operate that product. The AD may mandate operational limitations, maintenance, or alterations for the affected product. The vast majority of routine and frequent ADs are nonsignificant. Total actions expected—550. 10/01/2006-11/2007.

**Timetable:**

Action	Date	FR Cite
Actions Will Continue Through	10/00/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Linda Walker, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-9592

**RIN:** 2120-AA64

**2213. STANDARD INSTRUMENT APPROACH PROCEDURES**

**Priority:** Routine and Frequent

**Legal Authority:** 49 USC 40103; 49 USC 40106; 49 USC 40113 to 40114; 49 USC 40120; 49 USC 44502; 49 USC 44514; 49 USC 44701; 49 USC 44719; 49 USC 44721 to 44722; 49 USC 106(g)

**CFR Citation:** 14 CFR 97

**Legal Deadline:** None

**Abstract:** Standard Instrument Approach Procedures (SIAP) provide for instrument letdown to airports in the United States. They are a nonsignificant body of regulations that are complex and technical in nature and require routine and frequent rulemaking to maintain efficiency. The FAA issues, revises, and cancels SIAPs

by adopting amendments that are incorporated into 14 CFR part 97. Contemporaneously with publication in the Federal Register, the SIAPs are made available to the Aeronautical Charting and Cartography Office in the FAA and other publishers of aeronautical charts where they are published as approach procedure charts or "approach plates." These charts are made available to the members of the aviation community for use by pilots in making instrument approaches. Total actions expected - 3300. 10/00/2004-10/00/2005.

**Timetable:**

Action	Date	FR Cite
Actions Will Continue Through	10/00/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** John McGraw, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-4586  
Email: john.mcgraw@faa.gov

**RIN:** 2120-AA65

**2214. AIRSPACE ACTIONS**

**Priority:** Routine and Frequent

**Legal Authority:** 49 USC 106(g); 49 USC 40103; 49 USC 40113; 49 USC 40120; EO 10854

**CFR Citation:** 14 CFR 71; 14 CFR 73; 14 CFR 75

**Legal Deadline:** None

**Abstract:** Rulemaking airspace actions are used to designate, modify, or revoke airways, routes, terminal airspace, and special use airspace (SUA) within the United States and its territories. These actions require routine and frequent controlled airspace of SUA, as needed, to ensure the safe and efficient use of the National Airspace System and to accommodate Department of Defense operations. The vast majority of airspace actions are nonsignificant.

**Timetable:**

Action	Date	FR Cite
NPRM	01/22/02	67 FR 57943
NPRM Comment Period End	03/08/02	
NPRM Revision	10/28/04	69 FR 62832
NPRM Revision End of Comment Period	12/13/04	
Actions Will Continue Through	10/00/07	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Edith V. Parish, Manager of Airspace and Rules, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20951  
Phone: 202 267-8783  
Email: edith.p Parish@faa.gov

**RIN:** 2120-AA66

**2215. +NATIONAL AIR TOUR SAFETY STANDARDS**

**Priority:** Other Significant

**Legal Authority:** 49 USC 44709; 49 USC 44711; 49 USC 44712; 49 USC 44713; 49 USC 44715; 49 USC 44716; 49 USC 106(g); 49 USC 40103; 49 USC 40113; 49 USC 40120; 49 USC 44101; 49 USC 44111; 49 USC 44701; 49 USC 44702; 49 USC 44705

**CFR Citation:** 14 CFR 91; 14 CFR 135; 14 CFR 61; 14 CFR 119; 14 CFR 121; 14 CFR 136; 14 CFR 119; 14 CFR 121; 14 CFR 136; 14 CFR 61

**Legal Deadline:** None

**Abstract:** This rulemaking will consider new regulations for air tour and sightseeing operations that are currently allowed to operate under less stringent regulations than those applied to other types of commercial operations. Hot air balloons and gliders would not be included in this amendment.

**Timetable:**

Action	Date	FR Cite
NPRM	10/23/03	68 FR 60571
NPRM Comment Period End	04/19/04	69 FR 2529
Final Action	12/00/06	

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**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** Project

Number: AFS-91-012R. RIN 2120-AF61 which was proposed as a new item for this agenda was a duplicate of this rulemaking and has been terminated. This rulemaking was previously titled "Sightseeing Operations."

ANALYSIS: Regulatory Evaluation, 07/00/2003

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Alberta Brown, Air Transportation Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-8321

**RIN:** 2120-AF07**2216. AREA NAVIGATION (RNAV) AND MISCELLANEOUS AMENDMENTS****Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 106(g); 49 USC 1155; 49 USC 40103 to 40105; 49 USC 40113; 49 USC 40119 to 40120; 49 USC 41706; 49 USC 44101; 49 USC 44111; 49 USC 44113; 49 USC 44701 to 44702; 49 USC 44705; 49 USC 44709 to 44713; 49 USC 44715 to 44717; 49 USC 44722; 49 USC 44901 to 44904; 49 USC 44906; 49 USC 44912; 49 USC 46105; 49 USC 46306; 49 USC 46315; 49 USC 46316; 49 USC 465504; 49 USC 46506 to 46507; 49 USC 47122; 49 USC 47508; 49 USC 47528 to 47531

**CFR Citation:** 14 CFR 1; 14 CFR 91; 14 CFR 97; 14 CFR 121; 14 CFR 129; 14 CFR 135

**Legal Deadline:** None

**Abstract:** The FAA is amending its regulations to reflect technological advances that support area navigation (RNAV); make certain terms consistent with those of the International Civil Aviation Organization; remove the middle marker as a required component of instrument landing systems; and clarify airspace terminology. The changes are intended to facilitate the transition from ground-based navigation to new reference sources, enable advancements in technology, and

increase efficiency of the National Airspace System.

**Timetable:**

Action	Date	FR Cite
NPRM	12/17/02	67 FR 77326
NPRM Comment Period End	01/31/03	
NPRM Comment Period Reopened	04/08/03	68 FR 16992
Comment Period End	07/07/03	
Final Action	04/00/07	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Ernest Skiver, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591  
Phone: 202 385-4586  
Email: ernie.skiver@faa.gov

**RIN:** 2120-AH77**2217. +REVISIONS TO COCKPIT VOICE RECORDER AND DIGITAL FLIGHT DATA RECORDER REGULATIONS****Priority:** Other Significant

**Legal Authority:** 49 USC 100(g); 49 USC 40113; 49 USC 40119; 49 USC 41706; 49 USC 44101; 49 USC 44701 to 44702; 49 USC 44705; 49 USC 44709 to 44713; 49 USC 44715 to 44717; 49 USC 44722; 49 USC 44901; 49 USC 44903; 49 USC 44904; 49 USC 44912; 49 USC 46105; 49 USC 44113

**CFR Citation:** 14 CFR 121; 14 CFR 125; 14 CFR 135; 14 CFR 129; 14 CFR 23; 14 CFR 25; 14 CFR 27; 14 CFR 29; 14 CFR 91

**Legal Deadline:** None

**Abstract:** This rulemaking would amend the cockpit voice recorder (CVR) and digital flight data recorder (DFDR) regulations for certain air carriers, operators, and aircraft manufacturers. It would increase the duration of CVR and flight data recorder (FDR) recordings; increase the data recording rate of certain DFDR parameters; require physical separation of the DFDR and CVR; improve the reliability of the power supply to both the CVR and

DFDR; and, if data-link communication equipment is installed, require that all data-link communications received by an aircraft be recorded.

**Timetable:**

Action	Date	FR Cite
NPRM	02/28/05	70 FR 9752
Comment Period Extended	04/27/05	70 FR 21688
Final Rule	05/00/07	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Additional Information:** On 12/15/05, OMB "cleared" this rulemaking, subject to minor changes, mostly editorial. Actual clearance should date from 1/12/06, when the revised version was resubmitted to OMB.

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Timothy Shaver, Avionic Systems Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202-385-4686  
Email: timothy.shaver@faa.gov

**RIN:** 2120-AH88**2218. +EXTENDED OPERATIONS (ETOPS) OF MULTI-ENGINE AIRPLANES****Priority:** Other Significant

**Legal Authority:** 49 USC 106(g); 49 USC 40113; 49 USC 40119; 49 USC 41706; 49 USC 44101 to 44702; 49 USC 44704; 49 USC 44709; 49 USC 44712; 49 USC 44715 to 44717; 49 USC 44722; 49 USC 46105

**CFR Citation:** 14 CFR 1; 14 CFR 21; 14 CFR 25; 14 CFR 33; 14 CFR 121; 14 CFR 135

**Legal Deadline:** None

**Abstract:** This rulemaking would govern the design, maintenance, and operation of airplanes and engines for flights that go certain long distances beyond an adequate airport. This rulemaking would extend some requirements that previously applied only to two-engine airplanes to airplanes with more than two engines. This rulemaking would implement existing best practices and policy,

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industry recommendations and international standards to assure that long-range flight will operate safely.

**Timetable:**

Action	Date	FR Cite
NPRM	11/14/03	68 FR 64730
NPRM Comment Period End	05/15/04	69 FR 551
Final Action	04/00/07	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Robert Reich, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-7262  
Email: robert.reich@faa.gov

**RIN:** 2120-AI03

**2219. +AGING AIRCRAFT PROGRAM (WIDESPREAD FATIGUE DAMAGE)**

**Regulatory Plan:** This entry is Seq. No. 86 in part II of this issue of the **Federal Register**.

**RIN:** 2120-AI05

**2220. HIGH-INTENSITY RADIATED FIELDS**

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

**Legal Authority:** 49 USC 106(g); 49 USC 40113; 49 USC 44701; 49 USC 44701; 49 USC 44704

**CFR Citation:** 14 CFR 23; 14 CFR 25; 14 CFR 27; 14 CFR 29

**Legal Deadline:** None

**Abstract:** The FAA proposes to add certification standards for aircraft electrical and electronic systems because of their increased use in aircraft and vulnerability to high-intensity radiated fields (HIRF). The proposed rule would define specific HIRF certification requirements to provide protection against HIRF effects that would apply to any applicant seeking issuance of a type certificate, amended type certificate, or supplemental type certificate for the

initial approval of a new type of aircraft design or a change in aircraft type design.

**Timetable:**

Action	Date	FR Cite
NPRM	02/01/06	71 FR 5553
NPRM Comment Period End	05/02/06	
Final Rule	09/00/07	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Dave Walen, ANM-110N, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, WA 98055  
Phone: 425 917-6586  
Email: dave.walen@faa.gov

**RIN:** 2120-AI06

**2221. AIRPLANE PERFORMANCE AND HANDLING QUALITIES IN ICING CONDITIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 106(g); 49 USC 40113; 49 USC 44701; 49 USC 44702; 49 USC 44704

**CFR Citation:** 14 CFR 25

**Legal Deadline:** None

**Abstract:** The FAA proposes to amend the airworthiness standards for transport category airplanes to introduce new requirements to evaluate airplane performance and handling characteristics in icing conditions. The proposal will revise the requirements related to ice protection systems on these airplanes, and will harmonize the U.S. airworthiness standards with the European Joint Aviation Requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	11/04/05	70 FR 67278
NPRM Comment Period End	02/02/06	
Final Rule	05/00/07	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Don Stimson, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region 1601 Lind Avenue SW., Renton, WA 98055-4056  
Phone: 425 227-1129  
Fax: 425-227-1320  
Email: don.stimson@faa.gov

**RIN:** 2120-AI14

**2222. +FLIGHTDECK DOOR MONITORING AND CREW DISCREET ALERTING SYSTEM**

**Priority:** Other Significant

**Legal Authority:** 49 USC 106(g); 49 USC 40113; 49 USC 40119; 49 USC 41706; 49 USC 44101; 49 USC 44701 to 44702; 49 USC 44705; . . .

**CFR Citation:** 14 CFR 121

**Legal Deadline:** None

**Abstract:** This rulemaking would require passenger-carrying transport category airplanes used in domestic, flag, and supplemental operations to have a means to allow the flightcrew to visually monitor the door area outside the flightdeck. This would allow the flightcrew to identify persons requesting entry into the flightdeck, and to detect suspicious behavior or potential threats. In addition, operations requiring the presence of flight attendants, the rulemaking would require that the flight attendants have a means to discreetly notify the flightcrew of suspicious activity or security breaches in the cabin. The rulemaking would address standards adopted by the International Civil Aviation Organization following the September 11, 2001, terrorist attacks.

**Timetable:**

Action	Date	FR Cite
NPRM	09/21/05	70 FR 55491
NPRM Comment Period End	11/21/05	
Final Rule	03/00/07	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

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**Agency Contact:** Joe Keenan, Air Carrier Operations Branch, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
 Phone: 202 267-8166  
 Fax: 202 267-9579  
 Email: joe.keenan@faa.gov

RIN: 2120-AI16

**2223. +TRANSPORT AIRPLANE FUEL TANK FLAMMABILITY REDUCTION**

**Regulatory Plan:** This entry is Seq. No. 87 in part II of this issue of the **Federal Register**.

RIN: 2120-AI23

**2224. +EXPERIMENTAL PERMIT FOR SUBORBITAL REUSABLE LAUNCH VEHICLES****Priority:** Other Significant**Legal Authority:** 49 USC 70101 to 70105, 70121**CFR Citation:** 14 CFR 461**Legal Deadline:** NPRM, Statutory, December 23, 2005, NPRM by. Final, Statutory, June 23, 2006, Final Rule by.

**Abstract:** This rulemaking will define the process and standards for the issuance and maintenance of an Experimental Permit. An experimental permit will authorize the launch of developmental reusable suborbital rockets. The purpose of an experimental permit is to allow launches of developmental reusable suborbital rockets with less regulatory burden on the launch operator than would otherwise be the case with a traditional license.

**Timetable:**

Action	Date	FR Cite
NPRM	03/31/06	71 FR 16251
NPRM Comment Period End	05/30/06	
Final Rule	01/00/07	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Randy Repcheck, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
 Phone: 202 267-8760  
 Email: randy.repcheck@faa.gov

RIN: 2120-AI56

**2225. +HUMAN SPACE FLIGHT REQUIREMENTS FOR CREW AND SPACE FLIGHT PARTICIPANTS****Priority:** Other Significant**Legal Authority:** 49 USC 70101 to 70121**CFR Citation:** 14 CFR 401; 14 CFR 431; 14 CFR 432; 14 CFR 440; 14 CFR 450; 14 CFR 415; 14 CFR 435; 14 CFR 460**Legal Deadline:** NPRM, Statutory, December 23, 2005, NPRM by. Final, Statutory, June 23, 2006, Final Rule by.

**Abstract:** This rulemaking would establish requirements for crew qualifications, training, and notification. It also would establish training and informed consent requirements for space flight participants. The requirements are designed to provide an acceptable level of safety to the general public and to notify individuals on board of the risks associated with a launch or reentry. The rulemaking also would modify existing financial responsibility and waiver of liability requirements to account for the FAA's new authority to regulate space flight participants and crew, and to issue experimental permits.

**Timetable:**

Action	Date	FR Cite
NPRM	12/29/05	70 FR 77261
NPRM Comment Period End	02/27/06	
Final Rule	12/00/06	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Ken Wong, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591

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RIN: 2120-AI57

**2226. PASSENGER FACILITY CHARGE PROGRAM, DEBT SERVICE, AIR CARRIER BANKRUPTCY, AND MISCELLANEOUS CHANGES****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 40116 to 40117, 47106; 49 USC 47111 to 47116, 47524, 47526; 49 USC 106(g)**CFR Citation:** 14 CFR 158**Legal Deadline:** None

**Abstract:** This rulemaking is intended to change the passenger facility charge program to add more eligible uses for revenue, protect such revenue in bankruptcy proceedings, and eliminate charges to passengers on military charters. These proposed actions respond to Vision 100 Century of Aviation Reauthorization Act. In addition, the proposed action would revise current reporting requirements to reflect technological improvements; promulgate some existing practices and policies into current regulations; and clarify and update existing references and regulations. This proposal would further streamline the existing policies of the passenger facility charge program.

**Timetable:**

Action	Date	FR Cite
NPRM	02/01/06	71 FR 5188
NPRM Comment Period End	04/03/06	
Final Rule	04/00/07	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Sheryl Scarborough, Federal Aviation Administration, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
 Phone: 202 267-8825  
 Fax: 202 267-5302  
 Email: sheryl.scarborough@faa.gov

RIN: 2120-AI68



DOT—FAA

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**2227. FIRE PENETRATION RESISTANCE OF THERMAL ACOUSTIC INSULATION INSTALLED ON TRANSPORT CATEGORY AIRPLANES****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 40113; 49 USC 40119; 49 USC 44101; 49 USC 44701 to 44702; 49 USC 44705; 49 USC 44709 to 44711; 49 USC 44713; 49 USC 44716 to 44717; 49 USC 44722; 49 USC 44901; 49 USC 44903 to 44904; 49 USC 44912; 49 USC 46105; 49 USC 106(g)**CFR Citation:** 14 CFR 121**Legal Deadline:** None**Abstract:** This rule would extend the date for operators to comply with the fire penetration resistance requirements of thermal/acoustic insulation used in airplanes manufactured after September 2, 2007. The extension is from September 2, 2007, to September 2, 2008. This rule is needed to allow airframe manufacturers enough time, after finalizing an acceptable certification test facility, to select and certificate appropriate installations.**Timetable:**

Action	Date	FR Cite
NPRM	04/03/06	71 FR 16677
NPRM Comment Period End	06/02/06	
Final Rule	01/00/07	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** This rulemaking proposes a 1-year postponement of new thermal acoustic insulation standards.**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Jeff Gardlin, Federal Aviation Administration, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, WA 98055-4056  
Phone: 425 227-2136  
Email: jeff.gardlin@faa.gov**RIN:** 2120-AI75**2228. FAA-APPROVED CHILD RESTRAINT SYSTEMS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 US 106(g), 49 USC 40113, 49 USC 40119, 49 USC 41706, 49 USC 44101**CFR Citation:** 14 CFR 121; 14 CFR 125; 14 CFR 135; 14 CFR 91**Legal Deadline:** None**Abstract:** This rulemaking will amend certain operating regulations to allow passengers or operators to furnish and use more types of Child Restraint Systems (CRS) on aircraft. This rule will allow the use of CRSs that meet the aviation standards of Technical Standard Order C-100b, Child Restraint Systems, or are approved for use by the FAA under section 21.305 (d). This is in addition to the provisions in the current rules that allow passengers and operators to furnish and use CRSs that meet Federal Motor Vehicle Safety Standard No. 213 (FMVSS No. 213), meet the standards of the United Nations, or are approved by a foreign government. The intended effect of this regulation is to increase the number of CRS options that are available for children on aircraft, while maintaining high standards for certification and approval. In addition, more CRS options may increase the voluntary use of CRSs on aircraft and, in turn, improve children's safety.**Timetable:**

Action	Date	FR Cite
Final Rule	07/14/06	71 FR 40003
Comment Period End	08/14/06	
Final Rule Effective	08/14/06	
Correction	10/10/06	71 FR 59373
Effective Date	10/10/06	
Disposition of Comments	12/00/06	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Nancy L. Claussen, Federal Aviation Administration, Department of Transportation, Federal Aviation Administration, 2800 44th N. Street, Suite 450, Phoenix, AZ 85008  
Phone: 602 379-4864

Email: nancy.claussen@faa.gov

**RIN:** 2120-AI76**2229. • FEES FOR CERTIFICATION SERVICES AND APPROVALS PERFORMED OUTSIDE THE UNITED STATES****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 40113; 49 USC 44701 to 44703, 44707; 49 USC 44709 to 44711; 49 USC 45102 to 45103; 49 USC 45301 to 45302; 49 USC 106(g)**CFR Citation:** 14 CFR 187; 14 CFR 61; 14 CFR 63; 14 CFR 65**Legal Deadline:** None**Abstract:** This rulemaking will amend the regulations pertaining to payment of fees to the FAA for certification services performed outside the United States. Until now, fees could be paid by check, money order, wire transfer, or draft, payable in U.S. currency and drawn on a U.S. bank. Fees for certain aircraft flights transiting U.S.-controlled airspace can also be paid by credit card. The rule amends the regulations to allow payment by credit card for certification services performed outside the U.S. Additionally, this rule amends the regulations where it is unclear that fees for airmen certification services apply to all applicants located outside the United States, regardless of citizenship. This action is necessary to provide consistency within FAA regulations.**Timetable:**

Action	Date	FR Cite
Direct Final Rule	12/00/06	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** This rule is being revised to allow the use of credit cards for certification services and some minor clarifications. No regulatory evaluation will be done except a summary.**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Emily A. White, Department of Transportation, Federal Aviation Administration, 800

DOT—FAA

Final Rule Stage

Independence Avenue SW.,  
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Phone: 202 385-8073  
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RIN: 2120-AI77

### 2230. • DIRECT FINAL RULE PROCESS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 40101; 49 USC 40103; 49 USC 40105; 49 USC 40109; 49 USC 40113; 49 USC 44110; 49 USC 44502; 49 USC 44701 to 44702; 49 USC 44711; 49 USC 46102; 49 USC 106(g)

**CFR Citation:** 14 CFR 11

**Legal Deadline:** None

**Abstract:** This rulemaking will amend FAA regulations that define a direct final rule and how it is processed. It would allow the FAA to dispose of the adverse comments it receives during the direct final rule comment period in subsequent rulemaking actions. This change would streamline our process, creating a more efficient process while providing a better service to the aviation industry and the flying public.

#### Timetable:

Action	Date	FR Cite
Final Rule	12/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Compliance cost not applicable since this is a minimal impact rule not requiring a regulatory evaluation.

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Timothy Adams,  
Department of Transportation, Federal  
Aviation Administration, 800  
Independence Avenue SW.,  
Washington, DC 20591  
Phone: 202 267-8033  
Fax: 202 267-5075  
Email: timothy.r.adams@faa.gov

RIN: 2120-AI80

### 2231. • SPECIAL FEDERAL AVIATION REGULATION NO. XX—MITSUBISHI MU-2B SERIES AIRPLANE SPECIAL TRAINING, EXPERIENCE, AND OPERATING REQUIREMENTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 1155; 49 USC 40103; 49 USC 40113; 49 USC 40120; 49 USC 41706; 49 USC 44101; 49 USC 44111; 49 USC 44113; 49 USC 44701 to 44703; 49 USC 44705; 49 USC 44707; 49 USC 44709 to 44713; 49 USC 44715; 49 USC 44715 to 44717; 49 USC 44716; 49 USC 44717; 49 USC 44722; 49 USC 44722; 49 USC 45102 and 45103; 49 USC 45301 to 45302; 49 USC 46306; 49 USC 46315; 49 USC 46316; 49 USC 46504; 49 USC 46506 to 46507; 49 USC 47122; 49 USC 47508; 49 USC 47528 to 47531; 49 USC 106(g); Articles 12 and 29 of the Convention on International Civil Aviation (61 Stat 1)

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** This rule will create new pilot training, experience, and operating requirements in a Special Federal Aviation Regulation applicable to the Mitsubishi MU-2B series airplane. Following an increased accident and incident rate in the MU-2B airplane, the Federal Aviation Administration (FAA) conducted a safety evaluation of the MU-2B series airplane and found that changes in the training and operating requirements for that airplane are needed. These regulations would improve pilot training for the MU-2B airplane.

#### Timetable:

Action	Date	FR Cite
NPRM	09/28/06	71 FR 56905
NPRM Comment Period End	10/30/06	
Final Action	01/00/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Pete Devaris,  
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Independence Avenue SW.,  
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Phone: 202 267-5094  
Email: peter.devaris@faa.gov

RIN: 2120-AI82

### 2232. • INSPECTION AUTHORIZATION 2-YEAR RENEWAL

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 40113; 49 USC 44701 to 44703; 49 USC 44707; 49 USC 44709 to 44711; 49 USC 45102 to 45103; 49 USC 45301 and 45302; 49 USC 106(g)

**CFR Citation:** 14 CFR 65

**Legal Deadline:** None

**Abstract:** This rulemaking will amend the regulations for the Inspection Authorization (IA) renewal period. Originally, the regulation allowed for a 1-year renewal. This rulemaking changes that requirement to a 2-year renewal period.

#### Timetable:

Action	Date	FR Cite
Direct Final Rule	12/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** By changing the renewal period from 1 year to two years, the FAA reduces the renewal administrative costs by 50 percent. Both the FAA and the mechanic holding the IA will realize this cost reduction.

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Peter Dula,  
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Washington, DC 20591  
Phone: 202 267-8212  
Email: peter.dula@faa.gov

RIN: 2120-AI83

Department of Transportation (DOT)  
Federal Aviation Administration (FAA)

## Long-Term Actions

**2233. SAFE, EFFICIENT USE AND PRESERVATION OF THE NAVIGABLE AIRSPACE**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 106(g); 49 USC 40103; 49 USC 40113 to 40114; 49 USC 44502; 49 USC 44701; 49 USC 44718

**CFR Citation:** 14 CFR 77

**Legal Deadline:** None

**Abstract:** This rule will amend the regulations governing objects that may affect the navigable airspace. Specifically, the FAA is proposing to add notification requirements and obstruction standards for electromagnetic interference and amend the obstruction standards for civil airport imaginary surfaces to more closely align these standards with FAA airport design and instrument approach procedure criteria. In addition, the FAA is proposing to increase the number of days in which notice must be filed with the FAA before beginning construction or alteration; add and amend definitions for terms commonly used during the aeronautical evaluation process; and remove the provisions for public hearings and antenna farms. The FAA is also proposing to retitle the rule and reformat it into sections that closely reflect the aeronautical study process. These proposals incorporate case law and legislative action, and simplify the rule language. The intended effect of these proposed changes is to improve safety and promote the efficient use of the National Airspace System.

**Timetable:**

Action	Date	FR Cite
NPRM	06/13/06	71 FR 34028
NPRM Comment Period End	09/11/06	
Final Action	01/00/08	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Project Number: ATA-00-490.

