



# Federal Register

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**Monday,  
December 9, 2002**

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**Part XIV**

**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.

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 May 13, 2002 (67 FR 33368). The next one is scheduled for publication in the **Federal Register** in April 2003.

The Department has created an Internet site that provides general information about its rulemaking responsibilities and activities. It includes hypertext links to numerous

other departmental sites providing helpful information about DOT regulation. The web address for this site is <http://regs.dot.gov>.

## 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 Office of Management and Budget memorandum of July 15, 2002.

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

## DOT

the congressional review provisions of the Small Business Regulatory Enforcement Fairness Act. If there is information that does not fit in the other 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.

#### 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.

Issued in Washington, DC, on October 15, 2002.

**Norman Y. Mineta,**  
*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.

#### Transportation Security Administration (TSA)

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

#### United States Coast Guard (USCG)

(Name of contact person), United  
States Coast Guard, 2100 2nd Street  
SW., Washington, DC 20593.

#### 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)

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

#### 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.

**DOT***Research and Special Programs Administration (RSPA)*

(Name of contact person), Research and Special Programs Administration, 400 7th Street SW., Washington, DC 20590.

*Maritime Administration (MARAD)*

Joel C. Richard, Secretary, Maritime Administration, 400 7th Street SW., Room 7210, Washington, DC 20590, (202) 366-5746.

*Bureau of Transportation Statistics (BTS)*

(Name of contact person), Bureau of Transportation Statistics, 400 7th Street SW., Room 7210, Washington, DC 20590.

*Federal Aviation Administration (FAA)*

The FAA has a mailing list system for notices and advance notices of proposed rulemaking (NPRMs and ANPRMs). Persons interested in obtaining future copies of all of those documents to be issued by the FAA or only of those concerning certain parts of the Federal Aviation Regulations should request a copy of Advisory Circular No. 11-2, which describes the application procedure, by calling (202) 267-3484 or by writing to: Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-230, 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.

TSA — Mardi R. Thompson, Office of Chief Counsel, 400 7th Street SW., Washington, DC 20590, telephone: (202) 493-1227.

USCG — Steve G. Venckus, Chief, Office of Regulations and Administrative Law, USCG Headquarters Building, Room 3406, 2100 2nd Street SW., Washington, DC 20593; telephone: (202) 267-1534.

FAA - Donald Byrne, 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 - Suzanne O'Malley, Office of Chief Counsel, 400 7th Street SW., Room 8201, Washington, DC 20590; telephone: (202) 366-1367.

FRA — Kathryn Shelton, Office of Chief Counsel, 400 7th Street SW., Mail Stop 10, Washington, DC 20590; telephone: (202) 493-6028.

NHTSA - Steve Wood, Office of Chief Counsel, 400 7th Street SW., Room 5219, Washington, DC 20590; telephone: (202) 366-2992.

FTA - Richard Wong, Office of Chief Counsel, 400 7th Street SW., Room 9316, Washington, DC 20590; telephone: (202) 366-4011.

SLSDC - Marc Owen, General Counsel's Office, 400 7th Street SW., Room 5424, Washington, DC 20590; telephone: (202) 366-6823.

RSPA - Edward Bonekemper, 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.

BTS — Robert Monniere SW., Room 3430, 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 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 E.O. 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 to consider 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 ten 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. To better comply with section 610, the Department has updated its regulatory review plan published on June 29, 1981, to accomplish a more systematic review of all of its regulations. The Office of the Secretary and each of the Department's Operating Administrations (except for FMCSA) have a 10-year review plan. These reviews are in accordance with section 610 of the Regulatory Flexibility Act.

*Other Review Plans*

All elements of the Department, except for the FMCSA and 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. FMCSA and FAA are using different approaches, which are described in Part II to this Appendix.

**DOT**

*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 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 list 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 Federal Aviation Administration, 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*

Because of resources needed to conduct a zero-based review of its regulations, the FMCSA has decided to revisit its method of review. The FMCSA will identify their new regulatory review process in the Spring 2003 Semiannual Regulatory Agenda.

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 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

## DOT

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 4 (Fall 2001) List of rules analyzed and a summary**

## 14 CFR part 255 — Carrier-owned computer reservation systems

- Section 610: SEIOSNOSE. The rule has a significant economic impact on a substantial number of small entities.