**URL For More Information:** [dms.dot.gov](http://dms.dot.gov)

**URL For Public Comments:** [dms.dot.gov](http://dms.dot.gov)

**Agency Contact:** Ellen Crum, Air Traffic Rules Procedures Branch, Department of Transportation, Federal

Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-8783  
Email: [ellen.crum@faa.gov](mailto:ellen.crum@faa.gov)

**RIN:** 2120-AH31

**2234. PERFORMANCE AND HANDLING QUALITIES REQUIREMENTS FOR ROTORCRAFT**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 106(g); 49 USC 40113; 49 USC 44701 to 44702; 49 USC 44704

**CFR Citation:** 14 CFR 27; 14 CFR 29

**Legal Deadline:** None

**Abstract:** This action proposes new and revised airworthiness standards for normal and transport category rotorcraft due to technological advances in design and operational trends in normal and transport rotorcraft performance and handling qualities. The changes would enhance the safety standards for performance and handling qualities to reflect the evolution of rotorcraft capabilities.

**Timetable:**

Action	Date	FR Cite
NPRM	07/25/06	71 FR 42221
NPRM Comment Period End	10/23/06	
Final Action	02/00/08	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Project Number: ASW-95-223-A

**URL For More Information:** [dms.dot.gov](http://dms.dot.gov)

**URL For Public Comments:** [dms.dot.gov](http://dms.dot.gov)

**Agency Contact:** Lance T Gant, Air Certification Service, Department of Transportation, Federal Aviation Administration, 2601 Meachum Boulevard, Fort Worth, TX 76193-0110  
Phone: 817 222-5114

**RIN:** 2120-AH87

**2235. +WASHINGTON, DC, METROPOLITAN AREA SPECIAL FLIGHT RULES AREA**

**Priority:** Other Significant

**Legal Authority:** 49 USC 106(g); 49 USC 40103; 49 USC 40106; 49 USC

40109; 49 USC 40113; 49 USC 44502; ...

**CFR Citation:** 14 CFR 93

**Legal Deadline:** None

**Abstract:** This rulemaking would codify restrictions for certain aircraft operations in the Washington, DC Metropolitan Area. This action is necessary because of the ongoing threat of terrorist attacks. The FAA intends by this action to help the Department of Homeland Security and the Department of Defense protect national assets in the National Capital region.

**Timetable:**

Action	Date	FR Cite
NPRM	08/04/05	70 FR 45249
NPRM Comment Period End	08/04/05	
Comment Period Extended	11/07/05	70 FR 67388
NPRM Comment Period Extended	02/06/06	
Next Action	Undetermined	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**URL For More Information:** [dms.dot.gov](http://dms.dot.gov)

**URL For Public Comments:** [dms.dot.gov](http://dms.dot.gov)

**Agency Contact:** Ellen Crum, Air Traffic Rules Procedures Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
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Email: [ellen.crum@faa.gov](mailto:ellen.crum@faa.gov)

**RIN:** 2120-AI17

**2236. DAMAGE TOLERANCE DATA FOR REPAIRS AND ALTERATIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 106(g); 49 USC 40113; 49 USC 44701; 49 USC 44702; 49 USC 44704, 40119, 41706, 44101, 44705, 44709 to 44711, 44713, 44716 to 44717, 44722, 44901, 44903 to 44904, 44912, 45101 to 45105, 46105, 46301; 49 USC 1372; PL 107-17 sec 104

**CFR Citation:** 14 CFR 25; 14 CFR 121; 14 CFR 129

**Legal Deadline:** None

**Abstract:** This action would require holders of design approvals to make

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## Long-Term Actions

available to operators damage tolerance data for repairs and alterations to fatigue critical airplane structure. This rulemaking is needed to support operator compliance with the requirement to include damage tolerance inspections and procedures in their maintenance programs, and to enable operators to take into account the possible adverse effects of repairs and alterations on fatigue critical structure. The intended effect of this rulemaking is to ensure the continued airworthiness of fatigue critical airplane structure by requiring design approval holders to support operator compliance with specified damage tolerance requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	04/21/06	71 FR 20574
NPRM Comment Period Extended	07/07/06	71 FR 38541
NPRM Comment Period End	07/20/06	
Comment Period Extended	09/18/06	
Next Action Undetermined		

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Greg Schneider, Federal Aviation Administration, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, WA 98055  
Phone: 425 227-2116  
Fax: 425-227-1181  
Email: greg.schneider@faa.gov

**RIN:** 2120-AI32**2237. +SPECIAL AWARENESS TRAINING FOR THE WASHINGTON, DC, METROPOLITAN AREA****Priority:** Other Significant

**Legal Authority:** 49 USC 106(g); 49 USC 40103, 40113, 40120, 44101, 44111; 49 USC 44701 to 44103, 44707; 49 USC 44709 to 44711, 44711, 44712, 44716, 44717, 44722.; 49 USC 45102 to 45103; 49 USC 45301 to 45302, 46306, 46315, 46316, 46504.; 49 USC 46506 to 46507 47122, 47508; 49 USC 47528 to 47531; articles 12 and 29 of Convention on International Civil

Aviation (61stat 1180); 49 USC 44715; 49 USC 1155

**CFR Citation:** 14 CFR 61; 14 CFR 91; 14 CFR 61**Legal Deadline:** None

**Abstract:** This rulemaking would establish training requirements for any pilot who flies under visual flight rules within 100 nautical miles of Ronald Reagan Washington National Airport's omni-directional range/distance measuring equipment. The training primarily focuses on the procedures for flying in and around Washington, DC's Special Flight Rules Area and Flight Restricted Zone.

**Timetable:**

Action	Date	FR Cite
NPRM	07/05/06	71 FR 38118
NPRM Comment Period End	09/05/06	
Next Action Undetermined		

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** John D Lynch, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-3844

**RIN:** 2120-AI63**2238. AIRCRAFT ENGINE STANDARDS FOR LIFE-LIMITED PARTS****Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 40113; 49 USC 44701 to 44702; 49 USC 44704; 49 USC 106(g)

**CFR Citation:** 14 CFR 33**Legal Deadline:** None

**Abstract:** This rulemaking would amend the certification standards for original and amended type certificates for aircraft engines by modifying the standards for engine life limited parts. The rule would establish new and uniform standards for the design and testing of life limited parts for aircraft engines certificated by the FAA, the European Aviation Safety Agency

(EASA), and the Joint Aviation Authorities (JAA), and would add new standards for the design of reciprocating engine turbocharger rotors. The rule would also harmonize 14 CFR part 33 requirements with EASA and JAA requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	02/02/06	71 FR 5770
NPRM Comment Period End	05/03/06	
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Additional Information:** The proposed rule clarifies requirements and is expected to either reduce costs or impose no new costs on aircraft engine manufacturers.

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Tim Mouzakis, Federal Aviation Administration, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 781 238-7114  
Email: timoleon.mouzakis@faa.gov

**RIN:** 2120-AI72**2239. AIRWORTHINESS STANDARDS; ENGINE BIRD INGESTION****Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 40113; 49 USC 44702; 49 USC 44704; 49 USC 106(g)

**CFR Citation:** 14 CFR 33**Legal Deadline:** None

**Abstract:** The FAA is proposing to amend the aircraft turbine engine type certification standards to reflect recent analysis of the threat flocking birds present to turbine engine aircraft. These proposed changes also harmonize FAA, Joint Aviation Authority (JAA), and European Aviation Safety Agency (EASA) bird ingestion standards for aircraft turbine engines type certificated by the United States and the JAA/EASA countries, and simplify airworthiness approvals for import and export. These changes are necessary to establish

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uniform international standards that provide an adequate level of safety for aircraft turbine engines with respect to the current large flocking bird threat.

**Timetable:**

Action	Date	FR Cite
NPRM	07/20/06	71 FR 41184
NPRM Comment Period End	09/18/06	
Next Action Undetermined		

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Project No. ANE-01-206-A

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Marc Bouthiller, Federal Aviation Administration, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 781 238-7196

Email: marc.bouthiller@faa.gov

**RIN:** 2120-AI73

**2240. AIRWORTHINESS STANDARDS: SAFETY ANALYSIS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 40113; 49 USC 44701 to 44702; 49 USC 44704; 49 USC 106(g)

**CFR Citation:** 14 CFR 33

**Legal Deadline:** None

**Abstract:** The FAA is proposing to amend the safety analysis type certification standard for turbine aircraft engines. This proposal harmonizes the FAA's type certification standard for safety analysis with the corresponding standards of the Joint Aviation Authorities (JAA) and the European Aviation Safety Agency (EASA). The proposed rule would establish a nearly uniform safety analysis standard for turbine aircraft engines certified in the United States under Part 33 of Title 14 of the Code of Federal Regulations (14 CFR Part 33) and in European countries under Joint Aviation Requirements-Engines (JAR-E) and Certification Specifications-Engines (CS-E), thereby simplifying

airworthiness approvals for import and export.

**Timetable:**

Action	Date	FR Cite
NPRM	07/18/06	71 FR 40675
NPRM Comment Period End	10/16/06	
Final Action	02/00/08	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Project No. ANE-99-011-A

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Ann Azevedo, Federal Aviation Administration, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 781 238-7117  
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**RIN:** 2120-AI74

## Department of Transportation (DOT)

## Completed Actions

## Federal Aviation Administration (FAA)

**2241. +LICENSING AND SAFETY REQUIREMENTS FOR LAUNCH**

**Priority:** Other Significant

**Legal Authority:** 49 USC 70101 to 70119

**CFR Citation:** 14 CFR 415; 14 CFR 417

**Legal Deadline:** None

**Abstract:** This action would establish requirements for licensing the conduct of a launch from a non-Federal launch site. The law requires anyone who proposes to conduct a launch within the United States, or a U.S. citizen proposing to conduct a launch from a site outside the United States, to obtain a license from DOT. This action would govern obtaining a license to conduct such a launch. Currently, commercial rocket launches take place from Federal Government installations operated by the Department of Defense and NASA. This action would also establish safety standards for launches from Federal

launch ranges and non-Federal launch sites.

**Timetable:**

Action	Date	FR Cite
NPRM	10/25/00	65 FR 63922
NPRM Comment Period End	02/22/01	
SNPRM	07/30/02	67 FR 49456
NPRM: Additional Information	08/27/02	67 FR 54978
Comment Period Extended	04/14/05	70 FR 19720
Final Action	08/25/06	71 FR 50507
Final Action Effective Correction	09/25/06 09/26/06	71 FR 56005

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Project Number: AST-97-088R.

**ANALYSIS:** Regulatory Evaluation, 10/25/00, 65 FR 63922.

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Rene Rey, Licensing and Safety Division, Office of Commercial Space, Department of Transportation, Federal Aviation Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 385-4805

**RIN:** 2120-AG37

**2242. +CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS (COMPLETION OF A SECTION 610 REVIEW)**

**Priority:** Other Significant

**Legal Authority:** 49 USC 106(g); 49 USC 40113; 49 USC 44701; 49 USC 44702; 49 USC 44704

**CFR Citation:** 14 CFR 23

**Legal Deadline:** None

## DOT—FAA

## Completed Actions

**Abstract:** The FAA intends to conduct a 610 review (a review under section 610 of the Regulatory Flexibility Act) of this part and RIN 2120-AG93 has been added to the Agenda to reflect this review. The FAA carries out its responsibility to promote safety of flight of civil aircraft in air commerce by prescribing minimum standards governing the design and construction of aircraft, aircraft engines and propellers and appliances as may be required in the interest of safety. The FAA has established procedural requirements in 14 CFR part 21 for the issuance of the following certificates and approvals: (1) Type certificates and changes to type certificates; (2) production certificates; (3) airworthiness certificates; (4) export airworthiness certificates and approvals; and (5) approvals of certain materials, parts processes and appliances produced for sale or installation on a type certificated product. Also contained in this part are the rules governing the holders of certificates. In order to be issued a type certificate the applicant must show that the product complies with the airworthiness standards for the product (aircraft, aircraft engine, or propeller). The airworthiness standards are amended as needed to reflect continually changing technology, correct design deficiencies, and provide safety enhancements.

**Timetable:**

Action	Date	FR Cite
Begin Review	11/22/99	64 FR 64681
Comment Period End	01/31/00	
End Review	11/30/00	65 FR 74202

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Paul Larson, Office of Aviation Policy and Plans, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-3296

**RIN:** 2120-AG93**2243. FLIGHT SIMULATION DEVICE QUALIFICATION****Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 106(g); 49 USC 40113; 49 USC 44701 to 44703; 49 USC 44707; 49 USC 44709; 49 USC 44711; 49 USC 45102 to 45103; 49 USC 45301 to 45302; 49 USC 44701; 44702 et seq

**CFR Citation:** 14 CFR 1; 14 CFR 11; 14 CFR 60; 14 CFR 61; 14 CFR 63; 14 CFR 141; 14 CFR 142; 14 CFR 121

**Legal Deadline:** None

**Abstract:** The FAA is amending the regulations to establish flight simulation training device qualification requirements in a new part. The new part consolidates and updates flight simulation training device requirements that currently exist in different parts of the FAA's regulations and in advisory circulars. In addition, the FAA is requiring that sponsors have a Quality Management System. This rule will ensure that users of flight simulation training devices receive training in devices that closely match the performance and handling characteristics of the aircraft being simulated.

**Timetable:**

Action	Date	FR Cite
NPRM	09/25/02	67 FR 20284
NPRM Comment Period Extended	11/15/02	67 FR 69149
Notice of On-Line Public Forum	11/21/02	67 FR 70184
NPRM Comment Period End	12/24/02	
NPRM Extended Comment Period End	02/24/03	
Final Rule	10/30/06	71 FR 63392
Final Rule Effective	10/30/06	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Edward Cook, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 1701 Columbia Avenue, College Park, GA 30337

Phone: 404 305-6100

**RIN:** 2120-AH07**2244. AIRMAN AND MEDICAL CERTIFICATE DISQUALIFICATION BASED ON ALCOHOL VIOLATIONS AND REFUSALS TO SUBMIT TO DRUG OR ALCOHOL TESTING****Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 106(g); 49 USC 1155; 49 USC 40103; 49 USC 40113; 49 USC 40120; 49 USC 44701 to 44703; 49 USC 44707; 44709 to 44711; 45102 to 45103; 45301 to 45302; ...

**CFR Citation:** 14 CFR 61; 14 CFR 63; 14 CFR 65; 14 CFR 67; 14 CFR 91; 14 CFR 121; 14 CFR 135

**Legal Deadline:** None

**Abstract:** This rule will amend the airman medical standards to disqualify an airman based on a refusal to take a DOT-required drug or alcohol test and to report pre-employment and return-to-duty test refusals to the FAA. This action is necessary to ensure that persons who have refused to take a drug or alcohol test do not operate aircraft or perform contract air traffic control tower operations

**Timetable:**

Action	Date	FR Cite
NPRM	11/30/04	69 FR 74897
NPRM Comment Period End	03/14/05	
Final Rule	06/21/06	71 FR 35760
Final Rule Correction	07/07/06	71 FR 38517
Final Rule Effective	07/21/06	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Additional Information:** Project No. AAM-00-606

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Sherry deVries, Office of Aerospace Medicine, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-8693

**RIN:** 2120-AH82

## DOT—FAA

## Completed Actions

**2245. ISSUANCE OF STANDARD AIRWORTHINESS CERTIFICATES FOR AIRCRAFT MANUFACTURED FROM SPARE AND SURPLUS PARTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7572; 49 USC 106(g); 49 USC 40105; 49 USC 40113; 40 USC 44701 to 44702; 49 USC 44707; 49 USC 44709; 49 USC 44711; 49 USC 44713; 49 USC 44715; 49 USC 45303**CFR Citation:** 14 CFR 21**Legal Deadline:** None

**Abstract:** This rulemaking would amend the regulations for issuing a standard airworthiness certificate to certain new aircraft manufactured in the United States. The proposal addresses a concern that under the current regulations, certain new aircraft are eligible for a standard airworthiness certificate without meeting the requirements of a type certificate and without having been manufactured under a FAA production approval. The intended effect is to ensure that all new aircraft manufactured in the United States received a standard airworthiness certificate only after the aircraft have been type certificated and manufactured under an FAA production approval.

The FAA also proposes to incorporate requirements contained in laws recently passed by Congress. A holder of a type certificate or supplemental type certificate who allows another person to use the certificate would have to provide written permission to that person. In addition, anyone who manufactures or alters an aircraft, aircraft engine, or propeller based on a type certificate or supplemental type certificate would have to be the certificate holder or have written permission for the certificate holder.

**Timetable:**

Action	Date	FR Cite
ANPRM	04/03/03	68 FR 16217
ANPRM Comment Period End	06/02/03	
NPRM	02/15/05	70 FR 7830
NPRM Comment Period End	04/18/05	
Supplemental NPRM	11/10/05	70 FR 68374
Supplemental NPRM Comment Period End	12/12/05	
Final Rule	09/01/06	71 FR 52249
Correction	09/26/06	71 FR 56005
Final Rule Effective	10/02/06	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Compliance cost not applicable since this is a minimal impact rule not requiring a regulatory evaluation.**URL For More Information:** dms.dot.gov**URL For Public Comments:** dms.dot.gov**Agency Contact:** Frank P. Paskeiwicz, Production and Airworthiness Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-8361**RIN:** 2120-AH90**2246. SAFETY STANDARDS FOR FLIGHT GUIDANCE SYSTEMS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 106(g); 49 USC 40113; 49 USC 44701; 49 USC 44702**CFR Citation:** 14 CFR 25**Legal Deadline:** None

**Abstract:** This rulemaking will amend the airworthiness standards for transport category airplanes concerning flight guidance systems. The proposed standards address the performance, safety, failure protection, alerting, and basic annunciation of these systems. The rulemaking is necessary to address flight guidance system vulnerabilities and to consolidate and standardize regulations for functions within those systems. The rulemaking would also update the current regulations regarding the latest technology and functionality. Adopting this rulemaking would eliminate significant regulatory differences between the airworthiness standards of the U.S. and Europe.

**Timetable:**

Action	Date	FR Cite
NPRM	08/13/04	69 FR 50240
NPRM Comment Period End	10/12/04	
Final Rule	04/11/06	71 FR 18183
Final Rule Effective	05/11/06	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For More Information:** dms.dot.gov**URL For Public Comments:** dms.dot.gov**Agency Contact:** Gregg Bartley, ANM-111, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, WA 98055  
Phone: 425 227-2889  
Email: gregg.bartley@faa.gov**RIN:** 2120-AI41**2247. MISCELLANEOUS CHANGES TO COMMERCIAL SPACE TRANSPORTATION REGULATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 70101 to 70121**CFR Citation:** 14 CFR 401; 14 CFR 404; 14 CFR 413; 14 CFR 415; 14 CFR 420**Legal Deadline:** None

**Abstract:** This rulemaking will prohibit obtrusive space advertising and make other minor changes to the regulations governing commercial space transportation. The proposed changes are necessary to reflect a statutory change, capture current practice, and to correct errors in a table. The purpose of the changes is to give the public and the regulated industry accurate and current information.

**Timetable:**

Action	Date	FR Cite
NPRM	05/19/05	70 FR 29164
NPRM Comment Period End	07/18/05	
Final Rule	08/31/06	71 FR 51967
Final Rule Effective	10/02/06	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For More Information:** dms.dot.gov**URL For Public Comments:** dms.dot.gov**Agency Contact:** Michelle Murray, Office of Commercial Space Transportation, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-7892

## DOT—FAA

## Completed Actions

Email: michelle.murray@faa.gov

RIN: 2120—AI45

**2248. SAFETY APPROVALS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 70101 to 70121, 40113, 44701; 49 USC 106(g)

**CFR Citation:** 14 CFR 414; 14 CFR 413

**Legal Deadline:** None

**Abstract:** This rulemaking will amend the FAA's commercial space transportation regulations by adding procedures for obtaining a safety approval. Application for a safety approval is strictly voluntary. A safety approval is an FAA determination that a licensed launch or reentry may be conducted using a launch vehicle, reentry vehicle, safety system, process, service, or personnel approved under this part. The safety approval holder could then offer a launch vehicle, reentry vehicle, safety system, process, service, or personnel to prospective launch and reentry licensees for use within a defined and proven envelope. Those licensees would not need added FAA approval of that portion of their license application.

**Timetable:**

Action	Date	FR Cite
NPRM	06/01/05	70 FR 32192
NPRM Comment Period End	08/30/05	
Final Rule	08/15/06	71 FR 46847
Final Rule Effective	09/14/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Charles P. Brinkman, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20571  
Phone: 202 267-7715  
Email: charles.brinkman@faa.gov

RIN: 2120—AI50

**2249. +CONGESTION AND DELAY REDUCTION AT CHICAGO O'HARE INTERNATIONAL AIRPORT**

**Priority:** Economically Significant. Major under 5 USC 801.

**Legal Authority:** 49 USC 106(g); 49 USC 40103; 49 USC 40106; 49 USC 40109; 49 USC 40113; 49 USC 44502; 49 USC 44514; 49 USC 44701; 49 USC 44719; 49 USC 46301

**CFR Citation:** 14 CFR 93

**Legal Deadline:** None

**Abstract:** This rulemaking will create operational limits on the number of peak hour arrivals at O'Hare International Airport (ORD) as an interim measure to manage congestion and delays. This rulemaking replaces the Administrator's August 2004 order with slightly different requirements. The rulemaking will alter and extend the limitations on arrivals into O'Hare while we continue to consider various market-based mechanisms to allocate capacity and evaluate the impact of the O'Hare modernization plan (OMP) and its goal of increasing capacity. The rulemaking is intended to be temporary and sunset on October 31, 2008.

**Timetable:**

Action	Date	FR Cite
NPRM	03/25/05	70 FR 15520
NPRM Comment Period End	05/24/05	
Final Rule	08/29/06	71 FR 51381
Final Rule Effective	10/29/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Jeffrey Wharff, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-3274  
Email: jeffrey.wharff@faa.gov

RIN: 2120—AI51

**2250. CIVIL PENALTY INFLATION ADJUSTMENT REVISIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 18 USC 6002; 28 USC 2461 (note); 49 USC 40113 to 40114;

49 USC 44103 to 44106; 49 USC 44702 to 44703; 49 USC 44709 to 44710, 44713, 44718, 44725; 49 USC 46101 to 46110; 49 USC 46301 to 46316, 46318; 49 USC 46501 to 46502; 49 USC 46504 to 46507, 47106, 47111, 47122, 47306; 49 USC 47531 to 47532; 49 USC 106(g); 49 USC 5121 to 5124

**CFR Citation:** 14 CFR 13

**Legal Deadline:** None

**Abstract:** This rulemaking adjusts certain civil monetary penalties authorized for violations of statutes we enforce. The Federal Civil Monetary Inflation Adjustment Act of 1990, which is codified at 28 U.S.C. 2461 note, requires Federal agencies to adjust the minimum and maximum amounts of civil monetary penalties for inflation to preserve their deterrent impact. Under these laws, each agency must make an initial inflationary adjustment for all applicable civil monetary penalties, and must make further adjustments of these penalty amounts at least once every four years.

**Timetable:**

Action	Date	FR Cite
Final Rule	05/16/06	71 FR 28517
Final Rule Effective	06/15/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Joyce Redos, Regulations Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-7158

RIN: 2120—AI52

**2251. THERMAL ACOUSTIC INSULATION INSTALLED ON TRANSPORT CATEGORY AIRPLANES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 40103; 49 USC 40113; 49 USC 40119; 49 USC 40120; 49 USC 44101; 49 USC 44111; 49 USC 44701 to 44702; 49 USC 44705; 49 USC 44709; 49 USC 44711 to 44713; 49 USC 44715 to 44717; 49 USC 44722; 49 USC 44901; 49 USC 44903 to 44904; 49 USC 44912; 49 USC 46105; 49 USC



## DOT—FAA

## Completed Actions

46306; 49 USC 46315; 49 USC 46316; 49 USC 46502; 49 USC 46504; 49 USC 46506 to 46507; 49 USC 47122; 49 USC 47508; 49 USC 47528 to 47531; 49 USC 106(g); 49 USC 44528 to 47531, 44701, 44702; 49 USC 44711 to 44712; 49 USC 44903 to 44904; 49 USC 46506 to 46507

**CFR Citation:** 14 CFR 121; 14 CFR 125; 14 CFR 135; 14 CFR 91

**Legal Deadline:** None

**Abstract:** This rule will modify the requirements for improved flammability characteristics of thermal/acoustic insulation used as replacements on airplanes manufactured before September 2, 2005. Since publishing a final rule on July 31, 2003, the FAA has learned the requirements covered materials that do not have a significant effect on airplane fire safety. In many cases, compliant replacements are not readily available. This rule will focus on the requirements on materials that have a greater effect on safety and are readily available.

**Timetable:**

Action	Date	FR Cite
Final Rule	12/30/05	70 FR 77747
Final Rule Effective	01/30/06	
Final Rule Comment End	02/28/06	
Disposition of Comments	09/05/06	71 FR 52287

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:** dms.dot.gov

**URL For Public Comments:** dms.dot.gov

**Agency Contact:** Jeff Gardlin, Federal Aviation Administration, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, WA 98055-4056  
Phone: 425 227-2136  
Email: jeff.gardlin@faa.gov

**RIN:** 2120-AI64

**2252. • USE OF ADDITIONAL PORTABLE OXYGEN CONCENTRATOR DEVICES ONBOARD AIRCRAFT**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 1153; 49 USC 40101; 49 USC 40102; 49 USC 40103; 49 USC 40113; 49 USC 41721; 49 USC 44105; 49 USC 44106; 49 USC 44111; 49 USC 44701 to 44717; 49 USC 44722; 49 USC 44901; 49 USC 44903; 49 USC 44904; 49 USC 44906; 49 USC 44912; 49 USC 44914; 49 USC 44936; 49 USC 44938; 49 USC 46103; 49 USC 46105; 49 USC 106(g)

**CFR Citation:** 14 CFR 121

**Legal Deadline:** None

**Abstract:** This rule allows additional Portable Oxygen Concentrator (POC) devices onboard aircraft, provided certain conditions are met. This action is necessary to allow all POC devices deemed acceptable by the FAA to be available to the traveling public in need

of oxygen therapy for use in air commerce. When this rule becomes effective, there will be a total of five different POC devices the FAA finds acceptable for use onboard aircraft during travel, and passengers will be able to carry these devices onboard the aircraft and use them with the approval of the aircraft operator.

**Timetable:**

Action	Date	FR Cite
Final Rule	09/12/06	71 FR 53953
Final Rule Effective	09/12/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Compliance cost not applicable since this is a minimal impact rule not requiring a regulatory evaluation.