The Department is conducting a comprehensive review to determine whether these rules should be readopted. The Department is also looking at ways to lessen impacts on small entities.

- Plain language: Where confusing or wordy language is identified, we will make revisions.
- General: Comments will be requested from the affected industry to assess the economic impact of any proposed changes.

## 14 CFR part 256 — Display of joint operations in carrier-owned computer reservation systems

- Section 610: SEIOSNOSE. The rule has a significant economic impact on a substantial number of small entities.

The Department's review of part 255 may have a potential impact on this regulation. If so, we will solicit comments on how to lessen the impact to small entities.

- Plain language: Where confusing or wordy language is identified, we will make revisions.

## 14 CFR part 257 — Disclosure of code-sharing arrangements and long-term wet leases

- Section 610: No SEIOSNOSE. The rule does not have a significant economic impact on a substantial number of small entities.

- Plain language: Where confusing or wordy language is identified, we will make revisions.

- General: This section was revised in 1999. If additional updates become desirable, changes will be proposed.

## 14 CFR part 258 — Disclosure of change-of-gauge services

- Section 610: No SEIOSNOSE. The rule does not have a significant economic impact on a substantial number of small entities.

- Plain language: Where confusing or wordy language is identified, we will make revisions.

- General: This section was revised in 1999. If additional updates become desirable, changes will be proposed.

## 14 CFR part 271 — Guidelines for subsidizing air carriers providing essential air transportation

- Section 610: SEIOSNOSE. The rule has a significant economic impact on a substantial number of small entities.

- Plain language: Where confusing or wordy language is identified, we will make revisions.

- General: This rule was revised in 1995. If additional updates become desirable, changes will be proposed.

## 14 CFR part 272 — Essential air service to the Freely Associated States

- Section 610: No SEIOSNOSE. The rule does not currently have a significant economic impact on a substantial number of small entities.

- Plain language: As indicated below, should the rule later become effective, where confusing or wordy language is identified, we would make revisions.

- General: This program governed by this rule was terminated on October 1, 1998. By its terms, the provisions of this rule are not currently effective. However, the rule specifically states that Congress could reestablish the program. Because of these circumstances, we recommend that the rule be deleted at this time.

## 49 CFR part 40 — Procedures for transportation workplace drug testing programs

- Section 610: No SEIOSNOSE. A final rule was published in 2000, as a result of a 610 Review. The rule certified that the rule did not have a significant economic impact on a substantial number of small entities.

- Plain language: The 2000 final rule was written using the plain language technique. If confusing or wordy language is further identified, we will make revisions.

- General: If additional updates become desirable, changes will be proposed.

## 14 CFR part 291 — Cargo operations in interstate air transportation

- Section 610: SEIOSNOSE. This rule has a significant economic impact on a substantial number of small entities.

- Plain language: Where confusing or wordy language is identified, we will make revisions.

- General: This rule was revised in 1995. If additional updates become desirable, changes will be proposed.

## 14 CFR part 292 — International cargo transportation

- Section 610: No SEIOSNOSE. This rule does not have a significant economic impact on a substantial number of small entities.

- Plain language: Where confusing or wordy language is identified, we will make revisions.

- General: This rule was revised in 1995. If additional updates become desirable, changes will be proposed.

## 14 CFR part 293 — International passenger transportation

- Section 610: No SEIOSNOSE. This rule does not have a significant economic impact on a substantial number of small entities.

- Plain language: Where confusing or wordy language is identified, we will make revisions.

- General: This rule was revised in 1999. If additional updates become desirable, changes will be proposed.

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## 14 CFR part 294 — Canadian charter air taxi operators

- Section 610: No SEIOSNOSE. This rule does not have a significant economic impact on a substantial number of small entities.

- Plain language: Where confusing or wordy language is identified, we will make revisions.

- General: This rule was revised in 1995. If additional updates become desirable, changes will be proposed.

## 14 CFR part 296 — Indirect air transportation of property

- Section 610: No SEIOSNOSE. This rule does not have a significant economic impact on a substantial number of small entities.

- Plain language: Where confusing or wordy language is identified, we will make revisions.

- General: This rule was revised in 1995. If additional updates become desirable, changes will be proposed.

## 14 CFR part 297 — Foreign air freight forwarders and foreign cooperative shippers associations

- Section 610: No SEIOSNOSE. This rule does not have a significant economic impact on a substantial number of small entities.