**URL For More Information:** dms.dot.gov

**URL For Public Comments:** dms.dot.gov

**Agency Contact:** David L. Catey, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-3732  
Email: david.catey@faa.gov

**RIN:** 2120-AI81

**BILLING CODE** 4910-13-S

## Department of Transportation (DOT)

## Federal Highway Administration (FHWA)

## Proposed Rule Stage

**2253. +EXPRESS LANE DEMONSTRATION PROJECT**

**Priority:** Other Significant

**Legal Authority:** PL 109-59 (SAFETEA-LU) sec 1604

**CFR Citation:** Not Yet Determined

**Legal Deadline:** Final, Statutory, February 6, 2006.

**Abstract:** Pursuant to SAFETEA-LU, this rulemaking would establish requirements, standards, or performance specifications for automated toll collection systems implemented under the Express Lanes Demonstration Project.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State

**URL For More Information:** dms.dot.gov

**URL For Public Comments:** dms.dot.gov

**Agency Contact:** ,

**RIN:** 2125-AF07

**2254. TEMPORARY TRAFFIC CONTROL DEVICES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 109-59 (SAFETEA-LU) sec 1110

**CFR Citation:** 23 CFR 655

**Legal Deadline:** None

**Abstract:** This rulemaking would establish, pursuant to SAFETEA-LU, the conditions for the appropriate use of, and expenditure of funds for, uniformed law enforcement officers, positive protective measures between workers and motorized traffic, and installation and maintenance of temporary traffic control devices during

## DOT—FHWA

## Proposed Rule Stage

construction, utility, and maintenance operations.

**Timetable:**

Action	Date	FR Cite
NPRM	11/01/06	71 FR 64173
NPRM	01/02/07	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** ,

**RIN:** 2125–AF10

**2255. ENVIRONMENTAL REVIEW OF ACTIVITIES THAT SUPPORT THE DEPLOYMENT OF ITS PROJECTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** sec 6010 of PL109–59

**CFR Citation:** 23 CFR 771

**Legal Deadline:** Other, Statutory, August 10, 2006, This rulemaking must be initiated by 8/10/06.

**Abstract:** Pursuant to SAFETEA-LU, this rulemaking would establish categorical exclusions for activities that support the deployment of intelligent transportation infrastructure and systems from the requirement that an environmental assessment or an environmental impact statement be prepared under section 102 of the National Environmental Policy Act of

1969 (NEPA) in compliance with the standards for categorical exclusions established by NEPA.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** ,

**RIN:** 2125–AF15

## Department of Transportation (DOT)

## Federal Highway Administration (FHWA)

## Final Rule Stage

**2256. +METROPOLITAN TRANSPORTATION PLANNING**

**Priority:** Other Significant

**Legal Authority:** PL 109–59 (SAFETEA–LU) sec 3005; 23 USC 134; 49 USC 5303

**CFR Citation:** 23 CFR 450; 49 CFR 613

**Legal Deadline:** Final, Statutory, February 6, 2006.

**Abstract:** This rulemaking would, pursuant to SAFETEA-LU, set standards for the annual listing of projects for which Federal funds have been obligated in the preceding year and to specify the types of data to be included in such list, including sufficient information about each project to identify its type, location, and amount obligated.

**Timetable:**

Action	Date	FR Cite
NPRM	06/09/06	71 FR 33510
NPRM Comment Period End	09/07/06	
Final Rule	01/00/07	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Local

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** ,

**RIN:** 2125–AF09

**2257. WORKER VISIBILITY**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 109–59 (SAFETEA–LU) sec 1402

**CFR Citation:** 23 CFR 635

**Legal Deadline:** Final, Statutory, August 10, 2006.

**Abstract:** Pursuant to SAFETEA-LU, this regulation would require workers whose duties place them on or in close proximity to a Federal-aid Highway to wear high visibility garments.

**Timetable:**

Action	Date	FR Cite
NPRM	04/24/06	71 FR 20925
NPRM Comment Period End	06/23/06	
Final Action	12/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** ,

**RIN:** 2125–AF11

**2258. +DESIGN–BUILD CONTRACTING**

**Priority:** Other Significant

**Legal Authority:** 23 USC 112; sec 1503 of PL 109–59

**CFR Citation:** 23 CFR 636

**Legal Deadline:** Final, Statutory, November 8, 2005.

**Abstract:** Pursuant to SAFETEA-LU, this rulemaking would eliminate the prohibition on States issuing requests for proposals, proceeding with awards of design-build contracts, or issuing notices to proceed with preliminary design work under design-build contracts prior to compliance with section 102 of the National Environmental Policy Act of 1969 (NEPA) and requiring State Departments of Transportation or local transportation agencies to receive approval from the Secretary of Transportation before carrying out such activity. This rulemaking would also preclude a design-build contractor from proceeding with final design or construction of any permanent improvement prior to completion of the section 102 NEPA process.

**Timetable:**

Action	Date	FR Cite
NPRM	05/25/06	71 FR 30100
NPRM Comment Period End	07/24/06	
Final Rule	06/00/07	

## DOT—FHWA

## Final Rule Stage

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Local, State**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** ,**RIN:** 2125–AF12**2259. +SURFACE TRANSPORTATION PROJECT DELIVERY PILOT PROGRAM****Priority:** Other Significant**Legal Authority:** PL 109–59 (SAFETEA–LU sec 6005)**CFR Citation:** 23 CFR 773**Legal Deadline:** Final, Statutory, May 8, 2006.**Abstract:** This rulemaking would establish requirements relating to information required to be contained in any application of a State to participate in the Surface Transportation Project Delivery Pilot Program.**Timetable:**

Action	Date	FR Cite
NPRM	04/05/06	71 FR 17040
NPRM Comment Period End	06/05/06	
Final Rule	01/00/07	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** State**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** ,**RIN:** 2125–AF13**2260. +PARKS, RECREATION AREAS, WILDLIFE AND WATERFOWL REFUGES, AND HISTORICAL SITES****Priority:** Other Significant**Legal Authority:** 23 USC 138; 49 USC 303; PL 109–59 (sec 6009 of SAFETEA–LU)**CFR Citation:** 23 CFR 771; 23 CFR 774; 49 CFR 622**Legal Deadline:** Final, Statutory, August 10, 2006.**Abstract:** This FHWA/FTA joint rulemaking would clarify the factors to be considered and the standards to be applied in determining the prudence and feasibility of alternatives under section 4(f) (138 of title 23, U.S. Code, and section 303 of title 49, U.S. Code). Section 4(f) properties include certain parks, recreation areas, wildlife and waterfowl refuges, and historic sites described in section 4(f) of the Department of Transportation Act of 1966 (Pub. L. 89-670). Section 4(f) generally prohibits the use of such properties for transportation projects unless the Secretary of Transportation finds there is no feasible and prudent alternative and all possible planning to minimize the harm is undertaken.**Timetable:**

Action	Date	FR Cite
NPRM	07/27/06	71 FR 42611
NPRM Comment Period End	09/25/06	
Final Rule	09/00/07	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** ,**RIN:** 2125–AF14**2261. TRAFFIC CONTROL DEVICES ON FEDERAL-AID AND OTHER STREETS AND HIGHWAYS; STANDARDS****Priority:** Substantive, Nonsignificant**Legal Authority:** 23 USC 101(a), 104, 109, 114(a), 217, 315, and 402; 23 CFR 1.32; and 49 CFR 1**CFR Citation:** 23 CFR 655**Legal Deadline:** None**Abstract:** This rulemaking would revise the FHWA regulations that prescribe procedures for obtaining basic uniformity of traffic control devices on Federal-aid and other streets and highways. This rulemaking also would make some nomenclature changes, provide clarification on the meaning of substantial conformance and roads open to public travel, and would remove certain outdated references.**Timetable:**

Action	Date	FR Cite
NPRM	04/25/06	71 FR 23877
NPRM Comment Period End	06/26/06	
NPRM Comment Period Extended	06/14/06	71 FR 34297
Extended Comment Period End	07/21/06	
Final Rule	12/00/06	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** State**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** ,**RIN:** 2125–AF16**2262. SIZE AND WEIGHT ENFORCEMENT AND REGULATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 109–59, 119 Stat 1144**CFR Citation:** 23 CFR 657; 23 CFR 658**Legal Deadline:** None**Abstract:** This rulemaking would update the regulations governing the enforcement of commercial vehicle size and weight to incorporate provisions enacted in SAFETEA-LU, remove and correct outdated references, and clarify the usage of the terms recreational vehicles and nondivisible vehicles or loads.**Timetable:**

Action	Date	FR Cite
NPRM	04/07/06	71 FR 25516
NPRM Comment Period End	06/30/06	
Final Rule	01/00/07	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** State**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** ,**RIN:** 2125–AF17

## DOT—FHWA

## Final Rule Stage

**2263. CONSTRUCTION AND MAINTENANCE****Priority:** Substantive, Nonsignificant**Legal Authority:** 23 USC 106(d), 106(f), 112(b), 302, 307, and 315; 49 CFR 18; sec 1904(a)(1) of PL 109–59; 23 USC 106(d), 106(f), 112(b), 302, 307a**CFR Citation:** 23 CFR 627; 23 CFR 635**Legal Deadline:** None**Abstract:** This rulemaking would revise certain provisions in 23 CFR part 635, subpart D, to comply with section 5514

of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) that requires the FHWA to ensure that the States provide for competition with respect to the specification of alternative types of culvert pipes.

**Timetable:**

Action	Date	FR Cite
NPRM	04/17/06	71 FR 19667
NPRM Comment Period End	06/16/06	
Final Rule	12/00/06	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** State**URL For More Information:** dms.dot.gov**URL For Public Comments:** dms.dot.gov**Agency Contact:** ,**RIN:** 2125–AF18

## Department of Transportation (DOT)

## Long-Term Actions

## Federal Highway Administration (FHWA)

**2264. +NATIONAL STANDARDS FOR TRAFFIC CONTROL DEVICES; THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS; MAINTAINING TRAFFIC SIGN RETROREFLECTIVITY****Priority:** Other Significant**Legal Authority:** 23 USC 101(a); 23 USC 104; 23 USC 105; 23 USC 109(d); 23 USC 114(a)**CFR Citation:** 23 CFR 655; 49 CFR 1.48(b)**Legal Deadline:** None

**Abstract:** This action would update the standards for retroreflectivity of traffic signs. Section 406(a) of the Department of Transportation and Related Agencies Appropriations Act of 1993, requires the Secretary of Transportation to revise the MUTCD to include a standard for a minimum level of retroreflectivity that must be maintained for traffic signs. The FHWA is interested in establishing standards for nighttime visibility of traffic signs. The FHWA will develop these standards by considering the results of research, engineering practices, and comments received in response to this notice of proposed amendments.

**Timetable:**

Action	Date	FR Cite
NPRM	07/30/04	69 FR 45623
NPRM Comment Period Extended	10/22/04	69 FR 62007

Action	Date	FR Cite
NPRM Comment Period End	10/28/04	
NPRM Extension of Comment Period End	02/01/05	
Supplemental NPRM	05/08/06	71 FR 26711
Supplemental NPRM Comment Period End	11/06/06	71 FR 26711
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Additional Information:** The FHWA, at the request of the American Association of State Highway and Transportation Officials (AASHTO) and the National Committee on the Uniform Traffic Control Devices (NCUTCD), extended the comment period until February 1, 2005. The notice announcing the extension of the comment period was published in the Federal Register on October 22, 2004.

**URL For More Information:** dms.dot.gov**URL For Public Comments:** dms.dot.gov**Agency Contact:** ,**RIN:** 2125–AE98**2265. +PROJECTS OF NATIONAL AND REGIONAL SIGNIFICANCE****Priority:** Other Significant**Legal Authority:** PL 109–59 (SAFETEA–LU) sec 1301**CFR Citation:** 23 CFR 505**Legal Deadline:** Final, Statutory, February 6, 2006.

**Abstract:** This rulemaking would, pursuant to SAFETEA-LU, establish the manner in which the Secretary will evaluate and rate the transportation infrastructure projects based on the results of preliminary engineering, project justification, and the degree of non-Federal financial commitment.

**Timetable:**

Action	Date	FR Cite
NPRM	07/24/06	71 FR 41748
NPRM Comment Period End	09/22/06	
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** State**URL For More Information:** dms.dot.gov**URL For Public Comments:** dms.dot.gov**Agency Contact:** ,**RIN:** 2125–AF08

## Department of Transportation (DOT)

## Completed Actions

## Federal Highway Administration (FHWA)

**2266. DESIGN STANDARDS FOR HIGHWAYS; INTERSTATE SYSTEM****Priority:** Substantive, Nonsignificant**Legal Authority:** 23 USC 109, 315, 402; sec 1073 of PL 102-240, 105 Stat 1914**CFR Citation:** 23 CFR 625**Legal Deadline:** None**Abstract:** This rule would amend the design standards that apply to highway construction and reconstruction on the Interstate System. In January 2005, the American Association of State Highway

and Transportation Officials (AASHTO) updated its publication entitled, "A Policy on Design Standards Interstate System, January 2005." The FHWA proposes to replace the 1991 edition of this publication with the 2005 edition.

**Timetable:**

Action	Date	FR Cite
NPRM	11/30/05	70 FR 71792
NPRM Comment Period End	01/30/06	
Final Action	05/05/06	71 FR 26412
Final Action Effective	06/05/06	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** State**URL For More Information:** dms.dot.gov**URL For Public Comments:** dms.dot.gov**Agency Contact:** ,**RIN:** 2125-AF06**BILLING CODE** 4910-22-S

## Department of Transportation (DOT)

## Proposed Rule Stage

## Federal Motor Carrier Safety Administration (FMCSA)

**2267. +MEDICAL CERTIFICATION REQUIREMENTS AS PART OF THE COMMERCIAL DRIVER'S LICENSE****Regulatory Plan:** This entry is Seq. No. 88 in part II of this issue of the **Federal Register**.**RIN:** 2126-AA10**2268. +UNIFIED REGISTRATION SYSTEM****Regulatory Plan:** This entry is Seq. No. 89 in part II of this issue of the **Federal Register**.**RIN:** 2126-AA22**2269. +NEW ENTRANT SAFETY ASSURANCE PROCESS****Priority:** Other Significant**Legal Authority:** PL 106-159, sec 210; 113 Stat 1748 (1999); PL 107-87, sec 350; 49 USC 31144**CFR Citation:** 49 CFR 385**Legal Deadline:** None**Abstract:** This rulemaking would change the New Entrant Safety Assurance Process by raising the standard of compliance for passing the new entrant safety audit. It also would make clarifying changes to some of the existing new entrant regulations. The rule also proposes a separate application procedure and safety oversight system for non-North America-domiciled motor carriers. The proposed rule would improve the agency's ability to identify at-risk new entrant carriers and would ensure deficiencies in basic safety management controls are corrected before the new entrant is granted permanent

registration. These changes would not impose additional operational requirements on any new entrant carrier. All new entrants would continue to receive educational information on how to comply with the safety regulations and be given an opportunity to correct any deficiencies found. FMCSA recognizes many new entrants are small businesses that are unaware of these requirements and continue to need our assistance.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule (IFR)	05/13/02	67 FR 31978
IFR Comment Period End	07/12/02	
IFR Effective	01/01/03	
NPRM	12/00/06	

**Regulatory Flexibility Analysis Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** Docket No. FMCSA-2001-11061**URL For More Information:** dms.dot.gov**URL For Public Comments:** dms.dot.gov**Agency Contact:** Art Ramirez, Enforcement and Compliance Division, Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-3181

Email: arturo.ramirez@dot.gov

**RIN:** 2126-AA59**2270. +CERTIFICATION OF SAFETY AUDITORS, SAFETY INVESTIGATORS, AND SAFETY INSPECTORS****Priority:** Other Significant**Legal Authority:** sec 211, PL 106-159; sec 350, PL 107-87; 49 USC 31148**CFR Citation:** 49 CFR 385**Legal Deadline:** Final, Statutory, December 9, 2000.**Abstract:** This rulemaking requires that any safety inspection, audit, or review be conducted by a certified inspector, auditor, or investigator. It specifically gives FMCSA authority to decertify an inspector, auditor, or investigator, including a third-party investigator, for failure to meet the prescribed certification standards. It is required by section 211 of the Motor Carrier Safety Improvement Act. Based on comments to the IFR, the Agency will issue a SNPRM that addresses issues not clarified in the IFR.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/19/02	67 FR 12776
IFR Comment Period End	05/20/02	
IFR Effective Date Delayed	06/17/02	67 FR 41196
IFR Date Effective	07/17/02	
IFR; Ext. of Statutory Compliance Date	07/28/03	68 FR 44378
Notice; Environmental Assessment (EA)	10/02/03	68 FR 56863
EA Comment Period End	11/03/03	
Notice; Statutory Compliance Date	12/23/03	68 FR 74287
Supplemental NPRM	05/00/07	

**Regulatory Flexibility Analysis Required:** Undetermined

## DOT—FMCSA

## Proposed Rule Stage

**Small Entities Affected:** Businesses

**Government Levels Affected:** Local, State

**Additional Information:** Docket Nos. FMCSA-2001-11060 and FMCSA-2003-15642.

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Barbara Rendler, Transportation Specialist, Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh Street SW., Room 8305, Washington, DC 20590  
Phone: 202 366-4844  
Email: barbara.rendler@dot.gov

**RIN:** 2126-AA64

**2271. +FEDERALLY APPROVED SAFETY INSPECTION PROGRAM AND DECAL TO VERIFY COMPLIANCE WITH SAFETY AND OPERATING AUTHORITY REGULATIONS**

**Priority:** Other Significant

**Legal Authority:** sec 350, PL 107-87; 49 USC 31136 and 31502; sec 4137, PL 109-59 (2005)

**CFR Citation:** 49 CFR 386; 49 CFR 396; 49 CFR 350; 49 CFR 365; 49 CFR 385; 49 CFR 393

**Legal Deadline:** None

**Abstract:** This rulemaking would amend the Federal Motor Carrier Safety Regulations to 1) establish a Federally Approved Safety Inspection program and Federal Standard Inspection (FSI) procedure and 2) supplement existing requirements concerning inspection and decal display for Mexico-domiciled motor carriers that have been granted authority to operate beyond municipalities and commercial zones along the United States-Mexico border. The FSI would be equivalent to the North American Standard Inspection procedure currently used by Federal, State, and Provincial enforcement agencies conducting commercial motor vehicle (CMV) inspections in the United States and Canada. The rulemaking would clarify at what point the inspection must be conducted if the Mexico-domiciled long-haul CMV lacks a federally approved decal and ensure that civil penalties applicable to Mexico-domiciled long-haul motor carriers are the same whether the carrier holds provisional or permanent

operating authority. By providing for more effective enforcement of the inspection and decal display requirements applicable to Mexico-domiciled long-haul motor carriers, this rulemaking would help ensure these motor carriers operate safe CMVs in the United States.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Deborah M. Freund, Senior Transportation Specialist, Department of Transportation, Federal Motor Carrier Safety Administration, Room 8301, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-5370  
Email: deborah.freund@dot.gov

**RIN:** 2126-AA72

**2272. +BROKERS OF HOUSEHOLD GOODS TRANSPORTATION BY MOTOR VEHICLE**

**Priority:** Other Significant

**Unfunded Mandates:** Undetermined

**Legal Authority:** 49 USC 13501, 13901, and 13902

**CFR Citation:** 49 CFR 371

**Legal Deadline:** None

**Abstract:** This rulemaking would address the American Moving and Storage Association's petition for rulemaking and implement certain provisions of subtitle B of SAFETEA-LU. FMCSA will determine in this rulemaking whether 49 CFR part 371 needs to be amended to protect consumers against unscrupulous brokers of household goods.

**Timetable:**

Action	Date	FR Cite
ANPRM	12/22/04	69 FR 76664
ANPRM Comment Period End	02/22/05	
NPRM	12/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Additional Information:** Docket No. FMCSA-2004-17008.

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Dorothea Grymes, Lead Transportation Specialist, Department of Transportation, Federal Motor Carrier Safety Administration, 400 Virginia Avenue SW., Suite 600, Washington, DC 20024  
Phone: 202 385-2405  
Email: dorothea.grymes@dot.gov

**RIN:** 2126-AA84

**2273. +REQUIREMENTS FOR INTERMODAL EQUIPMENT PROVIDERS AND MOTOR CARRIERS AND DRIVERS OPERATING INTERMODAL EQUIPMENT**

**Priority:** Other Significant

**Legal Authority:** 49 USC 31136 and 31502; 49 USC 31151; sec 4118, PL 109-59 (2005)

**CFR Citation:** 49 CFR 385, 390, 393, and 396; 49 CFR 386, 392

**Legal Deadline:** Final, Statutory, August 11, 2006.

**Abstract:** This rulemaking would require entities that offer intermodal container chassis for transportation in interstate commerce to: File a Motor Carrier Identification Report (Form MCS-150); display a USDOT identification number on each chassis offered for such transportation; establish a systematic inspection, repair, and maintenance program to ensure the safe operating condition of each chassis offered for transportation and maintain documentation of the program; and provide a means for effectively responding to driver and motor carrier complaints about the condition of intermodal container chassis. The rulemaking is considered significant because of substantial industry and congressional interest and because it involves other departmental modes. This rulemaking was redrafted to reflect changes made by recent reauthorization legislation.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/06	

## DOT—FMCSA

## Proposed Rule Stage

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Undetermined**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Deborah M. Freund, Senior Transportation Specialist, Department of Transportation, Federal Motor Carrier Safety Administration, Room 8301, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-5370  
Email: deborah.freund@dot.gov

**Related RIN:** Related to 2126-AA38**RIN:** 2126-AA86
**2274. +ELECTRONIC ON-BOARD RECORDERS FOR HOURS-OF-SERVICE COMPLIANCE**
**Priority:** Other Significant**Legal Authority:** 49 USC 31502; 49 USC 31136(a); PL 104-88; PL 103-311; 49 USC 31137(a)**CFR Citation:** 49 CFR 350; 49 CFR 385; 49 CFR 395; 49 CFR 396**Legal Deadline:** None

**Abstract:** This rulemaking would amend the Federal Motor Carrier Safety Regulations to incorporate new performance standards for electronic on-board recording devices (EOBRs) to document compliance with the Federal hours-of-service rules. This would help ensure that performance standards for EOBRs are appropriate and reflect state-of-the-art communication and information management technologies. The rulemaking would consider the potential benefits and costs of requiring motor carriers to install and use EOBRs and evaluate alternative approaches including: 1) Mandating such practice industrywide, 2) limiting the requirement to motor carriers with certain characteristics, and 3) allowing EOBR use to remain voluntary.

**Timetable:**

Action	Date	FR Cite
ANPRM	09/01/04	69 FR 53386
ANPRM Comment Period End	11/30/04	
NPRM	12/00/06	

**Regulatory Flexibility Analysis****Required:** Undetermined

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** None**Additional Information:** Docket No. FMCSA-2004-18940.**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Deborah M. Freund, Senior Transportation Specialist, Department of Transportation, Federal Motor Carrier Safety Administration, Room 8301, 400 Seventh Street SW., Washington, DC 20590  
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Email: deborah.freund@dot.gov

**RIN:** 2126-AA89
**2275. +NATIONAL REGISTRY OF CERTIFIED MEDICAL EXAMINERS**
**Regulatory Plan:** This entry is Seq. No. 90 in part II of this issue of the **Federal Register**.**RIN:** 2126-AA97
**2276. +CONSUMER COMPLAINT INFORMATION**
**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** sec 4214 of PL 109-59 (2005)**CFR Citation:** 49 CFR 375**Legal Deadline:** None

**Abstract:** The rulemaking would establish a system and a database for filing and logging consumer complaints relating to household goods motor carriers; require each motor carrier of household goods to submit a quarterly report of specific identified information; and develop a procedure to forward a complaint to the motor carrier and to the appropriate State authority. This rule responds to SAFETEA-LU.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/07	

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** None**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Dorothea Grymes, Lead Transportation Specialist, Department of Transportation, Federal Motor Carrier Safety Administration, 400 Virginia Avenue SW., Suite 600, Washington, DC 20024  
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**RIN:** 2126-AB01
**2277. +COMMERCIAL DRIVERS LICENSE TESTING AND LEARNERS PERMIT STANDARDS**
**Priority:** Other Significant. Major under 5 USC 801.**Legal Authority:** 49 USC 31102 and 31136; PL 105-178, 112 stat 414 (1998); PL 99-570, title XII, 100 stat 3207 (1086); sec 4007(a)(1) of PL 102-240, Stat 1914, 2151; sec 4122 of PL 109-59 (2005)**CFR Citation:** 49 CFR 380; 49 CFR 383; 49 CFR 384**Legal Deadline:** None

**Abstract:** This rulemaking would establish revisions to the commercial driver's license knowledge and skills testing standards as required by section 4019 of TEA-21 and new minimum Federal standards for States to issue commercial learner's permits (CLPs) based in part on the requirements of section 4122 of SAFETEA-LU. In addition to ensuring the applicant has the appropriate knowledge and skills to operate a commercial motor vehicle, this rule will establish the minimum information that must be on the CLP document and the electronic driver's record. The rule will also establish maximum issuance and renewal periods, establish a minimum age limit, address issues related to a driver's State of Domicile, and incorporate previous regulatory guidance into the Federal regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/07	

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** State**Federalism:** This action may have federalism implications as defined in EO 13132.

## DOT—FMCSA

## Proposed Rule Stage

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Robert Redmond, Senior Transportation Specialist, Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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RIN: 2126-AB02

**CFR Citation:** 49 CFR 392**Legal Deadline:** Final, Statutory, February 16, 1995.

**Abstract:** This rulemaking would prohibit operators of commercial motor vehicles (CMVs) from driving onto a railroad grade crossing unless there is sufficient space to drive completely through the crossing without stopping. It is intended to reduce the incidence of collisions between trains and CMVs. This rulemaking action is required by the Hazardous Materials Transportation Authorization Act of 1994.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses**Government Levels Affected:** Local, State**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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RIN: 2126-AB04

**2278. ● +RAILROAD HIGHWAY GRADE CROSSING SAFETY****Priority:** Other Significant

**Legal Authority:** Hazardous Materials Transportation Authorization Act of 1994

**Department of Transportation (DOT)****Final Rule Stage****Federal Motor Carrier Safety Administration (FMCSA)****2279. GENERAL JURISDICTION OVER FREIGHT FORWARDER SERVICE****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 13903**CFR Citation:** 49 CFR 373**Legal Deadline:** None

**Abstract:** This final rule would require that all freight forwarders, not just household goods freight forwarders, provide their customers with either a receipt or a bill of lading.

**Timetable:**

Action	Date	FR Cite
NPRM	01/28/97	62 FR 4096
NPRM Comment Period End	03/31/97	
Final Rule	03/00/07	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** Docket No. FMCSA-1997-2290**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** David Goettee, Regulatory Development Division, Department of Transportation, Federal Motor Carrier Safety Administration,

400 Seventh Street SW., Washington, DC 20590

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RIN: 2126-AA25

**2280. +HOURS OF SERVICE OF DRIVERS; SUPPORTING DOCUMENTS****Priority:** Other Significant

**Legal Authority:** PL 103-311, sec 113; 108 Stat 1673, 1676 (1994); 49 USC 504; 49 USC 14122, 31133, 31136, and 31502

**CFR Citation:** 49 CFR 385, 390, and 395

**Legal Deadline:** NPRM, Statutory, February 26, 1996, Rule to be issued and become effective.

**Abstract:** This rulemaking would amend the hours-of-service recordkeeping requirements to clarify what supporting documents motor carriers must have to validate hours of service records. It will clarify: That the duty of motor carriers is to verify the accuracy of drivers' hours of service (HOS) and records of duty status (RODS) if including automatic on-board records; that the driver's duty is to collect and submit to the motor carrier all supporting documents with the RODS; that carriers are required to maintain supporting documents with the RODS; and that a supporting

document based on a self-monitoring system is required to be the primary method for ensuring compliance with the HOS regulations. It would allow the use of electronic documents as a supplement to, and in certain instances in lieu of, paper supporting documents in recognition of developing technologies. It would clarify the definitions of "supporting documents," "employee," and "driver," and the current requirement that each motor carrier use a self-monitoring system to verify HOS and RODS. This rulemaking is considered significant because of substantial industry interest and safety.

**Timetable:**

Action	Date	FR Cite
NPRM	04/20/98	63 FR 19457
NPRM Comment Period End	06/19/98	
Supplemental NPRM with Request for Comments	11/03/04	69 FR 63997
SNPRM End of Comment Period	01/03/05	
Final Rule	12/00/06	

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** Docket No. FMCSA-98-3706.**URL For More Information:**



## DOT—FMCSA

## Final Rule Stage

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Jerry Fulnecky, Department of Transportation, Federal Motor Carrier Safety Administration, Office of Enforcement and Compliance, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-2096

**Related RIN:** Split from 2126-AA23

**RIN:** 2126-AA76

**2281. +PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATIONS; SURGE BRAKE REQUIREMENTS**

**Priority:** Other Significant

**Legal Authority:** 49 USC 31136(a) and 31502(b)

**CFR Citation:** 49 CFR 393

**Legal Deadline:** None

**Abstract:** This rulemaking would amend the Federal Motor Carrier Safety Regulations (FMCSRs) to allow the use of automatic hydraulic inertia brake systems (surge brakes) on trailers operated in interstate commerce, in response to a petition for rulemaking from the Surge Brake Coalition. Currently, surge brakes are not considered by FMCSA to comply with the requirements that all brakes on a commercial motor vehicle (CMV) be capable of operating at all times, and that a single valve (or brake application control mechanism) apply the brakes on the towing unit and trailer, simultaneously. The intent of this rulemaking is to adopt performance-based brake system requirements to allow the use of surge brakes on certain combinations of CMVs, based upon engineering test data submitted by the Surge Brake Coalition.

**Timetable:**

Action	Date	FR Cite
NPRM	10/07/05	70 FR 58657
NPRM Comment Period End	12/06/05	
Final Rule	12/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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Fax: 202 366-8842

Email: luke.loy@dot.gov

**RIN:** 2126-AA91

**2282. AMENDMENTS TO IMPLEMENT CERTAIN PROVISIONS OF SAFETEA-LU**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** sec 4102 of PL 109-59 (2005); sec 4103 of PL 109-59 (2005); sec 4130-4133 of PL 109-59 (2005); sec 4147 of PL 109-59 (2005); sec 4202, 4205, 4207, 4208, and 4210 of PL 109-59 (2005); sec 7120 of PL 109-59 (2005); PL 109-59, sec 4106, 4107, 4114, 4115, 4124, 4203, 7112; sec 4146 of PL 109-59 (2005)

**CFR Citation:** 49 CFR 350; 49 CFR 365; 49 CFR 375; 49 CFR 383 to 386; 49 CFR 390 to 399

**Legal Deadline:** None

**Abstract:** This rulemaking would adopt regulations implementing statutory provisions of SAFETEA-LU which do not require a notice and comment rulemaking proceeding prior to implementation. Specifically, this rule would amend the regulations related to: Civil and criminal penalties for violations of out-of-service orders; civil penalties for motor carriers, freight forwarders, and brokers that deny FMCSA enforcement personnel access to their records and facilities; Commercial Driver's License Program—Federal-aid withholding amounts;

compliance plans for State MCSAP plans; intrastate operations of interstate carriers; hours-of-service exemptions for operators of vehicles transporting agricultural commodities and farm supplies, operators of utility service vehicles, operators of vehicles providing transportation of passengers or property to movie production sites, and operators of vehicles transporting grapes west of Interstate 81 in the State of New York; exemption of drivers of propane service or pipeline emergency vehicles during emergency conditions requiring immediate response; statutory definitions for and applicability of household goods transportation regulations; household goods carriers registration; household goods carrier estimates; household goods carriers limitations of liability and released rates, household goods carriers arbitration requirements; penalties for failing to relinquish household goods shipments; unsatisfactory safety ratings of operators of commercial motor vehicles transporting hazardous materials; and civil penalties for violations of the hazardous materials transportation statutes and regulations.

**Timetable:**

Action	Date	FR Cite
Final Rule	02/00/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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**RIN:** 2126-AA96

## Department of Transportation (DOT)

## Long-Term Actions

## Federal Motor Carrier Safety Administration (FMCSA)

**2283. +APPLICATION BY CERTAIN MEXICO-DOMICILED MOTOR CARRIERS TO OPERATE BEYOND U.S. MUNICIPALITIES AND COMMERCIAL ZONES ON THE U.S.-MEXICO BORDER****Priority:** Other Significant**Legal Authority:** 5 USC 553 and 559; 16 USC 1456; 49 USC 13101, 13301, and 13901 et seq; 49 USC 31138 and 31144**CFR Citation:** 49 CFR 365**Legal Deadline:** None

**Abstract:** This rulemaking changes FMCSA regulations to govern applications by Mexican carriers to operate beyond municipalities and commercial zones at the United States-Mexico border. It also revises the application form, OP-1MX, to be filed by these Mexican motor carriers. The revised form requires additional information about the applicant's business and operating practices to allow the FMCSA to determine if the applicant can meet the safety standards established for operating in interstate commerce in the United States. Carriers that had previously submitted an application would have to submit the updated form. These changes are needed to implement part of the North American Free Trade Agreement (NAFTA). On January 16, 2003, the Ninth Circuit Court remanded this rule, along with two other NAFTA-related rules, to the agency, requiring a full environmental impact statement and an analysis required by the Clean Air Act. On June 7, 2004, the Supreme Court reversed the Ninth Circuit and remanded the case, holding that FMCSA is not required to prepare the environmental documents as ruled by the Ninth Circuit. FMCSA is waiting for Interim Final Rule experience after the border opens before deciding what to do next on this rulemaking. FMCSA originally planned to publish a final rule by November 20, 2003.

**Timetable:**

Action	Date	FR Cite
NPRM	05/03/01	66 FR 22371
NPRM Comment Period End	07/02/01	
Interim Final Rule (IFR)	03/19/02	67 FR 12702
IFR Comment Period End	04/18/02	
IFR Effective Date*	05/03/02	
Notice of Intent To Prepare an EIS	08/26/03	68 FR 51322

Action	Date	FR Cite
EIS Public Scoping Meetings	10/08/03	68 FR 58162
Next Action	Undetermined	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**URL For More Information:** dms.dot.gov**URL For Public Comments:** dms.dot.gov

**Agency Contact:** Joelle Serot, Enforcement and Compliance Division, Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
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**RIN:** 2126-AA34

**2284. +SAFETY MONITORING SYSTEM AND COMPLIANCE INITIATIVE FOR MEXICO-DOMICILED MOTOR CARRIERS OPERATING IN THE UNITED STATES****Priority:** Other Significant**Legal Authority:** sec 350, PL 107-87; 49 USC 113, 504, and 521(b)(5)(A); 49 USC 5113, 31136, 31144, and 31502**CFR Citation:** 49 CFR 385**Legal Deadline:** None

**Abstract:** This rule would implement a safety monitoring system and compliance initiative designed to evaluate the continuing safety fitness of all Mexico-domiciled carriers within 18 months after receiving a provisional Certificate of Registration or provisional authority to operate in the United States. It also would establish suspension and revocation procedures for provisional Certificates of Registration and operating authority, and incorporate criteria to be used by FMCSA in evaluating whether Mexico-domiciled carriers exercise basic safety management controls. The interim rule included requirements that were not proposed in the NPRM but which are necessary to comply with the FY-2002 DOT Appropriations Act. On January 16, 2003, the Ninth Circuit Court of Appeals remanded this rule, along with two other NAFTA-related rules, to the agency, requiring a full environmental impact statement and an analysis required by the Clean Air Act. On June

7, 2004, the Supreme Court reversed the Ninth Circuit and remanded the case, holding that FMCSA is not required to prepare the environmental documents. FMCSA is waiting for Interim Final Rule experience after the border opens before deciding what to do next on this rulemaking. FMCSA originally planned to publish a final rule by November 28, 2003.

**Timetable:**

Action	Date	FR Cite
NPRM	05/03/01	66 FR 22415
NPRM Comment Period End	07/02/01	
Interim Final Rule	03/19/02	67 FR 12758
IFR Comment Period End	04/18/02	
IFR Effective*	05/03/02	
Notice of Intent To Prepare an EIS	08/26/03	68 FR 51322
EIS Public Scoping Meetings	10/08/03	68 FR 58162
Next Action	Undetermined	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** State**Federalism:** This action may have federalism implications as defined in EO 13132.**Additional Information:** .**URL For More Information:** dms.dot.gov**URL For Public Comments:** dms.dot.gov

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**RIN:** 2126-AA35

**2285. +LIMITATIONS ON THE ISSUANCE OF COMMERCIAL DRIVER LICENSES WITH A HAZARDOUS MATERIALS ENDORSEMENT****Priority:** Other Significant**Legal Authority:** sec 1012, PL 107-56; 115 Stat 272 (2001); 49 USC 5103a**CFR Citation:** 49 CFR 383**Legal Deadline:** None

**Abstract:** This rulemaking would prohibit States from issuing, renewing, transferring or upgrading a commercial

## DOT—FMCSA

## Long-Term Actions

driver's license (CDL) with a hazardous materials endorsement, unless the Transportation Security Administration (TSA) has first conducted a background check on the applicant and determined the applicant does not pose a security risk warranting denial of the hazardous materials endorsement. FMCSA and TSA simultaneously published interim final rules. FMCSA has published another IFR corresponding to TSA's extension of compliance date. This action is considered significant because of substantial public and congressional interest, and national security.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	05/05/03	68 FR 23844
IFR Effective	05/05/03	
IFR Comment Period End	07/07/03	
Compliance Date Delayed	11/07/03	68 FR 63030
Comment Period End	01/06/04	
Second Delay of Compliance Date to 01/31/2005	08/19/04	69 FR 51391
IFR	04/29/05	70 FR 22268

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses, Governmental Jurisdictions

**Government Levels Affected:** State

**Additional Information:** Docket No. FMCSA-2001-11117

**URL For More Information:** dms.dot.gov

**URL For Public Comments:** dms.dot.gov

**Agency Contact:** Robert Redmond, Senior Transportation Specialist, Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
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Email: robert.redmond@dot.gov  
**RIN:** 2126-AA70

**2286. +QUALIFICATIONS OF DRIVERS; DIABETES STANDARD**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** SAFETEA-LU; sec 4129 of PL 109-59 (2005)

**CFR Citation:** 49 CFR 391

**Legal Deadline:** None

**Abstract:** This rulemaking action would amend FMCSA's medical qualification standards to allow drivers with insulin-treated diabetes mellitus to operate commercial motor vehicles in interstate commerce, without seeking an exemption from the FMCSRs.

**Timetable:**

Action	Date	FR Cite
ANPRM	03/17/06	71 FR 13801
ANPRM Comment Period End	06/15/06	
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Federalism:** Undetermined

**Additional Information:** Docket No. FMCSA-2005-23151

**URL For More Information:** dms.dot.gov

**URL For Public Comments:** dms.dot.gov

**Agency Contact:** Dr. Mary D. Gunnels, Chief, Physical Qualifications Division, Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
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**RIN:** 2126-AA95

**2287. +INTERSTATE VAN OPERATIONS**

**Priority:** Economically Significant. Major under 5 USC 801.

**Unfunded Mandates:** This action may affect the private sector under PL 104-4.

**Legal Authority:** sec 4136 of PL 109-59 (2005)

**CFR Citation:** 49 CFR 390 to 393; 49 CFR 395 to 396

**Legal Deadline:** None

**Abstract:** This rulemaking would make the requirements concerning driver qualifications; driving of CMVs; parts and accessories necessary for safe operations; hours of service; and inspection, repair, and maintenance applicable to the operation of vehicles designed or used to transport between 9 and 15 passengers (including the driver) for direct compensation, in

interstate commerce, regardless of the distance traveled. Currently the safety regulations apply to such vans when the vehicle is operated beyond a 75 air-mile radius of the driver's work reporting location. This action is in response to SAFETEA-LU.

**Timetable:**

Action	Date	FR Cite
Final Rule	12/00/07	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**URL For More Information:** dms.dot.gov

**URL For Public Comments:** dms.dot.gov

**Agency Contact:** Jeffrey Van Ness, Division of Vehicle and Roadside Operations (MC-PSV), Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh Street, SW., Washington, DC 20590  
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**RIN:** 2126-AA98

**2288. INTRASTATE OPERATIONS OF INTERSTATE MOTOR CARRIERS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** sec 4114 of PL 109-59 (2005)

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** This rulemaking would allow FMCSA to use intrastate as well as interstate accident and safety data to judge the fitness of CMV operations. The rule adds a provision that prohibits owners/operators of CMVs operating in interstate commerce from engaging in transportation that affects interstate commerce until the Secretary determines they are fit. If a State that receives MCSAP funds determines that an owner/operator is unfit to operate, FMCSA will prohibit the owner/operator from operating in interstate commerce until State determines fitness. A rule is necessary to alert the motor carrier industry of these new requirements.

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

## DOT—FMCSA

## Long-Term Actions

**Government Levels Affected:** None

dms.dot.gov

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Delivery, Department of Transportation,  
Federal Motor Carrier Safety**RIN:** 2126-AB03**URL For Public Comments:**

## Department of Transportation (DOT)

## Completed Actions

## Federal Motor Carrier Safety Administration (FMCSA)

**2289. +RAILROAD-HIGHWAY GRADE  
CROSSING SAFETY****Priority:** Other Significant**Legal Authority:** sec 112, PL 103-311;  
108 Stat 1673, 1676 (1994); 49 USC  
5101, 31136, and 31502**CFR Citation:** 49 CFR 392**Legal Deadline:** Final, Statutory,  
February 26, 1995.

**Abstract:** This rulemaking would prohibit operators of commercial motor vehicles (CMVs) from driving onto a railroad grade crossing unless there is sufficient space to drive completely through the crossing without stopping. It is intended to reduce the incidence of collisions between trains and CMVs. This rulemaking action is required by the Hazardous Materials Transportation Authorization Act of 1994. This action is considered significant because of substantial public interest and safety issues. FMCSA is withdrawing this stale NPRM and will issue a new NPRM to address the Congressional mandate.

**Timetable:**

Action	Date	FR Cite
NPRM	07/30/98	63 FR 40691
NPRM Comment Period End	11/27/98	
Notice of Public Meeting	10/29/99	64 FR 58372
Date of Public Meeting	11/09/99	
Withdrawn	04/28/06	71 FR 25128

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Local,  
State**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Larry W. Minor,  
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**RIN:** 2126-AA18**2290. ENFORCEMENT OF OPERATING  
AUTHORITY REQUIREMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 106-159, sec 205;  
113 Stat 1748, 1762 (1999); 49 USC  
13902(e)**CFR Citation:** 49 CFR 350 and 392; 49  
CFR 390**Legal Deadline:** None

**Abstract:** This rulemaking would require that a motor carrier who is subject to authority requirements at 49 U.S.C. 13902 may not operate a CMV in interstate commerce unless it has applied for and been granted operating authority by FMCSA. It also would prohibit motor carriers from operating beyond the scope of their authorization. Moreover, if vehicles are discovered operating in violation of such authority requirements, they would be placed out of service, and the carrier may be subject to additional penalties. This action makes State enforcement of authority requirements a condition of MCSAP eligibility.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	08/28/02	67 FR 55162
IFR Effective	09/27/02	
IFR Comment Period End	10/28/02	
Final Rule	08/28/06	71 FR 50862
Final Rule Effective	09/27/06	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Governmental  
Jurisdictions**Government Levels Affected:** Local,  
State**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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**RIN:** 2126-AA78**2291. CARGO SECUREMENT  
STANDARDS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 31136 and  
31502**CFR Citation:** 49 CFR 393**Legal Deadline:** None

**Abstract:** This rulemaking would amend the Federal Motor Carrier Safety Regulations relating to protection against shifting and falling cargo to clarify several provisions, and to include regulatory language that was inadvertently omitted from the final rule published on 09/27/2002 (67 FR 61212). It would also address issues raised by motor carriers, industry groups, State enforcement agencies, and the Canadian Council of Motor Transport Administrators.

**Timetable:**

Action	Date	FR Cite
NPRM	06/08/05	70 FR 33430
NPRM Comment Period End	08/08/05	
Final Rule	06/22/06	71 FR 35819
Final Rule Effective	07/24/06	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Docket No.  
FMCSA-2005-21259**URL For More Information:**

## DOT—FMCSA

## Completed Actions

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Mike Huntley, Chief, Vehicle and Roadside Operations Division, Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
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**Related RIN:** Related to 2126-AA27

**RIN:** 2126-AA88

**2292. MOTOR CARRIER REPORTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1456; 49 USC 14123; 5 USC 553 and 559

**CFR Citation:** 49 CFR 369

**Legal Deadline:** None

**Abstract:** This final rule will transfer to FMCSA the Research and Innovative Technology Administration's (RITA's) regulations governing reports of motor carriers, which had been the responsibility of the former Bureau of Transportation Statistics (BTS). This rule will also establish new part 369 [49 CFR part 369].

**Timetable:**

Action	Date	FR Cite
Final Action	08/10/06	71 FR 45740
Final Action Effective	08/10/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Alan W. Strasser, Office of Chief Counsel, Department of Transportation, Federal Motor Carrier Safety Administration, Room 8201, 400

Seventh Street SW., Washington, DC 20590

Phone: 202 366-0286

Email: alan.strasser@dot.gov

**RIN:** 2126-AA92

**2293. +REVOCATION OF OPERATING AUTHORITY**

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

**Legal Authority:** sec 4104 of SAFETEA-LU

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** This rulemaking would enable FMCSA to suspend the registration of a for-hire motor carrier, a freight forwarder, or a broker for failure to comply with certain regulations. In addition, this rule would enable FMCSA to revoke registration of a for-hire motor carrier that has been prohibited from operating in interstate commerce for failure to comply with the safety fitness requirements. This rulemaking is terminated and the issues will be addressed in other rulemakings.

**Timetable:**

Action	Date	FR Cite
Terminated	08/15/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** David Mancl, Enforcement and Compliance Division, Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh Street SW., Room 8310, Washington, DC 20590  
Phone: 202 493-0442  
Email: david.mancl@dot.gov

**RIN:** 2126-AA99

**2294. +PATTERNS OF SAFETY VIOLATIONS BY CARRIER MANAGEMENT**

**Priority:** Other Significant

**Legal Authority:** sec 4113 of SAFETEA-LU

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** This rulemaking would enable FMCSA to suspend, amend, or revoke the registration of a for-hire motor carrier if any of its officers has engaged in a pattern or practice of avoiding compliance or concealing non-compliance with Federal standards. In addition, this rule would allow FMCSA to deny an application of a for-hire motor carrier if any of the company's officers has a history of engaging in a pattern of non-compliance. This rulemaking is terminated and the issues will be addressed in other rulemakings.

**Timetable:**

Action	Date	FR Cite
Terminated	08/15/06	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** David Mancl, Enforcement and Compliance Division, Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh Street SW., Room 8310, Washington, DC 20590  
Phone: 202 493-0442  
Email: david.mancl@dot.gov

**RIN:** 2126-AB00

**BILLING CODE** 4910-EX-S

## Department of Transportation (DOT)

Prerule Stage

## National Highway Traffic Safety Administration (NHTSA)

**2295. REVIEW: SIDE IMPACT PROTECTION****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.214**Legal Deadline:** None

**Abstract:** Phase 2 will evaluate the change in side-impact fatality risk after FMVSS 214 vs. just before the standard: For all cars, by car type (2-door vs. 4-door), by type of vehicle modification (structure plus padding vs. padding only), and as a function of how much the test criterion TTI(d) was reduced when the standard was implemented in a make-model.

**Timetable:**

Action	Date	FR Cite
Begin Review	10/01/94	
Phase II Evaluation Plan	12/08/99	64 FR 68717
Technical Report: Phase I	12/08/99	64 FR 68717
Comment Period End	04/06/00	
Summary and Discussion of Public Comments Sent to Docket: Phase 1	08/11/00	
End Review	12/00/06	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Additional Information:** The Phase I evaluation report indicates that the test injury criterion TTI(d) has a statistically significant association with fatality risk in actual side-impact crashes on the highway. In model years 1981-93 cars, models with low TTI(d) on the Federal motor vehicle safety standard no. 214 test tend to have low fatality risk. <http://dms.dot.gov>

**URL For More Information:** [dms.dot.gov](http://dms.dot.gov)**URL For Public Comments:** [dms.dot.gov](http://dms.dot.gov)

**Agency Contact:** Charles J. Kahane, Chief, Evaluation Division, Office of Plans and Policy, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-2560

Fax: 202 366-2559

Email: [ckahane@nhtsa.dot.gov](mailto:ckahane@nhtsa.dot.gov)**RIN:** 2127-AF54**2296. REVIEW: REDESIGNED AIR BAGS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.208**Legal Deadline:** None**Abstract:** This standard was temporarily amended to make the

unbelted test for vehicles with air bags less stringent and, in effect, make it easier for manufacturers to quickly depower their air bags. Redesigned air bags are likely to benefit out-of-position occupants and reduce drivers' arm injuries, but they might be less effective than earlier air bags for some occupants. This regulation was selected for review because of public interest, potential benefits, and possibility of higher risk for some vehicle occupants.

**Timetable:**

Action	Date	FR Cite
Begin Review	05/01/98	
End Review	06/00/07	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For More Information:** [dms.dot.gov](http://dms.dot.gov)**URL For Public Comments:** [dms.dot.gov](http://dms.dot.gov)

**Agency Contact:** Charles J. Kahane, Chief, Evaluation Division, Office of Plans and Policy, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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Email: [ckahane@nhtsa.dot.gov](mailto:ckahane@nhtsa.dot.gov)**RIN:** 2127-AH13

## Department of Transportation (DOT)

Proposed Rule Stage

## National Highway Traffic Safety Administration (NHTSA)

**2297. BUSES MANUFACTURED IN TWO OR MORE STAGES; CERTIFICATION OF BUSES MANUFACTURED IN MORE THAN ONE STAGE****Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30141; 49 USC 30146; 49 USC 30166; 49 USC 30168; 49 USC 32502; 49 USC 32504; 49 USC 33101 to 33104; 49 USC 33108; 49 USC 33109; Delegation of Authority at 49 CFR 1.50

**CFR Citation:** 49 CFR 567.5; 49 CFR 586**Legal Deadline:** None

**Abstract:** This rulemaking would amend part 567 to require that, in addition to the VIN, additional information be recorded on the certification that identifies the bus body manufacturer and various vehicle attributes. It also proposes to add a new part 586 to require that bus body manufacturers of buses manufactured in two or more stages obtain a manufacturer's identifier and to provide this descriptive information to NHTSA.

**Timetable:**

Action	Date	FR Cite
NPRM	08/18/05	70 FR 48507
NPRM Comment Period End	10/17/05	
To Be Withdrawn	12/00/06	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For More Information:** [dms.dot.gov](http://dms.dot.gov)**URL For Public Comments:** [dms.dot.gov](http://dms.dot.gov)

**Agency Contact:** Stephen Wood, Director, Rulemaking Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-2992

Email: [steve.wood@nhtsa.dot.gov](mailto:steve.wood@nhtsa.dot.gov)**RIN:** 2127-AJ56

## DOT—NHTSA

## Proposed Rule Stage

**2298. • FMVSS NO. 403 PLATFORM LIFT SYSTEMS CONTROL LIGHTING, ILLUMINATION AND TESTING REQUIREMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166; 49 USC 322**CFR Citation:** 49 CFR 571.403**Legal Deadline:** None

**Abstract:** This rulemaking would respond to petitions for rulemaking from platform lift manufacturers (Maxon, Ricon, and Lift-U) requesting that NHTSA amend portions of FMVSS No. 403, "Platform Lift Systems for Motor Vehicles." The petitions request changes to requirements related to control lighting, threshold warning beacon location, units of measurement for threshold warning beacon illumination, infrared threshold warning systems, wheelchair retention device impact testing, and platform illumination.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No  
**Government Levels Affected:** None  
**URL For More Information:** dms.dot.gov

**URL For Public Comments:** dms.dot.gov

**Agency Contact:** William Evans, Safety Standards Engineer Office of Crash Avoidance Stds., Department of Transportation, National Highway Traffic Safety Administration, Vehicle Controls and Adapted Vehicle Division, 400 Seventh Street SW., Washington, DC 20590  
 Phone: 202 366-2272  
 Fax: 202 366-4329  
 Email: wevans@nhtsa.dot.gov

**RIN:** 2127-AJ93**2299. • CONFIDENTIAL BUSINESS INFORMATION****Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 30166; 49 USC 30167; 49 USC 322; 49 USC 32307; 49 USC 32505; 49 USC 32708; 49 USC 32910; 49 USC 33116; 5 USC 552; Delegation of Authority at 49 CFR 1.50

**CFR Citation:** 49 CFR 512**Legal Deadline:** None

**Abstract:** This rulemaking would create class determinations for specific categories of information provided to the Agency and to clarify certain submission procedures.