- Plain language: Where confusing or wordy language is identified, we will make revisions.

- General: This rule was revised in 1995. If additional updates become desirable, changes will be proposed.

## 14 CFR part 298 — Exemptions for air taxi and commuter air carrier operations

- Section 610: SEIOSNOSE. This rule has a significant economic impact on a substantial number of small entities.

- Plain language: Where confusing or wordy language is identified, we will make revisions.

- General: This rule was revised in 1995. If additional updates become desirable, changes will be proposed.

**Year 3 (2000 ) List of rules continuing to be analyzed**

## 14 CFR part 240 — Inspection of accounts and property

**Year 5 (Fall 2002) List of Rules that will be analyzed during the next year**

## 14 CFR part 300 — Rules of conduct in DOT proceedings under this chapter

## 14 CFR part 302 — Review of practice in proceedings

## 14 CFR part 303 — Review of air carrier agreements

## 14 CFR part 313 — Implementation of the Energy Policy and Conservation Act

## 14 CFR part 314 — Employee protection program

## 14 CFR part 323 — Termination, suspensions, and reductions of service

## 14 CFR part 325 — Essential air service procedures

## 14 CFR part 330 — Procedures for compensation of air carriers

## 14 CFR part 372 — Overseas military personnel charters

**Year 3 (Fall 2000) List of Rules analyzed and a summary of the results**

## 14 CFR part 234 — Airline service quality performance reports

- Section 610: No SEIOSNOSE. The rule does not have a significant economic impact on a substantial number of small entities.

- Plain language: Where confusing or wordy language is identified, we will make revisions.

- General: This section was revised in 2001. If additional updates become desirable, changes will be proposed.

## 14 CFR part 241 — Uniform system of accounts and reports for large certified air carriers

- Section 610: SEIOSNOSE. The rule may have an economic impact on a substantial number of small air carriers.

- Plain language: Where confusing or wordy language is identified, we will make revisions.

- General: This section was revised in 2002. If additional updates become desirable, changes will be proposed.

## 14 CFR part 243 — Passenger manifest information

- Section 610: No SEIOSNOSE. The rule applies to a substantial number of small entities but does not have an economic impact.

- Plain language: Where confusing or wordy language is identified, we will make revisions.

- General: This section was revised in 1998. If additional updates become desirable, changes will be proposed.

## 14 CFR part 247 — Direct airport-to-airport mileage records

- Section 610: No SEIOSNOSE. The rule does not have a significant economic impact on a substantial number of small entities.

- Plain language: Where confusing or wordy language is identified, we will make revisions.

- General: This section was revised in 1995. If additional updates become desirable, changes will be proposed.

## 14 CFR part 248 — Submission of audit reports

- Section 610: No SEIOSNOSE. The rule does not have a significant economic impact on a substantial number of small entities.

- Plain language: Where confusing or wordy language is identified, we will make revisions.

- General: This section was revised in 1995. If additional updates become desirable, changes will be proposed.

## 14 CFR part 249 — Preservation of air carrier records

- Section 610: No SEIOSNOSE. The rule does not have a significant economic impact on a substantial number of small entities.

- Plain language: Where confusing or wordy language is identified, we will make revisions.

- General: This section was revised in 1995. If additional updates become desirable, changes will be proposed.

## 14 CFR part 250 — Oversales

- Section 610: No SEIOSNOSE. The rule does not have a significant economic impact on a substantial number of small entities.

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- Plain language: Where confusing or wordy language is identified, we will make revisions.
- General: This section was revised in 2000. If additional updates become desirable, changes will be proposed.
- 14 CFR part 252 — Smoking aboard aircraft
- Section 610: No SEIOSNOSE. The rule does not have a significant economic impact on a substantial number of small entities.
- Plain language: Where confusing or wordy language is identified, we will make revisions.
- General: This section was revised in 2000. If additional updates become desirable, changes will be proposed.
- 14 CFR part 253 — Notice of terms of contract of carriage
- Section 610: No SEIOSNOSE. The rule does not have a significant economic impact on a substantial number of small entities.
- Plain language: Where confusing or wordy language is identified, we will make revisions.
- General: This section was revised in 1998. If additional updates become desirable, changes will be proposed.
- 14 CFR part 254 — Domestic baggage liability
- Section 610: No SEIOSNOSE. The rule does not have a significant economic impact on a substantial number of small entities.
- Plain language: Where confusing or wordy language is identified, we will make revisions.
- General: This section was revised in 1999. If additional updates become desirable, changes will be proposed.