**Timetable:**

Action	Date	FR Cite
NPRM	10/31/06	71 FR 63738
NPRM Comment Period End	01/02/07	
Final Rule	01/00/08	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None

**URL For More Information:** dms.dot.gov

**URL For Public Comments:** dms.dot.gov

**Agency Contact:** Michael Kido, NHTSA Office of Chief Counsel, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
 Phone: 202 366-5263  
 Email: mkido@nhtsa.dot.gov

**RIN:** 2127-AJ95

## Department of Transportation (DOT)

## Final Rule Stage

## National Highway Traffic Safety Administration (NHTSA)

**2300. +REAR CONVEX CROSS-VIEW MIRRORS****Priority:** Other Significant

**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

**CFR Citation:** 49 CFR 571.111**Legal Deadline:** None

**Abstract:** This rulemaking would upgrade the rearward visibility of commercial straight trucks. The Agency believes that requiring a rear detection system will reduce fatalities, injuries, and property damage by giving truck operators the ability to detect objects behind the truck. Various possible counter-measures are being examined now in follow-up testing, including visual and non-visual object detection systems.

**Timetable:**

Action	Date	FR Cite
Request for Comments	06/17/96	61 FR 30586
Comment Period End	10/15/96	
ANPRM	11/27/00	65 FR 70681
ANPRM Comment Period End	01/26/01	
NPRM	09/12/05	70 FR 53753
NPRM Comment Period End	11/14/05	
Final Rule	05/00/07	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None

**URL For More Information:** dms.dot.gov

**URL For Public Comments:** dms.dot.gov

**Agency Contact:** Keith Brewer, Director, Office of Crash Avoidance

Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-2720  
 Email: keith.brewer@nhtsa.dot.gov

**RIN:** 2127-AG41**2301. +ROOF CRUSH RESISTANCE**

**Regulatory Plan:** This entry is Seq. No. 91 in part II of this issue of the **Federal Register**.

**RIN:** 2127-AG51**2302. +UPGRADE DOOR RETENTION PERFORMANCE****Priority:** Other Significant

**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

**CFR Citation:** 49 CFR 571.206

## DOT—NHTSA

## Final Rule Stage

**Legal Deadline:** Final, Statutory, February 1, 2008.

**Abstract:** As part of the Agency's comprehensive approach to rollover, and to harmonize with the first global technical regulation, this rulemaking would upgrade the door retention requirements, add test requirements for sliding doors, add secondary latch requirements for doors other than hinged side doors and back doors, and provide a new test procedure for assessing inertial forces. This rulemaking would also respond to the requirements mandated in title X, subtitle C, sec. 10301, section 30128 (c) (2) of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005: Legacy for Users (SAFETEA-LU).

**Timetable:**

Action	Date	FR Cite
NPRM	12/15/04	69 FR 75020
NPRM Comment Period End	02/14/05	
Final Rule	12/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** George Mouchahoir, Team Leader, Special Vehicles and Systems Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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Email: gmouchahoir@nhtsa.dot.gov

**RIN:** 2127-AH34

**2303. INCORPORATION OF EUROSID II DUMMY INTO 49 CFR PART 572**

**Priority:** Substantive, Nonsignificant

**Unfunded Mandates:** Undetermined

**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

**CFR Citation:** 49 CFR 572

**Legal Deadline:** None

**Abstract:** Incorporation of the EuroSID II, Side Impact Crash Test Dummy, into

part 572 is being initiated to support the upgrade of FMVSS 214, Side Impact Regulation, and to attain harmonization of crash test tools on a worldwide basis. The EuroSID is one of the alternative crash test tools being evaluated to upgrade FMVSS 214.

**Timetable:**

Action	Date	FR Cite
NPRM	09/15/04	69 FR 55550
NPRM Comment Period End	11/15/04	
Final Rule	12/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Stanley Backaitis, Engineer, Office of Crashworthiness Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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Email: sbackaitis@nhtsa.dot.gov

**RIN:** 2127-AI89

**2304. VEHICLES BUILT IN TWO OR MORE STAGES—STANDARD 201**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

**CFR Citation:** 49 CFR 571.201

**Legal Deadline:** None

**Abstract:** This rulemaking would respond to a petition for rulemaking requesting the agency to consider an amendment to FMVSS No. 201 Occupant Protection in Interior Impact as the requirements apply to vehicles manufactured in two or more stages. An interim final rule was published on June 18, 2002, (67 FR 41348) that amended the schedule for compliance by manufacturers of vehicles built in two or more stages with the upper interior head protection requirements of FMVSS No. 201.

**Timetable:**

Action	Date	FR Cite
NPRM	04/24/06	71 FR 20932

Action	Date	FR Cite
NPRM Comment Period End	06/23/06	
Delay of Compliance Date	08/29/06	71 FR 51132
Final Rule	08/00/07	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Lori Summers, Chief, Light Duty Vehicle Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-4917

Fax: 202 366-4329

Email: lori.summers@dot.gov

**RIN:** 2127-AI93

**2305. +DEFINITIONS, DESIGNATED SEATING POSITION**

**Priority:** Other Significant

**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

**CFR Citation:** 49 CFR 571.3

**Legal Deadline:** None

**Abstract:** This rulemaking would amend part 571.3 Definitions, to redefine the term "designated seating position" (DSP) in order to establish an objective criteria that is more enforceable.

**Timetable:**

Action	Date	FR Cite
NPRM	06/22/05	70 FR 36094
NPRM Comment Period End	08/22/05	
Final Rule	03/00/07	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Lori Summers, Chief, Light Duty Vehicle Division,



## DOT—NHTSA

## Final Rule Stage

Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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**RIN:** 2127-AI94

### 2306. +SIDE IMPACT PROTECTION UPGRADE—FMVSS NO. 214

**Regulatory Plan:** This entry is Seq. No. 92 in part II of this issue of the **Federal Register**.

**RIN:** 2127-AJ10

### 2307. INCORPORATION OF SID—IIS SIDE IMPACT CRASH TEST DUMMY INTO PART 572

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

**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166; . . .

**CFR Citation:** 49 CFR 1.50

**Legal Deadline:** None

**Abstract:** This rulemaking would initiate incorporation of a small adult side impact crash test dummy into part 572 to support an upgrade of FMVSS No. 214. Subsequent to NHTSA's initiation of this rulemaking and related FMVSS No. 214 upgrade, the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005: Legacy for Users (SAFETEA-LU) directed NHTSA to complete rulemaking on FMVSS No. 214 by July 1, 2008.

**Timetable:**

Action	Date	FR Cite
NPRM	12/08/04	69 FR 70947
NPRM Comment Period End	03/08/05	
Final Rule	12/00/06	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:**

Undetermined

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Stanley Backaitis, Engineer, Office of Crashworthiness Standards, Department of

Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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**Related RIN:** Related to 2127-AJ10

**RIN:** 2127-AJ16

### 2308. +REDUCED STOPPING DISTANCE REQUIREMENTS FOR TRUCK TRACTORS

**Regulatory Plan:** This entry is Seq. No. 93 in part II of this issue of the **Federal Register**.

**RIN:** 2127-AJ37

### 2309. FMVSS 213, ADDITION OF 10-YEAR OLD TEST DUMMY

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 30101 et seq, PL No 107-318

**CFR Citation:** 49 CFR 571.213

**Legal Deadline:** None

**Abstract:** This rulemaking would respond to sections 4(b) and 3(b)(2) of Anton's Law (Pub. L. 107-318), which directed NHTSA to initiate rulemaking on child restraint system safety, by amending FMVSS No. 213 to incorporate the Hybrid III 10-year-old dummy for child restraint systems rated for children up to 80 pounds. Previously, the Agency extended the applicability of FMVSS No. 213 from restraints recommended for children up to 50 pounds, to restraints recommended for children up to 65 pounds.

**Timetable:**

Action	Date	FR Cite
NPRM	08/31/05	70 FR 51720
NPRM Comment Period End	10/31/05	
Final Rule	05/00/07	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** George Mouchahoir, Team Leader, Special Vehicles and

Systems Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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**RIN:** 2127-AJ44

### 2310. SUBPART T HYBRID III-10C DUMMY, 10-YEAR-OLD CHILD

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166; 49 USC 322

**CFR Citation:** 49 CFR 1.50

**Legal Deadline:** None

**Abstract:** Anton's Law, signed by the President on December 4, 2002, specified in section 4 that within 24 months the Secretary of Transportation, shall develop and evaluate an anthropomorphic test device that simulates a 10-year old child for use in testing child restraints used in passenger motor vehicles. The evaluation and testing of such a device has been completed by NHTSA, and the agency will propose to incorporate the Hybrid III ten-year old dummy into part 572 for potential application in Federal motor vehicle safety standards (FMVSS) such as FMVSS No. 213, Child restraint systems. This proposal will include rationale for the dummy performance response requirements; detailed dummy design drawings and specifications; and a procedures manual for the dummy inspection, assembly and disassembly.

**Timetable:**

Action	Date	FR Cite
NPRM	07/13/05	70 FR 40281
NPRM Comment Period End	09/12/05	
Final Rule	05/00/07	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Stanley Backaitis, Engineer, Office of Crashworthiness Standards, Department of

## DOT—NHTSA

## Final Rule Stage

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20590  
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Email: sbackaitis@nhtsa.dot.gov

RIN: 2127-AJ49

### 2311. CARGO CARRYING CAPACITY OF MOTOR HOME AND TRAVEL TRAILERS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 30111; 49  
USC 30115; 49 USC 30117; 49 USC  
30166; 49 USC 322

**CFR Citation:** 49 CFR 571.120

**Legal Deadline:** None

**Abstract:** This rulemaking would respond to a petition for rulemaking requesting the agency consider mandatory consumer information in the form of a label that will inform the consumer of the Cargo Carrying Capacity (CCC) of motor homes, travel trailers, and 5th wheel travel trailers. Such labeling will help the consumer make informed decisions during the purchasing process and act as a reference during cargo loading, which in turn may reduce instances of overloading and ultimately injuries and deaths resulting from crashes related to overloading. This rulemaking initially was a new proposed regulation, 49 CFR 575.102, with a RIN of 2127-AI50. However, because the agency feels that the standard would be more enforceable if it is part of the FMVSS, it is now an amendment to FMVSS 120. Before publication of the NPRM, an additional section relative to the FMVSS No. 110 tire placard/label was added.

#### Timetable:

Action	Date	FR Cite
NPRM	08/31/05	70 FR 51707
NPRM Comment Period End	10/31/05	
NPRM Comment Period Extended	11/30/05	70 FR 62086
Final Rule	02/00/07	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

#### URL For More Information:

dms.dot.gov

#### URL For Public Comments:

dms.dot.gov

**Agency Contact:** William Evans, Safety Standards Engineer Office of Crash Avoidance Stds., Department of Transportation, National Highway Traffic Safety Administration, Vehicle Controls and Adapted Vehicle Division, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-2272

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Email: wevans@nhtsa.dot.gov

RIN: 2127-AJ57

### 2312. FMVSS NO. 208 CRS INSTALLATION PROCEDURE FOR LATCH-EQUIPPED SEATS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 30111; 49  
USC 30115; 49 USC 30117; 49 USC  
30166; 49 USC 322

**CFR Citation:** 49 CFR 571.208

**Legal Deadline:** None

**Abstract:** This rulemaking would propose a test procedure for installing child restraint systems with LATCH-equipped hardware in the air bag suppression testing required by FMVSS No. 208. Currently, the list of child restraint systems in Appendix A of FMVSS No. 208 include some with LATCH-equipped hardware. However, the air bag suppression test procedures of FMVSS No. 208 do not include specific detail for attaching the LATCH hardware to the vehicle. The purpose of this notice is to propose additional regulatory text in the sections of FMVSS No. 208 that involve installing LATCH-equipped child restraint systems.

#### Timetable:

Action	Date	FR Cite
NPRM	05/19/05	70 FR 28878
NPRM Comment Period Extended	07/13/05	70 FR 40280
Extended Comment Period End	08/17/05	
Delay of Compliance Date	08/29/06	71 FR 51129
Final Rule	02/00/07	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

#### URL For More Information:

dms.dot.gov

#### URL For Public Comments:

dms.dot.gov

**Agency Contact:** Carla Cuentas, Safety Standards Engineer, Department of Transportation, National Highway Traffic Safety Administration, Room 5320, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-4583

Fax: 202 366-4329

RIN: 2127-AJ59

### 2313. ADMINISTRATIVE REWRITE OF FMVSS NO. 108; LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 30111; 49  
USC 30115; 49 USC 30117; 49 USC  
30166; 49 USC 322; Delegation of  
Authority at 49 CFR 1.50

**CFR Citation:** 49 CFR 571.108

**Legal Deadline:** None

**Abstract:** Over the last few decades, FMVSS No. 108 has been modified when necessary to account for changes in lighting technology. The Agency has also replied to hundreds of requests for interpretation regarding FMVSS No. 108. Comments to the Agency indicate that this approach has resulted in confusion among regulated parties. In response to requests from industry to organize FMVSS No. 108 in a more understandable way, the Agency pursued an administrative rewrite project through an existing contract with Virginia Tech Transportation Institute. This action presents the newly organized text of FMVSS No. 108, including importing referenced requirements from applicable SAE standards directly into the text of FMVSS No. 108.

#### Timetable:

Action	Date	FR Cite
NPRM	12/30/05	70 FR 77454
NPRM Comment Period End	03/30/06	
Final Rule	02/00/07	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

#### URL For More Information:

dms.dot.gov

#### URL For Public Comments:

dms.dot.gov

## DOT—NHTSA

## Final Rule Stage

**Agency Contact:** David Hines, General Engineer Office of Crash Avoidance Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-2720

Email: dhines@nhtsa.dot.gov

**RIN:** 2127-AJ75

### 2314. +ELECTRONIC STABILITY CONTROL (ESC)

**Regulatory Plan:** This entry is Seq. No. 94 in part II of this issue of the **Federal Register**.

**RIN:** 2127-AJ77

### 2315. • FMVSS NO. 138 TIRE PRESSURE MONITORING SYSTEMS (TPMS) PHASE-IN; RESPONSE TO PETITIONS FOR RECONSIDERATION

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 20166; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 322; Delegation of Authority at 49 CFR 1.50

**CFR Citation:** 49 CFR 571.138; 49 CFR 585.66(g)

**Legal Deadline:** None

**Abstract:** This rulemaking would respond to a second round of petitions for reconsideration filed in response to the Federal Motor Vehicle Safety Standard No. 138, Tire Pressure Monitoring Systems (TPMS) final rule published on April 8, 2005 (70 FR 18136), and subsequent response to petitions for reconsideration published on September 7, 2005 (70 FR 53079). The final rule established a new safety standard requiring installation of TPMS capable of detecting significantly low air pressure in one or more of a vehicle's tires. The standard is

applicable to all vehicles with a gross vehicle weight rating of 4,536 kilograms (10,000 pounds) or less, except vehicles with dual wheels on an axle. The standard responded to a mandate in the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act.

The second round of the final rule, response to petitions for reconsideration addresses a petition recommending that the Agency require spare tires to be compatible with the TPMS and also addresses a request that the Agency reduce the time limit required for low tire pressure detection. In addition, this rule responds to a petition for reconsideration in which changes to the operational requirements of the TPMS malfunction telltale are requested.

**Timetable:**

Action	Date	FR Cite
Final Action	12/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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**Related RIN:** Related to 2127-AJ23, Related to 2127-AJ70

**RIN:** 2127-AJ90

### 2316. • EARLY WARNING REPORTING (EWR) CLARIFYING AMENDMENTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 30166

**CFR Citation:** 49 CFR 579

**Legal Deadline:** None

**Abstract:** This rulemaking would make several definitional and other minor changes to clarify requirements in part 579, Early Warning Reporting, based on the Agency's first 2 years of experience with these reports. The Agency is conducting a thorough evaluation of EWR reporting. Should that evaluation indicate the need for any major changes in the rule, NHTSA would propose such changes in a separate proceeding.

**Timetable:**

Action	Date	FR Cite
NPRM	09/01/06	71 FR 52040
NPRM Comment Period End	10/31/06	
Final Rule	10/00/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Christina Morgan, Chief, Early Warning Reporting, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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**RIN:** 2127-AJ94

## Department of Transportation (DOT)

## Completed Actions

### National Highway Traffic Safety Administration (NHTSA)

#### 2317. CHILD RESTRAINT SYSTEM WEBBING STRENGTH

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

**CFR Citation:** 49 CFR 571.213

**Legal Deadline:** None

**Abstract:** This rulemaking would propose minimum breaking strengths for child restraint systems webbing.

**Timetable:**

Action	Date	FR Cite
NPRM	06/30/05	70 FR 37731
NPRM Comment Period End	08/29/05	

Action	Date	FR Cite
Final Rule	06/07/06	71 FR 32855
Final Rule Effective	08/07/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

## DOT—NHTSA

## Completed Actions

dms.dot.gov

**URL For Public Comments:**  
dms.dot.gov

**Agency Contact:** George Mouchahoir, Team Leader, Special Vehicles and Systems Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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**RIN:** 2127-AI66

### 2318. +EVENT DATA RECORDERS

**Priority:** Other Significant

**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

**CFR Citation:** 49 CFR 563

**Legal Deadline:** None

**Abstract:** In the past several years, there has been considerable interest from the safety community in establishing requirements for event data recorders (EDRs). The agency is considering what role NHTSA should take in implementing EDRs in motor vehicles. This rulemaking would establish requirements for EDRs in new vehicles if an EDR is in the vehicle. The requirement would include a minimum set of data to be collected and enhanced survivability in crashes. This rule is significant because of public interest.

**Timetable:**

Action	Date	FR Cite
Request for Comments	10/11/02	67 FR 63493
Comment Period End	01/09/03	
Comment Period Extended	01/10/03	68 FR 1508
Comment Period End	02/28/03	
NPRM	06/14/04	69 FR 32932
NPRM Comment Period End	08/13/04	
Final Rule	08/28/06	71 FR 50997
Final Rule Effective	10/27/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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**RIN:** 2127-AI72

### 2319. +5TH PERCENTILE DUMMY BELTED BARRIER CRASH TEST REQUIREMENTS—STANDARD 208

**Priority:** Other Significant

**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

**CFR Citation:** 49 CFR 571.208

**Legal Deadline:** None

**Abstract:** This rulemaking would amend NHTSA's occupant protection standard, FMVSS No. 208, to improve high speed crash protection to belted occupants of small stature who may sit in the full forward seat position. Current crash test requirements for the 5th percentile adult female dummy include a 0-48 km/h belted rigid barrier crash test. The Agency is considering increasing the maximum crash test speed from 48 km/h to 56 km/h to be consistent with the 50th percentile adult male requirements that will take effect according to the second phase of the FMVSS No. 208 Advanced Air Bag Final Rule (65 FR 30680).

**Timetable:**

Action	Date	FR Cite
NPRM	08/06/03	68 FR 46539
NPRM Comment Period End	10/06/03	
Final Rule	08/31/06	71 FR 51768
Final Rule Effective	11/29/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Lori Summers, Chief, Light Duty Vehicle Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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**RIN:** 2127-AI98

### 2320. MODERNIZE FMVSS 114 "THEFT PROTECTION"

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166; 49 USC 322

**CFR Citation:** 49 CFR 571.114

**Legal Deadline:** None

**Abstract:** Federal Motor Vehicle Safety Standard No. 114, "Theft Protection," specifies requirements to prevent theft and thus reduce the incidence of crashes resulting from the unauthorized use of motor vehicles. The standard also specifies requirements to reduce the incidence of rollaways of parked vehicles. NHTSA received a petition in October 2002 requesting that the agency amend section 4.2.2 of the standard by removing provisions related to the override device covering, which the petitioner argued was unnecessarily design-restrictive. In response, NHTSA issued a NPRM on August 17, 2005, that proposed to grant the petition, and to amend and reorganize the regulatory text of the Standard to address current vehicle theft prevention system designs. The proposed requirements would not impose any new substantive requirements on vehicle manufacturers.

**Timetable:**

Action	Date	FR Cite
NPRM	08/17/05	70 FR 48362
NPRM Comment Period End	10/17/05	
Final Rule	04/07/06	71 FR 17752
Final Rule Effective	09/01/07	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Gayle Dalrymple, Safety Engineer, Vehicle Controls and Adapted Vehicle Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

## DOT—NHTSA

## Completed Actions

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 RIN: 2127-AJ31

**2321. PROCEDURES FOR PARTICIPATING IN AND RECEIVING DATA FROM THE NATIONAL DRIVER REGISTER PROBLEM DRIVER POINTER SYSTEM PURSUANT TO A PERSONNEL SECURITY INVESTIGATION AND DETERMINATION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 108-375

**CFR Citation:** 23 CFR 1327

**Legal Deadline:** None

**Abstract:** This rulemaking would amend the National Driver Register regulations to implement an amendment made by the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Pub. L. 108-375). The amendment allows an individual who has or is seeking access to national security information under Executive Order No. 12968, or an individual who is being investigated for Federal employment under Executive Order No. 10450 to request that NDR information be made available to a Federal department or agency that is authorized to investigate the individual.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	09/02/05	70 FR 52296
Interim Final Rule Comment Period End	11/05/05	
Final Action	04/18/06	71 FR 19823
Final Action Effective	06/19/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**  
dms.dot.gov

**URL For Public Comments:**  
dms.dot.gov

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 RIN: 2127-AJ66

**2322. AMENDMENT TO GRANT CRITERIA FOR ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES PROGRAMS (SECTION 410)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 23 USC 410

**CFR Citation:** 23 CFR 1313

**Legal Deadline:** Final, Statutory, August 10, 2006, In SAFETEA-LU, Congress directed NHTSA to issue regulations implementing the revised alcohol-impaired driving countermeasures program.

**Abstract:** This rulemaking would make substantive amendments to 23 CFR 1313 to effectuate the revisions required by the Safe, Accountable, Flexible, Efficient Transportation Equity Act-A Legacy for Users (SAFETEA-LU) of 2005. Section 2007 of SAFETEA-LU revises and extends the alcohol-impaired driving countermeasures grant program under 23 U.S.C. section 410 and directs NHTSA to issue regulations implementing the revised program.

**Timetable:**

Action	Date	FR Cite
NPRM	01/03/06	71 FR 29
NPRM Comment Period End	02/02/06	
Final Rule	04/21/06	71 FR 20555
Final Rule Effective	06/20/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State

**URL For More Information:**  
dms.dot.gov

**URL For Public Comments:**  
dms.dot.gov

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RIN: 2127-AJ73

**2323. NEW CAR ASSESSMENT PROGRAM; SAFETY LABELING**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 1232(g); 15 USC 1232(h); PL 105-59 sec 10307(b)

**CFR Citation:** None

**Legal Deadline:** Final, Statutory, September 1, 2007, The Secretary of Transportation is to issue regulations to ensure that the labeling requirements under SAFETEA-LU are implemented by September 1, 2007.

**Abstract:** Section 10307 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act-A Legacy for Users (SAFETEA-LU) (Pub. L. 105-59) amended the Automobile Information Disclosure Act under 15 U.S.C. section 1232, adding a safety rating label requirement. If a vehicle safety rating has been released by NHTSA through the New Car Assessment Program (NCAP), SAFETEA-LU requires that the information about safety ratings be included on the 15 U.S.C. section 1232 label. This rulemaking would incorporate the SAFETEA-LU labeling requirements for NCAP consumer information.

**Timetable:**

Action	Date	FR Cite
NPRM	01/30/06	71 FR 4854
NPRM Comment Period End	03/31/06	
Final Rule	09/12/06	71 FR 53572
Final Rule Effective	11/13/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**  
dms.dot.gov

**URL For Public Comments:**  
dms.dot.gov

**Agency Contact:** Nathaniel Beuse, Chief, New Car Assessment Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
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RIN: 2127-AJ76

**2324. RESPONSE TO PETITIONS FOR RECONSIDERATION, FMVSS NO. 118, POWER-OPERATED WINDOW, PARTITION, AND ROOF PANEL SYSTEMS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166; 49 USC 322

**CFR Citation:** 49 CFR 571.118

## DOT—NHTSA

## Completed Actions

**Legal Deadline:** Final, Statutory, April 1, 2007, In SAFETEA-LU, Congress directed NHTSA to issue a new safety requirement for power window switches by April 1, 2007.

**Abstract:** Section 10308 of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005: Legacy for Users (SAFETEA-LU) directs NHTSA to amend FMVSS No. 118 to require that power windows in motor vehicles have switches that raise the window only when the switch is pulled up or out. We are implementing this mandate in conjunction with a response to petitions for reconsideration of an FMVSS No. 118 final rule that was published on September 15, 2004.

**Timetable:**

Action	Date	FR Cite
Final Action	04/12/06	71 FR 18673
Final Action Effective	06/12/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:** dms.dot.gov

**URL For Public Comments:** dms.dot.gov

**Agency Contact:** Mike Pyne, Safety Standards Engineer, Office of Crash Avoidance NVS-123, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-4171

**Related RIN:** Related to 2127-AG36

**RIN:** 2127-AJ78

### 2325. FMVSS NO. 101 PETITION FOR RECONSIDERATION OF FINAL RULE

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 301

**CFR Citation:** 49 CFR 571.101

**Legal Deadline:** None

**Abstract:** This rulemaking would respond to an Alliance of Automobile Manufacturer's petition for reconsideration for the new requirements for FMVSS No. 101, Controls, Telltales, and Indicators. In response to one part of the Alliance petition, the effective date given in the final rule published August 17, 2005

(RIN 2127-AI09, 70 FR 48295), February 13, 2006, has been extended to September 1, 2006 (January 24, 2006, 71 FR 3786). Alliance has petitioned NHTSA to reconsider several technical aspects of the final rule. These will be addressed in another pending final rule.

**Timetable:**

Action	Date	FR Cite
Final Action	05/15/06	71 FR 27964
Final Action Effective	09/01/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:** dms.dot.gov

**URL For Public Comments:** dms.dot.gov

**Agency Contact:** Gayle Dalrymple, Safety Engineer, Vehicle Controls and Adapted Vehicle Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
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**Related RIN:** Related to 2127-AI09

**RIN:** 2127-AJ81

### 2326. CONFORMING CIVIL AND CRIMINAL PENALTIES TO STATUTORY REQUIREMENTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 CFR 1.50; 49 USC 30165; 49 USC 30170; 49 USC 30505; 49 USC 32308; 49 USC 32309; 49 USC 32310; 49 USC 32507; 49 USC 32709; 49 USC 32912; 49 USC 33115; PL 101-410; PL 104-134

**CFR Citation:** 49 CFR 578.6

**Legal Deadline:** None

**Abstract:** This rulemaking would make adjustments to certain civil penalties pursuant to the Federal Civil Monetary Penalty Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996, and codify statutory provisions included in the Safe, Accountable, Flexible, Efficient Transportation Equity Act-A Legacy for Users (SAFETEA-LU), Public Law No. 109-59, 119 Stat. 1942-43 (2005).

**Timetable:**

Action	Date	FR Cite
NPRM	03/09/06	71 FR 12156
NPRM Comment Period End	04/10/06	
Final Rule	05/16/06	71 FR 28279
Final Rule Effective	06/15/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:** dms.dot.gov

**URL For Public Comments:** dms.dot.gov

**Agency Contact:** Michael Kido, NHTSA Office of Chief Counsel, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-5263  
Email: mkido@nhtsa.dot.gov

**RIN:** 2127-AJ83

### 2327. DEFINITION OF LOW SPEED VEHICLES (LSV) RESPONSE TO PETITIONS FOR RECONSIDERATION

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 301

**CFR Citation:** 49 CFR 571.3

**Legal Deadline:** None

**Abstract:** This rulemaking would respond to two petitions for reconsideration of the Gross Vehicle Weight Rating (GVWR) limit on Low Speed Vehicles (LSV) published in a final rule on August 17, 2005 (RIN 2127-AJ12, 70 FR 48313). That final rule established a maximum GVWR of 2,500 lbs. for defining which vehicles may be classified as a LSV. The Agency has been petitioned to reconsider the GVWR limit, and establish the GVWR limit at 3,000 lbs.

**Timetable:**

Action	Date	FR Cite
Reconsideration of Final Rule	04/19/06	71 FR 20026
Final Rule Effective	06/05/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:** dms.dot.gov

## DOT—NHTSA

## Completed Actions

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Gayle Dalrymple, Safety Engineer, Vehicle Controls and Adapted Vehicle Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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Email: gayle.dalrymple@nhtsa.dot.gov

**RIN:** 2127-AJ85**2328. +MOTORCYCLIST SAFETY GRANT PROGRAM****Priority:** Other Significant**Legal Authority:** PL 109-59 sec 2010**CFR Citation:** 23 CFR 1350**Legal Deadline:** None

**Abstract:** This rulemaking would implement regulations for the section 2010 program. Section 2010 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Public Law 109-59, authorizes the Secretary of Transportation to make grants to States that adopt and implement effective programs to reduce the number of single- and multi-vehicle crashes involving motorcyclists. OMB has agreed that this rulemaking should be classified as nonsignificant. This rulemaking will not show up on next month's report.

**Timetable:**

Action	Date	FR Cite
NPRM	05/24/06	71 FR 29855
NPRM Comment Period End	06/23/06	
Final Rule	07/19/06	71 FR 40891
Final Rule Effective	07/19/06	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Marti Miller, Highway Safety Specialist, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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**RIN:** 2127-AJ86**2329. SCHEDULE OF FEES****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 30141; 49 USC 322**CFR Citation:** 49 CFR 594

**Legal Deadline:** Final, Statutory, September 30, 2006, Fee adjustment must be effective before the beginning of the next fiscal year.

The agency is required under 49 U.S.C. 30141(e) to review and adjust these fees at least every two years. The fees were last adjusted in September 2004.

**Abstract:** This rulemaking would amend NHTSA's regulations establishing fees authorized by 49 U.S.C. 30141 for the purpose of reimbursing the government for certain costs incurred in administering the vehicle importation program. The amendments will adjust the fees to the level necessary for the government to recover the agency's actual costs. The agency is required under 49 U.S.C. 30141(e) to review and adjust these fees at least every two years. The fees were last adjusted in September 2004.

**Timetable:**

Action	Date	FR Cite
NPRM	04/19/06	71 FR 20061
NPRM Comment Period End	06/05/06	
Final Rule	08/03/06	71 FR 43985
Final Rule Effective	10/01/06	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Coleman R. Sachs, Chief, Import and Certification Division, Office of Vehicle Safety Compliance, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Room 6111, NVS-223, Washington, DC 20590

Phone: 202 366-3151

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Email: csachs@nhtsa.dot.gov

**RIN:** 2127-AJ87**2330. • INSURER REPORTING REQUIREMENTS FOR OCTOBER 2006****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 33112**CFR Citation:** 49 CFR 544**Legal Deadline:** None

**Abstract:** This rulemaking would update NHTSA's lists in Appendices A, B, and C of part 544 of passenger motor vehicle insurers that are required to file reports on their motor vehicle theft loss experience. If these appendices are adopted in a final rule, each insurer included in any of these appendices must file a report for the 2003 calendar year not later than October 25, 2006. Further, as long as the insurer remains listed, it must submit reports by each subsequent October 25.

**Timetable:**

Action	Date	FR Cite
NPRM	04/03/06	71 FR 16541
NPRM Comment Period End	06/02/06	
Final Rule	09/05/06	71 FR 52291
Final Rule Effective	11/06/06	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Rosalind Proctor, Division Chief, Consumer Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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**RIN:** 2127-AJ88**2331. • LIGHT DUTY TRUCK LINES SUBJECT TO THE REQUIREMENTS OF PART 541 AND EXEMPTED VEHICLE LINES FOR MODEL YEAR 2007****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 33104**CFR Citation:** 49 CFR 541**Legal Deadline:** None

**Abstract:** This rulemaking would list the light-duty truck lines subject to the

## DOT—NHTSA

## Completed Actions

parts-marking requirements of the theft prevention standard and exempted vehicle lines for model year 2007.

**Timetable:**

Action	Date	FR Cite
Final Action	04/19/06	71 FR 20022
Final Action Effective	04/19/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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**RIN:** 2127-AJ89

**2332. • VEHICLES BUILT IN TWO OR MORE STAGES, RESPONSE TO PETITIONS FOR RECONSIDERATION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 30113; 49 USC 32502

**CFR Citation:** 49 CFR 555

**Legal Deadline:** None

**Abstract:** This rulemaking would respond to a March 31, 2005, petition for reconsideration of NHTSA's February 14, 2005, final rule (70 FR 7414) filed by the National Truck Equipment Association (NTEA), representing final stage manufacturers of vehicles built in two or more stages. That final rule amended regulations in four separate parts of title 49 CFR to address certification issues relating to vehicles built in two or more stages and, to a lesser extent, to vehicles that have been altered after they have been fully manufactured but prior to their first retail sale.

In the typical circumstance, a vehicle is considered to have been manufactured in two or more stages if one company manufactures the vehicle's chassis and another company completes the vehicle by attaching cargo carrying or work performing

components to the chassis. Among other things, the amendments created a new process under which manufacturers of vehicles built in two or more stages could obtain temporary exemptions from standards that impose dynamic crash testing requirements.

The NTEA petition requests, among other things, further amendments to the temporary exemption provisions to broaden the range of vehicle types for which those exemptions can be obtained and to broaden the range of standards for which temporary exemptions can be granted. In responding to the NTEA petition, NHTSA anticipates the need for several minor amendments to the temporary exemption provisions, which are codified at 49 CFR part 555. The amendments will eliminate from one provision text that has proven confusing to regulated entities and has been deemed to be surplus, and will clarify the description of standards from which temporary exemptions can be requested.

**Timetable:**

Action	Date	FR Cite
Final Rule	05/15/06	71 FR 28168
Final Rule Effective	09/01/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Coleman R. Sachs, Chief, Import and Certification Division, Office of Vehicle Safety Compliance, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Room 6111, NVS-223, Washington, DC 20590

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**Related RIN:** Related to 2127-AE27

**RIN:** 2127-AJ91

**2333. • FMVSS NO. 209 RESPONSE TO PETITIONS FOR RECONSIDERATION ON EMERGENCY LOCKING RETRACTOR REQUIREMENTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166; 49 USC 322

**CFR Citation:** 49 CFR 571.209

**Legal Deadline:** None

**Abstract:** This rulemaking would amend FMVSS No. 209 in response to petitions for reconsideration. On August 22, 2005, NHTSA published in the Federal Register (70 FR 48883) a final rule upgrading Federal Motor Vehicle Safety Standard (FMVSS) No. 209, Seat belt assemblies. The final rule more precisely defined the requirements, and revised the test methodology to reflect current instrumentation and measurement methods for emergency-locking retractors. Three petitions for reconsideration in response to the final rule were submitted by a vehicle manufacturer, a restraints supplier, and a restraints supplier organization. Petition issues included: Adding tolerances on specific tests, methods for determining lock-up, and clarification on an existing interpretation.

**Timetable:**

Action	Date	FR Cite
Final Rule	08/30/06	71 FR 51522
Final Rule Effective	10/30/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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**Related RIN:** Related to 2127-AI38

**RIN:** 2127-AJ92

BILLING CODE 4910-59-S



Department of Transportation (DOT)  
Federal Railroad Administration (FRA)

## Proposed Rule Stage

**2334. +AMENDMENTS TO DESIGN STANDARDS FOR PRESSURIZED RAILROAD TANK CARS**

**Priority:** Other Significant

**Legal Authority:** 49 USC 20155

**CFR Citation:** 49 CFR 179

**Legal Deadline:** NPRM, Statutory, February 10, 2007.

**Abstract:** This rulemaking would amend the existing design standards for pressurized tank cars pursuant to section 9005 of SAFETEA-LU.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/08	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:** dms.dot.gov

**URL For Public Comments:** dms.dot.gov

**Agency Contact:** Roberta Stewart, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 493-6027

**RIN:** 2130-AB69

**2335. +GRANT PROGRAM FOR LOCAL RAIL LINE RELOCATION AND IMPROVEMENT PROJECTS**

**Priority:** Economically Significant. Major under 5 USC 801.

**Legal Authority:** PL 109-59

**CFR Citation:** 49 CFR 261

**Legal Deadline:** Other, Statutory, April 1, 2006, Temporary Rules. Final, Statutory, October 1, 2006.

**Abstract:** This rulemaking would address the establishment of a grant program authorizing the Secretary to provide financial assistance to States for local rail line relocation and improvement projects. This rulemaking would create a new part to title 49 of the Code of Federal Regulations; establish regulations governing financial assistance under part 261, including the project selection criteria; and solicit applications for Capital Grants for Rail Line Relocation Projects. This rulemaking is required by section 9002 of the Safe Accountable, Flexible,

Efficient Transportation Act: A Legacy for Users (SAFETEA-LU). Section 9002 authorizes, but does not appropriate, \$350,000,000 per year for each of the fiscal years (FY) 2006 through 2009 for the purpose of funding a grant program to provide financial assistance for local rail line relocation and improvement projects. Congress has not appropriated any funding for the program for FY 2006.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:** dms.dot.gov

**URL For Public Comments:** dms.dot.gov

**Agency Contact:** Kathryn Shelton, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590  
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Email: kathryn.shelton@fra.dot.gov

**RIN:** 2130-AB74

**2336. RAILROAD OPERATING RULES: PROGRAM OF OPERATIONAL TESTS AND INSPECTIONS; RAILROAD OPERATING PRACTICES: HANDLING EQUIPMENT, SWITCHES, AND DERAILS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 20103

**CFR Citation:** 49 CFR 218; 49 CFR 217

**Legal Deadline:** None

**Abstract:** This rulemaking would add requirements to the handling of railroad equipment, switches, and derails. These requirements would prevent accidents and casualties that can result from the mishandling of equipment, switches, and derails, and would be minimum operating rule requirements. This rulemaking would also add requirements for qualifying railroad testing officers and ensure that each railroad's program of operational tests and inspections are focused on reducing the number of human factor caused accidents.

**Timetable:**

Action	Date	FR Cite
NPRM	10/12/06	71 FR 60372
NPRM Comment Period End	12/11/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:** dms.dot.gov

**URL For Public Comments:** dms.dot.gov

**Agency Contact:** Alan Nagler, Department of Transportation, Federal Railroad Administration, 1120 Vermont Avenue NW., Washington, DC 20950  
Phone: 202 493-6049

**RIN:** 2130-AB76

**2337. • PROPOSED DIRECT FINAL RULEMAKING PROCEDURES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 CFR 1.49; 49 USC 20103; 49 USC 20107; 49 USC 20114; 49 USC 20306; 49 USC 20502 to 20504

**CFR Citation:** 49 CFR 211

**Legal Deadline:** None

**Abstract:** This rulemaking would establish direct final rulemaking procedures that will be used to expedite the processing of noncontroversial regulatory changes to which no adverse comment is anticipated. Under these procedures, FRA could choose to make routine or otherwise noncontroversial changes in a direct final rule which would become effective a specified number of days after its publication in the Federal Register, provided that no written adverse comment, or no request for a public hearing, was received before the rules scheduled effective date.

**Timetable:**

Action	Date	FR Cite
NPRM	10/11/06	71 FR 59698
NPRM Comment Period End	12/11/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:** dms.dot.gov

**URL For Public Comments:**

## DOT—FRA

## Proposed Rule Stage

dms.dot.gov

**Agency Contact:** Patricia V. Sun, Trial Attorney, Department of Transportation, Federal Railroad Administration, 1120 Vermont Avenue NW., MS-10, Washington, DC 20590  
Phone: 202 493-6060  
Fax: 202 493-6068

RIN: 2130-AB77

### 2338. ● PASSENGER EQUIPMENT SAFETY STANDARDS; FRONT-END STRENGTH OF MULTIPLE-UNIT LOCOMOTIVES AND CAB CARS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 20103; 49 USC 20107

**CFR Citation:** 49 CFR 238

**Legal Deadline:** None

**Abstract:** This rulemaking would amend existing regulations by enhancing strength requirements for the front end of multiple-unit locomotives and cab cars. These enhancements would include the addition of deformation and energy absorption requirements specified in revised American Public Transportation Association standards for front-end collision posts and corner posts in this equipment. This rulemaking would also make miscellaneous clarifying amendments to existing regulations for the structural strength of passenger equipment.

#### Timetable:

Action	Date	FR Cite
NPRM	12/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Michael Masci, Department of Transportation, Federal Railroad Administration, Washington, DC 20405

Phone: 202 493-6037

Email: michael.masci@fra.dot.gov

**RIN:** 2130-AB80

### 2339. ● MISCELLANEOUS AMENDMENTS TO THE FEDERAL RAILROAD ADMINISTRATION'S ACCIDENT/INCIDENT REPORTING REQUIREMENTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 103; 49 USC 20103; 49 USC 20107; 49 USC 20901; 49 USC 20902; 49 USC 21301; 49 USC 21302; 49 USC 21311; 49 USC 322(a)

**CFR Citation:** 49 CFR 225

**Legal Deadline:** None

**Abstract:** The Federal Railroad Administration (FRA) proposes to amend its accident/incident reporting

regulations to, among other things, conform certain definitions to those set forth in 49 U.S.C. 20102, as amended; incorporate provisions allowing for consolidated accident/incident reporting by integrated railroad systems; allow for the collection of suicide data; clarify ambiguous regulations, and enhance the quality of information available for railroad casualty analysis. In addition to proposing revisions to its regulations in the Code of Federal Regulations (CFR), FRA is proposing revisions to its Guide for Preparing Accident/Incident Reports (FRA Guide) and to certain applicable forms.

#### Timetable:

Action	Date	FR Cite
NPRM	12/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Michael Masci, Department of Transportation, Federal Railroad Administration, Washington, DC 20405

Phone: 202 493-6037

Email: michael.masci@fra.dot.gov

**RIN:** 2130-AB82

## Department of Transportation (DOT) Federal Railroad Administration (FRA)

## Final Rule Stage

### 2340. REVISIONS TO CIVIL AND CRIMINAL PENALTIES; PENALTY GUIDELINES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 5123

**CFR Citation:** 49 CFR 209

**Legal Deadline:** None

**Abstract:** In this final rule, the Federal Railroad Administration would revise its regulations to reflect revisions to the penalty provisions in the Hazardous Materials Transportation Safety and Security Reauthorization Act of 2005 (title VII of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users), enacted on August 10, 2005, and

effective on October 1, 2005. FRA would also revise baseline assessments for several categories of violations, including those related to training and security plans, in our Civil Penalty Assessment Guidelines. FRA publishes its Guidelines in order to provide the regulated community and the general public with information on the hazardous materials civil penalty assessment process for violations related to the transportation of hazardous materials by rail.

#### Timetable:

Action	Date	FR Cite
Final Rule	12/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Roberta Stewart, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 493-6027

**RIN:** 2130-AB70

DOT—FRA

Final Rule Stage

**2341. TRACK SAFETY STANDARDS; INSPECTION OF JOINTS IN CONTINUOUS WELDED RAIL (CWR)****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 20142**CFR Citation:** 49 CFR 213**Legal Deadline:** Final, Statutory, November 8, 2005, title 9, section 9005(b), SAFETEA—LU, requires completion within 90 days. To be continued.**Abstract:** This rulemaking would amend the Track Safety Standards (49 CFR part 213) to require track owners to file improved procedures for inspecting rail joint bars in continuous welded rail track. This rulemaking is required by section 9005(a) of the Safe Accountable, Flexible, Efficient Transportation Act: A Legacy for Users (SAFETEA-LU).**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/02/05	70 FR 66288
Interim Final Rule Effective	12/02/05	
Interim Final Rule Comment Period End	12/19/05	
Final Rule	12/00/06	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For More Information:** [dms.dot.gov](http://dms.dot.gov)**URL For Public Comments:** [dms.dot.gov](http://dms.dot.gov)**Agency Contact:** Sarah Grimmer, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 493-6032

**RIN:** 2130-AB71**2342. +PASSENGER TRAIN EMERGENCY SYSTEMS****Priority:** Other Significant**Legal Authority:** 49 USC 20103, 20107**CFR Citation:** 49 CFR 223; 49 CFR 238; 49 CFR 239**Legal Deadline:** None**Abstract:** This rulemaking would promote the safety of passengers and crew members in passenger train emergencies by enhancing FRA's regulations for passenger train emergency systems. The rulemaking will address passenger train emergency communication systems (public address and intercom systems), emergency evacuation systems (doors, emergency window exits, rescue access windows, and emergency roof access locations), and marking signage systems.**Timetable:**

Action	Date	FR Cite
NPRM	08/25/06	
NPRM Comment Period End	10/25/06	
Final Action	03/00/07	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**URL For More Information:** [dms.dot.gov](http://dms.dot.gov)**URL For Public Comments:** [dms.dot.gov](http://dms.dot.gov)**Agency Contact:** Anna Winkle, Department of Transportation, Federal Railroad Administration, 1120 Vermont Avenue NW., Washington, DC 20590  
Phone: 202 493-6053Email: [anna.winkle@fra.dot.gov](mailto:anna.winkle@fra.dot.gov)**RIN:** 2130-AB72**2343. • ESTABLISHMENT OF AN EMERGENCY RELIEF DOCKET AND PROCEDURES FOR HANDLING PETITIONS FOR EMERGENCY WAIVER RELIEF FROM THE FEDERAL REGULATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 20103**CFR Citation:** 49 CFR 211.45**Legal Deadline:** None**Abstract:** This rulemaking would establish a Federal Railroad Administration Emergency Relief Docket and set forth procedures for obtaining waivers from a safety rule, regulation, or standard during an emergency.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	08/31/06	
Interim Final Rule Comment Period End	09/30/06	
Final Rule	01/00/07	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For More Information:** [dms.dot.gov](http://dms.dot.gov)**URL For Public Comments:** [dms.dot.gov](http://dms.dot.gov)**Agency Contact:** Michael Masci, Department of Transportation, Federal Railroad Administration, Washington, DC 20405  
Phone: 202 493-6037  
Email: [michael.masci@fra.dot.gov](mailto:michael.masci@fra.dot.gov)**RIN:** 2130-AB79**Department of Transportation (DOT)  
Federal Railroad Administration (FRA)****Completed Actions****2344. +LOCOMOTIVE CRASHWORTHINESS****Priority:** Other Significant**Legal Authority:** 49 USC 20103**CFR Citation:** 49 CFR 229**Legal Deadline:** Final, Statutory, March 3, 1995.  
Report to Congress issued 9/18/96.**Abstract:** This rulemaking will address the crashworthiness of locomotives pursuant to the Rail Safety Enforcement and Review Act of (1992). FRA investigated locomotive crashworthiness, as well as a variety of locomotive working conditions (See RIN 2130-AA89) and reported its finding to Congress. This rulemaking

will establish comprehensive, minimum standards for locomotive crashworthiness. Locomotive crashworthiness protection is necessary because locomotive collisions can result in crew injuries and fatalities. These performance standards are intended to help protect locomotive cab occupants in the event of a locomotive

## DOT—FRA

## Completed Actions

collision. Examples of locomotive collision scenarios considered include collisions with another locomotive, the rear of another train, a piece of on-track equipment, a shifted load on a freight car on an adjacent parallel track, or a highway vehicle at a rail-highway grade crossing. These crashworthiness standards must be met by demonstrating compliance with either the rule's performance standards or a FRA-approved design standard.

**Timetable:**

Action	Date	FR Cite
Open Meeting Notice	07/22/94	59 FR 37528
Notice	07/22/94	59 FR 37528
Report to Congress	09/18/96	
NPRM	11/02/04	69 FR 63890
NPRM Comment Period End	01/03/05	
NPRM Comment Period Extended	01/12/05	
NPRM Comment Period End	02/03/05	
Final Rule	06/28/06	71 FR 36888
Final Rule Effective	08/28/06	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** This rulemaking was originally included in RIN 2130-AA89, Locomotive Cab Working Conditions.

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Melissa Porter, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 493-6034

**RIN:** 2130-AB23

### 2345. +OCCUPATIONAL NOISE EXPOSURE FOR RAILROAD OPERATING EMPLOYEES

**Priority:** Other Significant

**Legal Authority:** 49 USC 20103

**CFR Citation:** 49 CFR 229; 49 CFR 227

**Legal Deadline:** None

**Abstract:** This rulemaking amends FRA's occupational noise standards for railroad employees whose predominant noise exposure occurs in the locomotive cab. FRA's previous

standard limited cab employee noise exposure to certain levels based on the duration of employee exposure. This rulemaking modifies that standard and also sets out additional requirements. The rulemaking requires railroads to conduct noise monitoring and to implement a hearing conservation program, which includes hearing tests (audiograms), training, and monitoring. The rulemaking also establishes design, build, and maintenance standards for new locomotives and maintenance requirements for existing locomotives. FRA expects that this rulemaking will reduce the likelihood of noise-induced hearing loss for railroad operating employees.

**Timetable:**

Action	Date	FR Cite
Report to Congress	09/18/96	
NPRM	06/23/04	69 FR 35146
NPRM Comment Period End	09/21/04	
Final Rule	10/27/06	71 FR 63066
Final Action Effective	02/26/07	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Jennifer Schwab, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 493-6032

**RIN:** 2130-AB56

### 2346. PASSENGER EQUIPMENT SAFETY STANDARDS; MISCELLANEOUS AMENDMENTS AND ATTACHMENTS OF SAFETY APPLIANCES ON PASSENGER EQUIPMENT

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 28 USC 2401, note; 49 CFR 1.49(c), (m); 49 USC 20102-03, 20107, 20133, 20137-38, 20143, 20701 to 20703, 21301 to 21302, 21304

**CFR Citation:** 49 CFR 229; 49 CFR 238

**Legal Deadline:** None

**Abstract:** This rulemaking would clarify and amend existing regulations in an effort to address various

mechanical issues relevant to the manufacture, efficient utilization, and safe operation of passenger equipment and trains that have arisen since FRAs original issuance of the Passenger Equipment Safety Standards. Miscellaneous amendments to FRA's existing regulations would include: (1) Clarifying the terminology related to piston travel indicators; (2) providing alternative design and additional inspection criteria for new passenger equipment not designed to allow inspection of the application and release of the brakes from outside the equipment; (3) permitting some latitude in the use of passenger equipment with redundant air compressors when a limited number of the compressors become inoperative; and (4) recognizing current locomotive manufacturing techniques by proposing an alternative pneumatic pressure test for main reservoirs. FRA is also clarifying the existing regulatory requirements related to the attachment of safety appliances.

**Timetable:**

Action	Date	FR Cite
NPRM	12/08/05	70 FR 73070
NPRM Comment Period End	02/17/06	
Final Rule	10/19/06	71 FR 61836
Final Rule Effective	12/18/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Thomas Herrmann, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 493-6036

**RIN:** 2130-AB67

### 2347. +USE OF LOCOMOTIVE HORNS AT HIGHWAY-RAIL GRADE CROSSINGS

**Priority:** Other Significant

**Legal Authority:** 49 USC 20153

**CFR Citation:** 49 CFR 222; 49 CFR 229

**Legal Deadline:** None

**Abstract:** This rulemaking would amend the final rule on the Use of

## DOT—FRA

## Completed Actions

Locomotive Horns at Highway-Rail Grade Crossings, in response to petitions for reconsideration that have been submitted by the Association of American Railroads, BNSF Railway Company, GE Transportation - Rail and Qwick Kurb, Inc. FRA also intends to make clarifying amendments to various provisions of the final rule.