OST Note:

The preceding items were scheduled for review in year-3. However, because of limited resources, the agency did not complete the analysis as scheduled.

UNITED STATES COAST GUARD  
SECTION 610 AND OTHER REVIEWS

Year	Regulations To Be Reviewed	Analysis Year	Review Year
1	33 CFR parts 1 through 124 .....	1998	1999
2	33 CFR parts 125 through 199 .....	1999	2000
3	46 CFR parts 1 through 40 .....	2000	2001
4	46 CFR parts 41 through 69 .....	2001	2002
5	46 CFR parts 70 through 89 .....	2002	2003
6	46 CFR parts 90 through 139 .....	2003	2004
7	46 CFR parts 140 through 155 .....	2004	2005
8	46 CFR parts 156 through 165 .....	2005	2006
9	46 CFR parts 166 through 199 .....	2006	2007
10	New parts and subparts .....	2007	2008

**Year 3 (Fall 2000) List of rules analyzed and a summary of the results**

- 33 CFR part 126 — Handling of Class 1 (explosive) materials or other dangerous cargoes within or contiguous to waterfront facilities
- Section 610: No SEIOSNOSE. These rules are administrative in nature and have no economic impact on any entities.
- Plain language: plain language revision is not needed.
- General: No revision needed.
- 33 CFR part 127 — Waterfront facilities handling liquefied natural gas and liquefied hazardous gas
- Section 610: No SEIOSNOSE. These rules do not affect a substantial number of small entities. Any economic impact is avoidable.
- Plain language: plain language revision is not needed.
- General: No revision needed.
- 33 CFR part 128 — Security of passenger terminals
- Section 610: No SEIOSNOSE. These rules impose a low cost on a small number of entities.
- Plain language: These rules were drafted using plain language..
- General: No revision needed.
- 33 CFR part 135 — Offshore oil pollution compensation fund
- Section 610: No SEIOSNOSE. These rules impose no new substantive requirements and involve only minimal costs.
- Plain language: plain language revision is not needed.
- General: No revision needed.
- 33 CFR part 138 — Financial responsibility for water pollution (vessels)
- Section 610: No SEIOSNOSE. These rules retain existing procedures and have minimal impact on small entities.
- Plain language: plain language revision is not needed.
- General: No revision needed.
- 33 CFR part 140 — General
- Section 610: No SEIOSNOSE. These rules regulating facilities and vessels engaged in activities on the Outer Continental Shelf tend to affect major corporations rather than small entities. Of the few small entities affected, the cost of



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this rule over the next 10 years for units not already in compliance is typically the cost of one day of operation.

The cost is offset by several measures to accommodate the needs of small entities and provide flexibility.

- Plain language: plain language revision is not needed.

- General: No revision needed.

33 CFR part 141 — Personnel

- Section 610: No SEIOSNOSE. These rules regulating facilities and vessels engaged in activities on the Outer Continental Shelf tend to affect major corporations rather than small entities. Of the few small entities affected, the cost of this rule over the next 10 years for units not already in compliance is typically the cost of one day of operation.

The cost is offset by several measures to accommodate the needs of small entities and provide flexibility.

- Plain language: plain language revision is not needed.

- General: No revision needed.

33 CFR part 142 — Workplace safety and health

- Section 610: No SEIOSNOSE. These rules regulating facilities and vessels engaged in activities on the Outer Continental Shelf tend to affect major corporations rather than small entities. Of the few small entities affected, the cost of this rule over the next 10 years for units not already in compliance is typically the cost of one day of operation.

The cost is offset by several measures to accommodate the needs of small entities and provide flexibility.

- Plain language: plain language revision is not needed.

- General: No revision needed.

33 CFR part 143 — Design and equipment

- Section 610: No SEIOSNOSE. These rules regulating facilities and vessels engaged in activities on the Outer Continental Shelf tend to affect major corporations rather than small entities. Of the few small entities affected, the cost of this rule over the next 10 years for units not already in compliance is typically the cost of one day of operation.

The cost is offset by several measures to accommodate the needs of small entities and provide flexibility.

- Plain language: plain language revision is not needed.

- General: No revision needed.