**Timetable:**

Action	Date	FR Cite
Final Rule	04/27/05	70 FR 21844
Final Rule Effective	06/24/05	
Response to Petitions for Reconsideration	08/17/06	71 FR 47614
Final Action Effective	09/18/06	

**Regulatory Flexibility Analysis Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** Federal, Local, State**URL For More Information:** [dms.dot.gov](http://dms.dot.gov)**URL For Public Comments:** [dms.dot.gov](http://dms.dot.gov)**Agency Contact:** Kathryn Shelton, Trial Attorney, Department of Transportation, Federal Railroad

Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 493-6063  
Email: [kathryn.shelton@fra.dot.gov](mailto:kathryn.shelton@fra.dot.gov)

**Related RIN:** Previously reported as 2130-AA71**RIN:** 2130-AB73**2348. +ASSESSMENT OF FEES ON COMMUTER RAILROADS FOR USE OF NORTHEAST CORRIDOR INFRASTRUCTURE****Priority:** Other Significant**Legal Authority:** PL 109-115**CFR Citation:** 49 CFR 247**Legal Deadline:** Final, Statutory, September 30, 2006, Fee Assessment.

**Abstract:** This rulemaking would govern the assessment and collection of fees from each commuter rail authority that operates over the Northeast Corridor, which reflect that rail authority's use of the corridor and its share of maintenance and capital improvements. Any fees assessed will, however, be offset by any direct annual contributions that have already been made by that rail authority for Northeast Corridor capital and

maintenance expenses. Revenues from collected fees will then be merged with the capital appropriation and will be provided to, and spent by, Amtrak for capital investment.

**Timetable:**

Action	Date	FR Cite
Terminated	05/31/06	

**Regulatory Flexibility Analysis Required:** Yes**Small Entities Affected:** Governmental Jurisdictions**Government Levels Affected:** Local, State**URL For More Information:** [dms.dot.gov](http://dms.dot.gov)**URL For Public Comments:** [dms.dot.gov](http://dms.dot.gov)

**Agency Contact:** Kathryn Shelton, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 493-6063  
Email: [kathryn.shelton@fra.dot.gov](mailto:kathryn.shelton@fra.dot.gov)

**RIN:** 2130-AB75**BILLING CODE 4910-06-S**
**Department of Transportation (DOT)  
Federal Transit Administration (FTA)**

## Prerule Stage

**2349. • PROJECT MANAGEMENT OVERSIGHT****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 109-59, sec 3026(b)**CFR Citation:** 49 CFR 633**Legal Deadline:** None

**Abstract:** This rulemaking would make the following changes, as required by SAFETEA-LU, to the existing Project Management Oversight rule: A definition of "major capital project" that excludes a project to acquire rolling stock or to maintain or rehabilitate a vehicle; a requirement that oversight begin during the preliminary engineering stage of a project, unless it is more appropriate

to begin the oversight during another stage of the project, to maximize the transportation benefits associated with project management oversight. In addition to the changes required by SAFETEA-LU, FTA will take this opportunity to update 49 CFR 633 in its entirety. This will require a reevaluation of 49 CFR 633 component parts, including the definition of a major capital project, risk assessments, rightsizing, technical capacity, project management plan, financing plan, and procurement/project delivery methods.

**Timetable:**

Action	Date	FR Cite
ANPRM	12/00/06	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** Federal, Local, State, Tribal**URL For More Information:** [dms.dot.gov](http://dms.dot.gov)**URL For Public Comments:** [dms.dot.gov](http://dms.dot.gov)

**Agency Contact:** Aaron James, Director, Office of Engineering, Department of Transportation, Federal Transit Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 493-0107  
Email: [aaron.james@dot.gov](mailto:aaron.james@dot.gov)

**RIN:** 2132-AA92

**Department of Transportation (DOT)**  
**Federal Transit Administration (FTA)**

**Proposed Rule Stage**

**2350. +MAJOR CAPITAL INVESTMENT PROJECTS—NEW/SMALL STARTS**

**Priority:** Other Significant

**Legal Authority:** PL 109–59, sec 3011; PL 109–59, sec 3011

**CFR Citation:** 49 CFR 611

**Legal Deadline:** Final, Statutory, April 7, 2006.

**Abstract:** This rulemaking would establish a simplified evaluation process for projects seeking less than \$75 million in New Starts funds. The rule will set out FTA's evaluation and rating process for proposed projects based on the results of project justification and local financial commitment. This action is mandated by SAFETEA-LU.

**Timetable:**

Action	Date	FR Cite
ANPRM	01/30/06	71 FR 4864
ANPRM Comment Period End	03/10/06	
NPRM	03/00/07	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses, Governmental Jurisdictions

**Government Levels Affected:** Local, State

**URL For More Information:**  
dms.dot.gov

**URL For Public Comments:**  
dms.dot.gov

**Agency Contact:** Christopher VanWyk, Attorney Advisor, Department of Transportation, Federal Transit Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366–1733  
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**RIN:** 2132–AA81

**2351. +CHARTER BUS OPERATIONS**

**Priority:** Other Significant

**Legal Authority:** PL 109–59, sec 3023(d)

**CFR Citation:** 49 CFR 604

**Legal Deadline:** None

**Abstract:** This rulemaking would implement SAFETEA-LU requirements and statements in the Conference Report for SAFETEA-LU that FTA conduct a negotiated rulemaking on: (1) Potential limited conditions under which public transit agencies can

provide community-based charter services directly to local governments and private non-profit agencies that would not otherwise be served in a cost-effective manner by private operators; (2) how the administration and enforcement of charter bus provisions can be better communicated to the public, including use of Internet technology; (3) improvement of the enforcement of violations of the charter bus regulations; (4) improvement of the charter complaint and administrative appeals process; (5) a potential new exception for emergency services such as evacuation and training for emergencies; (6) a new process for determining if there are private charter bus companies willing and able to provide service that would utilize electronic notification and response within 72 hours; (7) a new exception for transportation of government employees, elected officials, and members of the transit industry to examine local transit operations, facilities, and public works; and (8) any other charter service issues the negotiated rulemaking committee decides to rule upon.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/07	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses, Governmental Jurisdictions

**Government Levels Affected:** Local, State

**Additional Information:** On January 31, 2006, FTA issued a notice of intent to form a negotiated rulemaking advisory committee. This committee will develop through negotiated rulemaking procedures, recommendations for improving the regulation regarding prohibition of FTA grant recipients from providing charter bus service.

**URL For More Information:**  
dms.dot.gov

**URL For Public Comments:**  
dms.dot.gov

**Agency Contact:** Elizabeth S. Martineau, Attorney Advisor, Department of Transportation, Federal Transit Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366–1936  
Fax: 202 366–3809

**RIN:** 2132–AA85

**2352. REVISIONS TO THE JOINT FTA/FHWA NEPA REGULATION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** sec 6010 of PL 109–59; PL 109–59, sec 6010

**CFR Citation:** 23 CFR 771

**Legal Deadline:** NPRM, Statutory, August 10, 2006, NPRM by 08/10/2006. NPRM, Statutory, August 10, 2006.

**Abstract:** Pursuant to SAFETEA-LU, this rulemaking would establish categorical exclusions for activities that support the deployment of intelligent transportation infrastructure and systems from the requirement that an environmental assessment or an environmental impact statement be prepared under section 102 of the National Environmental Policy Act of 1969 (NEPA) in compliance with the standards for categorical exclusions established by NEPA. In addition, this rulemaking would resolve inconsistencies between the regulation and the new 23 U.S.C. 139, created by section 6002 of SAFETEA-LU. Finally, the rulemaking proposes to update the regulation to reflect changes in the law and agency practice over the years, and make minor additions and changes to the list of categorical exclusions.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**  
dms.dot.gov

**URL For Public Comments:**  
dms.dot.gov

**Agency Contact:** Christopher VanWyk, Attorney Advisor, Department of Transportation, Federal Transit Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366–1733  
Email: christopher.vanwyk@dot.gov

**RIN:** 2132–AA87

**2353. MEDICAL TRANSPORTATION DEMONSTRATION GRANT PROGRAM**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 109–59, sec 5314(a)(6); PL 109–59, sec 5314(a)(6)

**CFR Citation:** Not Yet Determined

## DOT—FTA

## Proposed Rule Stage

**Legal Deadline:** None

**Abstract:** This rulemaking would create a demonstration grant program for eligible entities to apply for Federal financial assistance to provide transportation services to individuals who need transportation to dialysis treatments and other treatments for renal disease.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/07	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Organizations

**Government Levels Affected:** None

**Federalism:** Undetermined

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Arthur Lopez, Attorney Advisor, Department of Transportation, Federal Transit Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 493-0539  
Email: arthur.lopez@fta.dot.gov

**RIN:** 2132-AA88

**2354. • BUY AMERICA REQUIREMENTS AND WAIVER PROCEDURES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 109-59, August 10, 2005

**CFR Citation:** 49 CFR 661

**Legal Deadline:** None

**Abstract:** This rulemaking would address issues not covered in the Buy America final rule (FR) signed March 14, 2006. The following issues were not addressed in the FR due to their complexity: 1) Justification for public interest waiver; 2) microprocessor and post-award waivers; 3) definition of "final assembly"; 4) proposed changes to "communication equipment"; and 5) the definition of "end product" and a representative list of end products. FTA

plans to hold a public meeting in conjunction with the issuance of its NPRM to further discuss issues with stakeholders and the public.

**Timetable:**

Action	Date	FR Cite
NPRM	11/30/06	71 FR 69412
NPRM Comment Period End	01/29/07	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** FTA published a final rule to amend 49 CFR parts 661 and 663 as required by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) [Pub L. 109-59, August 10, 2005]. The Federal Transit Administration (FTA) proposed certain changes to the Buy America requirements on November 21, 2005 (70 FR 71246). Because of the complexity of a number of recommendations and issues presented during the comment period, FTA decided to split the rulemaking and published a final rule on those issues that received little or no public comment. This new NPRM will address the issues raised in the NPRM published on November 21, 2005, but not addressed in the final rule.

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Richard Wong, Attorney-Advisor, Department of Transportation, Federal Transit Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-0675  
Fax: 202 366-3809  
Email: richard.wong@dot.gov

**RIN:** 2132-AA90

**2355. • CLEAN FUELS GRANT PROGRAM**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 109-59, sec 3010

**CFR Citation:** 49 CFR 624

**Legal Deadline:** None

**Abstract:** This rulemaking would convert the Clean Fuels Grant program to a discretionary grant program in accordance with the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) (Pub. L. 109-59; August 10, 2005). TEA-21 established the Clean Fuels Formula Grant Program as a formula grant program with a two-fold purpose: 1) To assist nonattainment and maintenance areas in achieving or maintaining air quality attainment status 2) and, secondly, supported emerging clean fuel and advanced propulsion technologies for transit buses and to create markets for these technologies. Congress has determined that the program will now be a discretionary program subject to the statutory requirements of the urbanized area formula grants program of section 5307, of title 49 United States Code.

**Timetable:**

Action	Date	FR Cite
NPRM	10/16/06	71 FR 60681
NPRM Comment Period End	12/15/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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Email: schery.porter@dot.gov

**RIN:** 2132-AA91

**Department of Transportation (DOT)**  
**Federal Transit Administration (FTA)**

Final Rule Stage

**2356. +METROPOLITAN AND STATEWIDE TRANSPORTATION PLANNING**
**Priority:** Other Significant

**Legal Authority:** 49 USC 3005; 49 USC 3005

**CFR Citation:** 49 CFR 613; 23 CFR 450

**Legal Deadline:** Final, Statutory, February 6, 2006.

**Abstract:** This joint rulemaking with FHWA would set standards for the annual listing of projects for which Federal funds have been obligated in the preceding year and specify the types of data to be included in the listing, including sufficient information about each project to identify its type, location, and amounts obligated. This rulemaking is mandated by SAFETEA-LU.

**Timetable:**

Action	Date	FR Cite
NPRM	06/09/06	71 FR 33510
NPRM Comment Period End	09/07/06	
Final Rule	01/00/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**  
dms.dot.gov

**URL For Public Comments:**  
dms.dot.gov

**Agency Contact:** Christopher VanWyk, Attorney Advisor, Department of Transportation, Federal Transit Administration, 400 Seventh Street SW., Washington, DC 20590  
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Email: christopher.vanwyk@dot.gov

**Related RIN:** Related to 2125-AF09

**RIN:** 2132-AA82

**2357. EMERGENCY PROCEDURES FOR PUBLIC TRANSPORTATION SYSTEMS**
**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 5334(a)(11)

**CFR Citation:** 49 CFR 601

**Legal Deadline:** None

**Abstract:** This rulemaking would establish a new subpart in 601 of title 49 of the Code of Federal Regulations, establishing an "emergency relief

docket" by which grantees could request and be granted relief from FTA regulations in times of national and regional emergencies. This rulemaking has been downgraded and will not appear on next month's report.

**Timetable:**

Action	Date	FR Cite
NPRM	08/08/06	71 FR 44957
NPRM Comment Period End	10/10/06	
Final Rule	12/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**  
dms.dot.gov

**URL For Public Comments:**  
dms.dot.gov

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**RIN:** 2132-AA89

**Department of Transportation (DOT)**  
**Federal Transit Administration (FTA)**

Long-Term Actions

**2358. +PROTECTION OF PARKS, WILDLIFE AND WATERFOWL REFUGES, AND HISTORICAL SITES**
**Priority:** Other Significant

**Legal Authority:** 23 USC 138; 49 USC 303; PL 109-59 (sec 6009 of SAFETEA-LU); 23 USC 138; 49 USC 303; PL 109-59, sec 6009

**CFR Citation:** 23 CFR 771; 23 CFR 774; 49 CFR 623

**Legal Deadline:** Final, Statutory, August 10, 2006.

**Abstract:** This FTA/FHWA joint rulemaking would clarify the factors to be considered and the standards to be applied in determining the prudence and feasibility of alternatives under section 4(f) (138 of title 23, U.S. Code, and section 303 of title 49, U.S. Code). Section 4(f) properties include certain parks, recreation areas, wildlife and waterfowl refuges, and historic sites described in section 4(f) of the Department of Transportation Act of 1966 (Pub. L. 89-670). Section 4(f)

generally prohibits the use of such properties for transportation projects unless the Secretary of Transportation finds there is no feasible and prudent alternative and all possible planning to minimize the harm is undertaken.

**Timetable:**

Action	Date	FR Cite
NPRM	07/27/06	71 FR 42611
NPRM Comment Period End	09/25/06	
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**  
dms.dot.gov

**URL For Public Comments:**  
dms.dot.gov

**Agency Contact:** Christopher VanWyk, Attorney Advisor, Department of Transportation, Federal Transit

Administration, 400 Seventh Street SW., Washington, DC 20590  
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**Related RIN:** Related to 2125-AF14

**RIN:** 2132-AA83

**2359. +PUBLIC TRANSPORTATION SECURITY GRANTS—SAFETEA-LU**
**Priority:** Other Significant

**Legal Authority:** PL. 109-59, sec 3028

**CFR Citation:** 6 CFR 35; 49 CFR 650

**Legal Deadline:** Final, Statutory, February 6, 2006.

**Abstract:** This rulemaking would establish a security grant program for public transportation systems. The rule will address funding priorities, eligible activities, methods for awarding grants, and limitations on administrative expenses. The grant program will be funded by DHS with DOT providing technical assistance with developing the application and eligibility process.



## DOT—FTA

## Long-Term Actions

**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For More Information:**  
dms.dot.gov**URL For Public Comments:**  
dms.dot.gov**Agency Contact:** Shauna Coleman,  
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Fax: 202 366-3809

Email: shauna.coleman@dot.gov

**RIN:** 2132-AA84**Department of Transportation (DOT)  
Federal Transit Administration (FTA)****Completed Actions****2360. CONTROLLED SUBSTANCES  
AND ALCOHOL MISUSE TESTING****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 5331(a)(3)**CFR Citation:** 49 CFR 655**Legal Deadline:** None

**Abstract:** This rulemaking would make minor changes to FTA's drug and alcohol testing regulations and eliminates duplicative testing requirements. The proposed rule codifies FTA's interpretative guidance that certain public transportation providers may be in concurrent compliance with the FTA drug and alcohol testing requirements when they

comply with the testing requirements of the U.S. Coast Guard. It also proposes to eliminate potential duplicative testing requirements for CDL holders who perform public transportation functions.

**Timetable:**

Action	Date	FR Cite
NPRM	06/05/06	71 FR 32298
NPRM Comment Period End	08/04/06	
Final Rule	11/30/06	71 FR 69195
Final Rule Effective	01/02/07	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Governmental  
Jurisdictions, Organizations**Government Levels Affected:** None**URL For More Information:**  
dms.dot.gov**URL For Public Comments:**  
dms.dot.gov**Agency Contact:** Shauna Coleman,  
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**RIN:** 2132-AA86**BILLING CODE** 4910-57-S**Department of Transportation (DOT)****Prerule Stage****Pipeline and Hazardous Materials Safety Administration (PHMSA)****2361. +HAZARDOUS MATERIALS:  
REQUIREMENTS FOR STORAGE OF  
EXPLOSIVES DURING  
TRANSPORTATION****Priority:** Other Significant**Legal Authority:** 49 USC 5101 to 5127**CFR Citation:** 49 CFR 171; 49 CFR  
173,174; 49 CFR 176-177**Legal Deadline:** None

**Abstract:** This rulemaking would address the current safety and security risks associated with the storage of explosives during transportation.

**Timetable:**

Action	Date	FR Cite
ANPRM	01/00/07	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Docket No.  
HM-238;**URL For More Information:**  
dms.dot.gov**URL For Public Comments:**  
dms.dot.gov**Agency Contact:** Ben Supko,  
Transportation Regulations Specialist,  
Department of Transportation, Pipeline  
and Hazardous Materials Safety  
Administration, 400 Seventh Street  
SW., Washington, DC 20590  
Phone: 202 366-8553  
Email: ben.supko@dot.gov**RIN:** 2137-AE06**2362. • HAZARDOUS MATERIALS:  
REVISION OF REQUIREMENTS FOR  
SECURITY PLANS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 5101 et seq**CFR Citation:** 49 CFR 172**Legal Deadline:** None

**Abstract:** In response to two industry petitions for rulemaking, this rulemaking will reconsider and refine the list of hazardous materials for which security plans are currently required. The industry petitioners

asked PHMSA to amend the security plan regulations to create a distinction between hazardous materials that present a significant security risk while in transportation and the vast majority of hazardous materials that pose no significant security risk in transportation.

**Timetable:**

Action	Date	FR Cite
ANPRM	09/21/06	71 FR 55156
ANPRM Comment Period End	12/20/06	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** HM-232**URL For More Information:**  
dms.dot.gov**URL For Public Comments:**  
dms.dot.gov**Agency Contact:** Susan Gorsky, Senior  
Regulations Specialist, Department of  
Transportation, Pipeline and Hazardous

## DOT—PHMSA

Prerule Stage

Materials Safety Administration, 400  
Seventh Street SW., Washington, DC  
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RIN: 2137-AE22

## Department of Transportation (DOT)

Proposed Rule Stage

## Pipeline and Hazardous Materials Safety Administration (PHMSA)

**2363. +HAZARDOUS MATERIALS:  
ENHANCING RAIL TRANSPORTATION  
SAFETY AND SECURITY FOR  
HAZARDOUS MATERIALS  
SHIPMENTS**

Priority: Other Significant

Legal Authority: 49 USC 5101 to 5127

CFR Citation: 49 CFR 172 to 174; 49  
CFR 179

Legal Deadline: None

**Abstract:** In consultation with the Federal Railroad Administration (FRA), PHMSA would revise the current requirements on the safe and secure transportation of hazardous materials transported in commerce by rail. And, we may consider proposals to require rail carriers to (1) compile annual data on certain shipments of hazardous materials and, use the data to analyze safety and security risks along rail transportation routes where those materials are transported; (2) assess alternative routing options and make routing decisions based on those assessments; and (3) clarify the current security plan requirements to address en route storage and delays in transit.

**Timetable:**

Action	Date	FR Cite
Request for Comments	08/10/04	69 FR 50987
Comment Period End	10/18/04	
NPRM	12/00/06	

**Regulatory Flexibility Analysis**

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: HM Docket:  
HM-232E; RSPA-2004-18730**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Susan Gorsky, Senior Regulations Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-8553  
Email: susan.gorsky@dot.gov

RIN: 2137-AE02

**2364. +PROHIBITION ON THE  
TRANSPORTATION OF PRIMARY  
LITHIUM BATTERIES ABOARD  
PASSENGER AIRCRAFT**

Priority: Other Significant

Legal Authority: 49 USC 5101 to 5127

CFR Citation: 49 CFR 171, 172; 49 CFR  
173, 175

Legal Deadline: None

**Abstract:** This rulemaking would prohibit the offering for transportation and transportation of primary lithium batteries and cells as cargo aboard passenger-carrying aircraft. This prohibition would apply to both foreign and domestic passenger-carrying aircraft entering, leaving, or operating in the United States. The rule would also require that, when offered for transport in other modes, shipments of primary lithium batteries and cells must be marked to indicate that they are forbidden from transport aboard passenger-carrying aircraft.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/15/04	69 FR 75208
Interim Final Rule Comment Period End	02/14/05	
Supplemental NPRM	03/00/07	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: RSPA-04-  
19886; Docket No. HM-224E**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** John A. Gale, Transportation Regulations Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety

Administration, 400 Seventh Street  
SW., Washington, DC 20590  
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RIN: 2137-AE05

**2365. PIPELINE SAFETY:  
DISTRIBUTION INTEGRITY  
MANAGEMENT**

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 5103, 60102,  
60104, 60108 to 60110, 60113, 60118,  
and 49 CFR 1.53

CFR Citation: 49 CFR 192

Legal Deadline: None

**Abstract:** This rulemaking would establish integrity management program requirements appropriate for distribution pipeline operators.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/06	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Docket No.  
PHMSA-04-18938**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Florence Hamn, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 400 Street SW., Washington, DC 20590  
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RIN: 2137-AE15

## DOT—PHMSA

## Proposed Rule Stage

**2366. • HAZARDOUS MATERIALS SAFETY: HARMONIZATION WITH THE UNITED NATIONS RECOMMENDATIONS, INTERNATIONAL MARITIME DANGEROUS GOODS CODE, AND INTERNATIONAL CIVIL AVIATION ORGANIZATION'S TECHNICAL INSTRUCTIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 5101 et seq; 49 USC 5101 et seq

**CFR Citation:** 49 CFR 171 to 180

**Legal Deadline:** None

**Abstract:** This rulemaking would amend the Hazardous Materials regulations to maintain consistency with international standards. The amendments are necessary because of recent changes to the International Maritime Dangerous Goods (IMDG) Code, the International Civil Aviation Organization's (ICAO) Technical Instructions for the Safe Transportation of Dangerous Goods, and the United Nations (UN) Recommendations on the Transport of Dangerous Goods. Harmonization serves to facilitate international transportation while ensuring the safety of people, property, and the environment. The most significant revisions include (1) Incorporation by reference of the updated ICAO Technical Instructions, IMDG Code, and UN Recommendations; (2) amendments to the Hazardous Materials Table (HMT) to add, revise, or remove certain proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, bulk packaging requirements, passenger and cargo aircraft maximum quantity limitations, and vessel stowage provisions; (3) extension of the existing grandfather provisions for the continued use of IM 101, IM 102, and DOT 51 portable tanks; (4) addition, removal, and revision of certain entries to the List of Marine Pollutants; (5) adoption of an alternative shipping paper description; and (6) redesign of the ORGANIC PEROXIDE label and placard.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Docket HM-2151

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Charles E. Betts, Transportation Regulations Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
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**RIN:** 2137-AE16

**2367. • HAZARDOUS MATERIALS: FUEL CELLS TRANSPORTED BY PASSENGER AIRCRAFT IN CARRY-ON BAGGAGE**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 5101 et seq

**CFR Citation:** 49 CFR 171; 49 CFR 172; 49 CFR 173

**Legal Deadline:** None

**Abstract:** This rulemaking action would adopt standards for transporting fuel cell systems, fuel cell cartridges, and spare fuel cell cartridges in carry-on baggage on board by passenger-carrying aircraft. This rulemaking action would harmonize the Hazardous Materials regulations with regulations recently adopted by the International Civil Aviation Organization that are scheduled to become effective on January 1, 2007. The rulemaking action would increase the level of safety associated with transporting fuel cell cartridges and spare fuel cell cartridges and facilitate the transport of these materials in international commerce.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Docket HM-243; PHMSA 06 25446

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Eileen Edmonson, Transportation Regulations Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
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**RIN:** 2137-AE19

**2368. • HAZARDOUS MATERIALS: REVISION OF REQUIREMENTS FOR EMERGENCY RESPONSE TELEPHONE NUMBERS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 5101 et seq

**CFR Citation:** 49 CFR 172

**Legal Deadline:** None

**Abstract:** The rulemaking would amend the HMR by requiring shippers utilizing a third-party to provide emergency response information by telephone to identify the person registered with the third-party provider on shipping papers. The rulemaking would ensure a third-party provider is able to identify the shipment for which it is responsible and provide necessary information to transport works and first responders in the event of a hazardous materials incident.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** PHMSA Docket 06 206

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Joan McIntyre, Transportation Regulations Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
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Email: rules@rspa.dot.gov

**RIN:** 2137-AE21

## Department of Transportation (DOT)

Final Rule Stage

## Pipeline and Hazardous Materials Safety Administration (PHMSA)

**2369. +HAZARDOUS MATERIALS: TRANSPORTATION OF OXYGEN CYLINDERS AND OXYGEN GENERATORS ABOARD AIRCRAFT****Priority:** Other Significant**Legal Authority:** 49 USC 5101 to 5127**CFR Citation:** 49 CFR 172; 49 CFR 175**Legal Deadline:** None

**Abstract:** This rulemaking would require oxygen cylinders and oxygen generators, when transported aboard aircraft, to be packed in an outer packaging that meets prescribed thermal and heat resistance requirements. These requirements would increase the level of safety associated with transportation of oxidizing gases by air. This rule has no impact on the use of passenger-owned oxygen cylinders. This rule is significant due to public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	06/06/04	69 FR 25470
NPRM Comment Period Extended	08/04/04	69 FR 47074
Extension of NPRM Comment Period End	12/13/04	
Final Action	01/00/07	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Additional Information:** HM Docket: HM-224B, RSPA-04-17664. A separate rulemaking addressing the use of passenger-owned cylinders of oxygen during a flight is under RIN 2105-AC29. Previously titled Hazardous Materials Safety: Transportation of Oxygen Cylinders on Aircraft.

**URL For More Information:** dms.dot.gov**URL For Public Comments:** dms.dot.gov

**Agency Contact:** John A. Gale, Transportation Regulations Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-8553  
Email: john.gale@dot.gov

**RIN:** 2137-AD33**2370. +HAZARDOUS MATERIALS: TRANSPORTATION OF LITHIUM BATTERIES****Priority:** Other Significant**Legal Authority:** 49 USC 5101 to 5127**CFR Citation:** 49 CFR 172 to 175**Legal Deadline:** None

**Abstract:** This rulemaking would revise requirements applicable to the transportation of lithium batteries to achieve greater consistency with international requirements. This rulemaking responds to NTSB recommendations. PHMSA has prepared and published for public comment an Initial Regulatory Flexibility Analysis (IRFA) in order to determine the impact of its proposal on small entities.

**Timetable:**

Action	Date	FR Cite
NPRM	04/02/02	67 FR 15510
NPRM Comment Period End	06/14/02	
Initial Regulatory Flexibility Analysis	06/15/05	70 FR 34729
Final Rule	12/00/06	

**Regulatory Flexibility Analysis Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** HM Docket: HM-224C; RSPA-02-11989**URL For More Information:** dms.dot.gov**URL For Public Comments:** dms.dot.gov

**Agency Contact:** John A. Gale, Transportation Regulations Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-8553  
Email: john.gale@dot.gov

**RIN:** 2137-AD48**2371. HAZARDOUS MATERIALS: REVISION OF REQUIREMENTS FOR AUTHORIZATION OF USE OF INTERNATIONAL STANDARDS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 CFR 5101 to 5127**CFR Citation:** 49 CFR 171 to 172**Legal Deadline:** None

**Abstract:** This rulemaking would consolidate and revise requirements

authorizing the use of international standards for transporting hazardous materials.

**Timetable:**

Action	Date	FR Cite
NPRM	01/27/06	71 FR 4544
NPRM Comment Period End	03/28/06	
Final Rule	12/00/06	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** HM Docket: HM-215**URL For More Information:** dms.dot.gov**URL For Public Comments:** dms.dot.gov

**Agency Contact:** Joan McIntyre, Transportation Regulations Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-8553  
Email: rules@rspa.dot.gov

**RIN:** 2137-AE01**2372. PIPELINE SAFETY: INTEGRITY MANAGEMENT PROGRAM MODIFICATIONS AND CLARIFICATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 5103, 60102, 60104, 60108 to 60110, 60113, and 60118**CFR Citation:** 49 CFR 192; 49 CFR 195**Legal Deadline:** None

**Abstract:** This document addresses regulations for pipeline integrity management in high consequence areas. The rulemaking allows more flexibility in the reassessment interval for hazardous liquid pipeline, and requires both hazardous liquid and natural gas operators to notify PHMSA whenever they reduce pressure in the pipeline to mitigate a defect and to provide the reason for the pressure reduction.

**Timetable:**

Action	Date	FR Cite
NPRM	12/15/05	70 FR 74262
Written Comments on the Proposed Regulatory Changes	02/13/06	

## DOT—PHMSA

## Final Rule Stage

Action	Date	FR Cite
Written Engineering Analysis and Technical Data	04/14/06	
Public Meeting	06/26/06	71 FR 25640
Final Rule	12/00/06	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Docket No. PHMSA-04-18938**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Mike Israni, General Engineer, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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**RIN:** 2137-AE07**2373. PIPELINE SAFETY: DESIGN AND CONSTRUCTION REQUIREMENTS TO REDUCE INTERNAL CORROSION IN GAS TRANSMISSION PIPELINES****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 60102**CFR Citation:** 49 CFR 192**Legal Deadline:** None

**Abstract:** This rulemaking would require new and replaced pipelines to be designed and constructed in a manner that reduces the risk of internal corrosion. This rulemaking addresses an NTSB Recommendation.

**Timetable:**

Action	Date	FR Cite
NPRM	12/15/05	70 FR 74265
NPRM Comment Period End	02/13/06	
Public Meeting	06/28/06	71 FR 25640
Final Rule	12/00/06	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Docket No. PHMSA-05-22642**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Florence Hamn, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 400 Street SW., Washington, DC 20590

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Email: florence.hamn@dot.gov

**RIN:** 2137-AE09**2374. REGISTRATION AND FEE ASSESSMENT PROGRAM****Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 5101 et seq, as amended by title VII of PL 109-59; 199 Stat 594; 49 USC 5101et seq, as amended by title VII of PL 109-59; 199 Stat 594

**CFR Citation:** 49 CFR 107**Legal Deadline:** None

**Abstract:** This rulemaking would increase the registration fee for persons that do not meet the U.S. Small Business Administration criteria for

defining a small business to (1) \$1,975 (plus a \$25 administrative fee) for 2007-08 and (2) \$2,975 (plus a \$25 administrative fee) for 2008-09 and the following years. This increase is necessary to fund the national Hazardous Materials Emergency Preparedness grants program at approximately \$28 million as authorized in the Hazardous Materials Transportation Safety and Security Reauthorization Act of 2005, Title VII of the Safe, Accountable, Flexible, Efficient Transportation Equity Act—A Legacy for Users, Pub. L. 109-59.

**Timetable:**

Action	Date	FR Cite
NPRM	08/15/06	
NPRM Comment Period End	10/16/06	
Final Action	02/00/07	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Docket No.: HM-208**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Deborah Boothe, Transportation Regulations Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-8553

Email: deborah.boothe@dot.gov

**RIN:** 2137-AE11

## Department of Transportation (DOT)

## Long-Term Actions

## Pipeline and Hazardous Materials Safety Administration (PHMSA)

**2375. HAZARDOUS MATERIALS: SECURITY REQUIREMENTS FOR MOTOR CARRIERS TRANSPORTING HAZARDOUS MATERIALS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 5101 et seq; 49 USC 322; ...**CFR Citation:** 49 CFR 397**Legal Deadline:** None

**Abstract:** This rulemaking would address the need for enhanced security

requirements for motor carrier transportation of hazardous materials. We are considering comments on the feasibility of specific security enhancements and the potential costs and benefits of requiring such enhancements.

**Timetable:**

Action	Date	FR Cite
ANPRM	07/16/02	67 FR 46622

Action	Date	FR Cite
ANPRM Comment Period End	10/15/02	
Next Action	Undetermined	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** Undetermined**Federalism:** Undetermined

## DOT—PHMSA

## Long-Term Actions

**Additional Information:** Docket No. HM-232A; FMCSA-02-11650. PHMSA has assumed the lead role from the Federal Motor Carrier Safety Administration which has closed its rulemaking action under RIN 2136-AA71. Any further rulemaking will be addressed under RIN 2137-AD70.

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Susan Gorsky, Senior Regulations Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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**Related RIN:** Split from 2126-AA71**RIN:** 2137-AD70**2376. HAZARDOUS MATERIALS; MISCELLANEOUS PACKAGING AMENDMENTS**

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

**Legal Authority:** 49 USC 5101 to 5127**CFR Citation:** 49 CFR 171 to 174; 49 CFR 178**Legal Deadline:** None

**Abstract:** This rulemaking would propose to add provisions for Large Packagings and revise the specification requirements for non-bulk packagings and portable tanks. This rulemaking would address issues raised through enforcement actions and requests for clarification of the regulations by packaging manufacturers, third-part labs, and shippers. The proposals would address packaging closures, design modifications that may or may not require recertification.

**Timetable:**

Action	Date	FR Cite
NPRM	09/01/06	71 FR 52017
NPRM Comment	11/30/06	
Period End		

Next Action Undetermined

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** None**Additional Information:** Docket HM-231.**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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**RIN:** 2137-AD89**2377. +PIPELINE SAFETY: PROTECTING HIGH CONSEQUENCE AREAS FROM RURAL PETROLEUM GATHERING LINES AND LOW STRESS LINES****Priority:** Other Significant**Legal Authority:** 49 USC 60101 to 60125**CFR Citation:** 49 CFR 195

**Legal Deadline:** NPRM, Statutory, October 24, 1995. Mandated by Pipeline Safety statute of 1992.

**Abstract:** This rulemaking would propose to establish limited safety rules for rural onshore hazardous liquid gathering pipelines and low stress pipelines that are within a defined buffer of an unusually sensitive area. These areas include drinking water and ecological resource areas, which are particularly vulnerable to a pipeline release. The proposed safety requirements will address the most common threats to the integrity of these pipelines.

**Timetable:**

Action	Date	FR Cite
Public Meeting	12/13/05	70 FR 61690
Public Meeting	06/26/06	71 FR 25640
NPRM	09/06/06	71 FR 52504
NPRM Comment	11/06/06	
Period End		

Next Action Undetermined

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Docket No. PHMSA-03-15864**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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**RIN:** 2137-AD98**2378. HAZARDOUS MATERIALS; MISCELLANEOUS AMENDMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 5101 to 5127**CFR Citation:** 49 CFR 171 to 173; 49 CFR 175; 49 CFR 177 to 178; 49 CFR 180**Legal Deadline:** None

**Abstract:** This nonsignificant rulemaking would make miscellaneous amendments to the Hazardous Materials Regulations based on petitions for rulemaking and PHMSA initiative. This rulemaking would update, clarify and provide relief from various HMR requirements, primarily to reduce regulatory burdens on industry, including: (1) Updating the list of materials incorporated by reference; (2) amending the Hazardous Materials Table to remove, add and revise certain proper shipping names; (3) adding a new definition for "Household Waste"; and (4) authorizing the use of alternative angle valves on cargo tanks that transport chlorine.

**Timetable:**

Action	Date	FR Cite
NPRM	09/25/06	71 FR 55757
NPRM Comment	11/24/06	
Period End		

Next Action Undetermined

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Docket No. HM-218D**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Cameron H. Satterthwaite, Transportation Regulations Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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## DOT—PHMSA

## Long-Term Actions

Email: cameron.satterthwaite@dot.gov

RIN: 2137-AE10

**2379. +HAZARDOUS MATERIALS: ENFORCEMENT REGULATIONS****Priority:** Other Significant**Legal Authority:** 49 USC 5103, 5121(e); 49 USC 5103, 5121(e)**CFR Citation:** 49 CFR 107**Legal Deadline:** Final, Statutory, October 11, 2005, Temporary Rule. Final, Statutory, August 10, 2006.

**Abstract:** Pursuant to a mandate in SAFETEA-LU (section 7118 of Pub.L. 109-59), this rulemaking would establish procedural regulations to implement authority provided to DOT to open packages believed to contain hazardous materials; remove such packages from transportation; gather information; order the package transported to a facility for examination and analysis; obtain assistance from qualified persons; and issue emergency restrictions, prohibitions, recalls, or out-of-service orders to abate an imminent hazard.

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Jackie Cho, Attorney Advisor, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
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RIN: 2137-AE13

**2380. • PIPELINE SAFETY: PARTIAL RELIEF FROM PUBLIC AWARENESS REGULATIONS FOR CERTAIN SMALL OPERATORS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 5103, 60102, 60104, 60108, 60110, 60113, and 60118**CFR Citation:** 49 CFR 192**Legal Deadline:** None

**Abstract:** This rulemaking would revise pipeline safety regulations for operators' public awareness programs

to address a petition from the gas distribution pipeline industry.

**Timetable:**

Action	Date	FR Cite
NPRM	09/29/06	71 FR 57457
NPRM Comment Period End	11/28/06	
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Docket No. PHMSA-2003-15852**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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RIN: 2137-AE17

## Department of Transportation (DOT)

## Completed Actions

## Pipeline and Hazardous Materials Safety Administration (PHMSA)

**2381. HAZARDOUS MATERIALS: REVISION OF REQUIREMENTS FOR CARRIAGE BY AIRCRAFT****Priority:** Substantive, Nonsignificant**Legal Authority:** 48 USC 5101 to 5127**CFR Citation:** 49 CFR 175**Legal Deadline:** None

**Abstract:** The final rule revised PHMSA regulations governing Carriage by Aircraft (part 175) to update, simplify, and clarify the requirements and to further align them with the international requirements (ICAO). The final rule also exempts cargo aircraft from certain quantity limitations; provides new separation distances for shipping radioactive materials by cargo aircraft; and converts certain exemptions into the regulations.

**Timetable:**

Action	Date	FR Cite
ANPRM	02/26/02	67 FR 8769

Action	Date	FR Cite
ANPRM Comment Period End	05/31/02	
ANPRM Extension of Comment Period	05/13/02	67 FR 32002
ANPRM Extension of Comment Period End	09/30/02	
NPRM	11/10/04	69 FR 65283
NPRM Comment Period End	01/21/05	70 FR 3179
NPRM Comment Period Extended	01/21/05	
NPRM Comment Period End	03/18/05	
Final Rule	03/22/06	71 FR 14586

**Regulatory Flexibility Analysis****Required:** No

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** None**Additional Information:** Docket No. HM-228; RSPA-02-11654.**URL For More Information:** dms.dot.gov**URL For Public Comments:** dms.dot.gov

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RIN: 2137-AD18

**2382. +HAZARDOUS MATERIALS: SAFETY REQUIREMENTS FOR EXTERNAL PRODUCT PIPING ON CARGO TANKS TRANSPORTING FLAMMABLE LIQUIDS****Priority:** Other Significant**Legal Authority:** 49 USC 5101 to 5127**CFR Citation:** 49 CFR 173; 49 CFR 180**Legal Deadline:** None

## DOT—PHMSA

## Completed Actions

**Abstract:** PHMSA withdrew the NPRM and terminated this rulemaking proceeding on the basis of its cost/benefit analysis. The proposed rule would have prohibited the transportation of flammable liquid in the unprotected product piping of a cargo tank motor vehicle (wetlines).

**Timetable:**

Action	Date	FR Cite
ANPRM	02/10/03	68 FR 6689
ANPRM Comment Period End	06/10/03	
NPRM	12/30/04	69 FR 78375
NPRM Comment Period Extended	02/10/05	70 FR 7072
NPRM Comment Period End	04/28/05	
Withdrawn	06/07/06	71 FR 32909

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** HM Docket: HM-213B; RSPA-99-6223.

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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**RIN:** 2137-AD36

**2383. PIPELINE SAFETY: ANNUAL UPDATE OF STANDARDS INCORPORATED BY REFERENCE**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 5103, 60102, 60103, 60104, 60108, 60109, 60110, 60113, and 60118

**CFR Citation:** 49 CFR 191; 49 CFR 193; 49 CFR 195

**Legal Deadline:** None

**Abstract:** The final rule amended PHMSA regulations to incorporate by reference 37 voluntary consensus technical standards in the Federal gas pipeline, hazardous liquid pipeline, and liquefied natural gas (LNG) safety regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	07/18/05	70 FR 41174
NPRM Comment Period End	09/16/05	
Final Rule	06/09/06	71 FR 33402
Final Rule Effective	07/10/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Docket No. PHMSA-02-11457.

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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Phone: 202 366-4565

**RIN:** 2137-AD68

**2384. HAZARDOUS MATERIALS REGULATIONS: ALUMINUM CYLINDERS—REVISED REQUALIFICATION AND USE CRITERIA FOR THE DOT 3 AL CYLINDER MADE OF ALUMINUM ALLOY 6351-TG**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 5101 to 5127

**CFR Citation:** 49 CFR 173

**Legal Deadline:** None

**Abstract:** This rulemaking revises the Hazardous Materials Regulations to address a known safety problem with cylinders manufactured of aluminum alloy 6351-T6. The revisions include an inspection and testing program for early detection of sustained load cracking on cylinders manufactured of aluminum alloy 6351-T6 and used in self-contained underwater breathing apparatus (SCUBA), self-contained breathing apparatus (SCBA), and oxygen services.

**Timetable:**

Action	Date	FR Cite
NPRM	09/10/03	68 FR 53314
NPRM Comment Period End	11/10/03	
Supplemental NPRM	10/26/05	70 FR 61762

Action	Date	FR Cite
Supplemental NPRM Comment Period End	12/27/05	
Final Rule	08/29/06	71 FR 51122
Final Rule Effective	01/01/07	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Docket No. HM-220F; RSPA-03-14405

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Charles E. Betts, Transportation Regulations Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
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**RIN:** 2137-AD78

**2385. HAZARDOUS MATERIALS: REQUIREMENTS FOR UN STANDARD CYLINDERS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 5101 to 5127

**CFR Citation:** 49 CFR 107; 49 CFR 173; 49 CFR 178; 49 CFR 180

**Legal Deadline:** None

**Abstract:** This rulemaking action adopted standards for the design, construction, maintenance and use of cylinders and multiple-element gas containers (MEGCs) based on the standards contained in the United Nations (UN) Recommendations on the Transportation of Dangerous Goods. This rule allows greater flexibility for the design and manufacturer of pressure receptacles, and a wider selection of pressure receptacles; reduces the need for exemptions; and facilitates the internal transportation of compressed gases in commerce.

**Timetable:**

Action	Date	FR Cite
NPRM	03/09/05	70 FR 11767
NPRM Comment Period End	07/07/05	
Extension of Comment Comment Period End	06/23/05	70 FR 36365
Final Rule	06/12/06	71 FR 33858
Final Rule Effective	09/11/06	



## DOT—PHMSA

## Completed Actions

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** Docket No. HM-220E**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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**RIN:** 2137-AD91**2386. HAZARDOUS MATERIALS: INFECTIOUS SUBSTANCES; HARMONIZATION WITH THE UNITED NATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 5101 et seq**CFR Citation:** 49 CFR 171 to 173; 49 CFR 178**Legal Deadline:** None

**Abstract:** This rulemaking revised domestic requirements for transporting infectious substances to be consistent with UN standards which revised the classification criteria based on risk evaluations conducted by the World Health Organization and U.S. Centers for Disease Control and Prevention. Transportation requirements for certain infectious substances were relaxed based on the level of risk associated with their transportation.

**Timetable:**

Action	Date	FR Cite
NPRM	05/19/05	70 FR 29169
NPRM Comment Period End	07/18/05	
Final Rule	06/02/06	71 FR 32244
Final Action Effective	10/01/06	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** RSPA-2004-16895; Docket No. HM-226A**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Susan Gorsky, Senior Regulations Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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**RIN:** 2137-AD93**2387. INCORPORATION OF STATUTORILY MANDATED REVISIONS TO THE HAZARDOUS MATERIALS REGULATIONS****Priority:** Substantive, Nonsignificant

**Legal Authority:** 59 USC 5101 et seq as amended by title VII of PL 109-59; 119 Stat 594; 49 USC 5101 et seq as amended by title VII of PL 109-59; 119 Stat 594

**CFR Citation:** 49 CFR 107; 49 CFR 171 to 180**Legal Deadline:** None

**Abstract:** This final rule amended PHMSA's regulations to maintain consistency with changes in The Hazardous Materials Safety and Security Reauthorization Act of 2005 (title VII of Pub.L. 109-59). The changes included (1) Revisions to the definitions of "hazmat employee" and "hazmat employer," including the addition of railroad maintenance of way employees and signalmen into the definition of "hazmat employee;" (2) modifications to the shipping paper retention requirements to require carriers to retain shipping papers for two years rather than the current one-year retention period; (3) changing references to "special permit" from "exemption" and revising the period for which a special permit may be renewed from two to four years; and (4) revisions to security plan regulations to except farmers with gross annual receipts under \$500,000 from the requirement to develop and implement security plans.

**Timetable:**

Action	Date	FR Cite
Final Rule	12/09/05	70 FR 73156
Final Rule Effective	01/09/06	
Correction	08/08/06	71 FR 44929

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Docket No. HM-240**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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**RIN:** 2137-AE12**2388. HAZARDOUS MATERIALS: INCREASE IN CIVIL AND CRIMINAL PENALTIES****Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 5101 et seq, as amended by PL 109-59, 119 Stat 594

**CFR Citation:** 49 CFR 107; 49 CFR 171**Legal Deadline:** None

**Abstract:** This rulemaking revised references in PHMSA's regulations to the minimum and maximum civil and criminal penalties that may be imposed for violations of Federal hazardous materials transportation law (49 U.S.C. 5101 et seq., as amended by Pub.L. 109-59, 119 Stat. 594) or the regulations issued thereunder.

**Timetable:**

Action	Date	FR Cite
Final Rule	02/17/06	71 FR 8485
Final Action Effective	02/17/06	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Frazer C. Hilder, Attorney, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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**RIN:** 2137-AE14

## DOT—PHMSA

## Completed Actions

**2389. • HAZARDOUS MATERIALS: PREEMPTION DETERMINATIONS, PROCEDURAL REGULATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 CFR 1.53(b)(2); 49 USC 5125**CFR Citation:** 49 CFR 107**Legal Deadline:** None**Abstract:** This rule revised PHMSA's procedural regulations for issuing administrative determinations whether Federal hazardous materials transportation law preempts a State, local, or Indian tribe requirement and for issuing waivers of preemption.**Timetable:**

Action	Date	FR Cite
Final Rule	05/25/06	71 FR 30066
Final Action Effective	05/25/06	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Frazer C. Hilder, Attorney, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-4400

**RIN:** 2137-AE18**2390. • HAZARDOUS MATERIALS: MINOR EDITORIAL CORRECTIONS AND CLARIFICATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 5101 et seq**CFR Citation:** 49 CFR 170, 171 to 173, 177 to 178, 180**Legal Deadline:** None**Abstract:** This direct final rule corrects editorial errors, makes minor regulatory changes and, in response to requests for clarification, improves the clarity of certain provisions by making editorial revisions. The rulemaking imposes no new requirements.**Timetable:**

Action	Date	FR Cite
Final Rule; Corrections	09/14/06	71 FR 54937
Final Rule Effective	10/01/06	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** PHMSA Docket 1 HM-189Z**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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Email: kevin.leary@dot.gov**RIN:** 2137-AE20**BILLING CODE 4910-60-S**

## Department of Transportation (DOT)

## Maritime Administration (MARAD)

## Long-Term Actions

**2391. LAUNCH BARGE WAIVER PROGRAM****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 CFR 1.66; PL 108-293, 118 Stat 1028; 46 app USC 1114(b)**CFR Citation:** 46 CFR 389 (NEW)**Legal Deadline:** None**Abstract:** This rulemaking will establish regulations governing administrative determinations of availability of coastwise-qualified launch barges to be used in the transportation and launching of offshore oil drilling or production platform jackets in specified projects. This rulemaking implements provisions of the Coast Guard and Maritime Transportation Act of 2004, which, among other things, requires the Secretary of Transportation (acting through the Maritime Administrator) to adopt procedures to determine if coastwise-qualified vessels are available for platform jacket transport and launching, and, if not, to allow the use

non-coastwise qualified foreign built vessels.

**Timetable:**

Action	Date	FR Cite
NPRM	08/15/05	70 FR 47771
NPRM Comment Period End	10/14/05	
NPRM Comment Period Reopened	10/19/05	70 FR 60770
NPRM Comment Period End	12/13/05	
Reply Comment Period	08/15/06	71 FR 46887
Reply Comment Period End	10/16/06	
Next Action	Undetermined	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Michael Hokana, Department of Transportation, MaritimeAdministration, Department of Transportation, Maritime Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-0760  
Email: michael.hokana@marad.dot.gov**RIN:** 2133-AB67**2392. MAINTENANCE AND REPAIR REIMBURSEMENT PILOT PROGRAM****Priority:** Substantive, Nonsignificant**Legal Authority:** 46 app USC 1114(b); PL 109-163; 49 CFR 1.66**CFR Citation:** 46 CFR 296**Legal Deadline:** NPRM, Statutory, February 6, 2006, section 3503 of PL 109-163 directs MARAD to publish an NPRM within 30 days of the date of enactment (i.e., within 30 days of 01/06/06).**Abstract:** This proposed rule will amend the Maritime Administration's (MARAD's) regulations governing its pilot program for the reimbursement of costs of qualified maintenance and repair (M&R) of Maritime Security

## DOT—MARAD

## Long-Term Actions

Program (MSP) vessels performed in United States shipyards. Under section 3503 of Public Law 109-163, the Secretary of Transportation, acting through the Maritime Administrator, is directed to implement regulations that, among other things, replace MARAD's voluntary M.R reimbursement program with a mandatory system.

**Timetable:**

Action	Date	FR Cite
NPRM	02/08/06	71 FR 6438
NPRM Comment Period End	04/10/06	

Action	Date	FR Cite
Notice: Opening of Reply Comment Period	08/23/06	71 FR 49399
Reply Comment Period End	10/16/06	
Next Action	Undetermined	
<b>Regulatory Flexibility Analysis Required:</b> No		
<b>Small Entities Affected:</b> No		
<b>Government Levels Affected:</b> None		
<b>URL For More Information:</b> dms.dot.gov		

**URL For Public Comments:**  
dms.dot.gov

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**RIN:** 2133-AB68

**BILLING CODE** 4910-81-S

**Department of Transportation (DOT)  
Research and Innovative Technologies Administration (RITA)**

## Proposed Rule Stage

**2393. SUBMISSION OF AVIATION DATA VIA THE INTERNET**

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

**Legal Authority:** 49 USC 329(b)

**CFR Citation:** 14 CFR 217; 14 CFR 234; 14 CFR 241; 14 CFR 250; 14 CFR 291; 14 CFR 298; 14 CFR 374a

**Legal Deadline:** None

**Abstract:** The Bureau of Transportation Statistics, Research and Innovative Technology Administration proposes that U.S. and foreign air carriers submit their required recurrent financial, traffic, operational and consumer

reports via the Internet. The proposed action would enhance security of the data, reduce air carriers mailing costs, eliminate the need for the Bureau to keypunch hardcopy data, and provide submitters immediate notification and a receipt that their data has been received by the Bureau.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/06	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** None

**Public Compliance Cost:** ; Base Year for Dollar Estimates: 2005

**URL For More Information:**  
dms.dot.gov

**URL For Public Comments:**  
dms.dot.gov

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**RIN:** 2139-AA11

[FR Doc. 06-8371 Filed 12-08-06; 8:45 am]

**BILLING CODE** 4910-HY-S