33 CFR part 144 — Lifesaving appliances

- Section 610: No SEIOSNOSE. These rules regulating facilities and vessels engaged in activities on the Outer Continental Shelf tend to affect major corporations rather than small entities. Of the few small entities affected, the cost of this rule over the next 10 years for units not already in compliance is typically the cost of one day of operation.

The cost is offset by several measures to accommodate the needs of small entities and provide flexibility.

- Plain language: plain language revision is not needed.

- General: No revision needed.

33 CFR part 145 — Firefighting equipment

- Section 610: No SEIOSNOSE. These rules regulating facilities and vessels engaged in activities on the Outer Continental Shelf tend to affect major corporations rather than small entities. Of the few small entities affected, the cost of this rule over the next 10 years for units not already in compliance is typically the cost of one day of operation.

The cost is offset by several measures to accommodate the needs of small entities and provide flexibility.

- Plain language: plain language revision is not needed.

- General: No revision needed.

33 CFR part 146 — Operations

- Section 610: No SEIOSNOSE. These rules regulating facilities and vessels engaged in activities on the Outer Continental Shelf tend to affect major corporations rather than small entities. Of the few small entities affected, the cost of this rule over the next 10 years for units not already in compliance is typically the cost of one day of operation.

The cost is offset by several measures to accommodate the needs of small entities and provide flexibility.

- Plain language: plain language revision is not needed.

- General: No revision needed.

33 CFR part 151 — Vessels carrying oil, noxious liquid substances, garbage, municipal or commercial waste, and ballast water

- Section 610: No SEIOSNOSE. These rules primarily affect large entities and few small entities are affected.

- Plain language: plain language revision is not needed.

- General: No revision needed.

33 CFR part 153 — Control of pollution by oil or hazardous substances, discharge removal

- Section 610: No SEIOSNOSE. These rules do not impose significant costs and come into play only when unlawful discharges occur.

- Plain language: plain language revision is not needed.

- General: No revision needed.

33 CFR part 154 — Facilities transferring oil or hazardous materials in bulk

- Section 610: No SEIOSNOSE. These rules primarily affect large entities and few small entities are affected.

- Plain language: plain language revision is not needed.

- General: No revision needed.

33 CFR part 155 — Oil or hazardous material pollution prevention regulations for vessels

- Section 610: No SEIOSNOSE. These rules primarily affect large entities. The costs to the small entities are minimal.

- Plain language: plain language revision is not needed.

- General: No revision needed.

33 CFR part 156 — Oil or hazardous material transfer operations

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- Section 610: No SEIOSNOSE. These rules primarily affect large entities. The costs to the small entities are minimal.
  - Plain language: plain language revision is not needed.
  - General: No revision needed.
- 33 CFR part 157 — Rules for the protection of the marine environment relating to tank vessels carrying oil in bulk
- Section 610: No SEIOSNOSE. These rules primarily affect large entities. Some may affect several small entities, but where this is so (e.g., double hull requirements) it is unlikely that the impact directly attributable to the rule is significant.
  - Plain language: plain language revision is not needed.
  - General: No revision needed.
- 33 CFR part 158 — Reception facilities for oil, noxious liquid substances, and garbage
- Section 610: No SEIOSNOSE. Few small entities are affected and the cost is low.
  - Plain language: plain language revision is not needed.
  - General: No revision needed.
- 33 CFR part 161 — Vessel traffic management
- Section 610: No SEIOSNOSE. This part prescribes standards for marine sanitation devices and provides a certification procedure. It does not impose significant costs on a substantial number of small entities.
  - Plain language: plain language revision is not needed.
  - General: No revision needed.
- 33 CFR part 162 — Inland waterways navigation regulations
- Section 610: No SEIOSNOSE. These rules enhance navigational safety and impose minimal costs on regulated entities.
  - Plain language: plain language revision is not needed.
  - General: No revision needed.
- 33 CFR part 163 — Towing of barges
- Section 610: No SEIOSNOSE. These rules enhance navigational safety and impose minimal costs on regulated entities.
  - Plain language: plain language revision is not needed.
  - General: No revision needed.
- 33 CFR part 164 — Navigation safety regulations
- Section 610: No SEIOSNOSE. These rules enhance navigational safety and impose minimal costs on regulated entities.
  - Plain language: plain language revision is not needed.
  - General: No revision needed.
- 33 CFR part 165 — Regulated navigation areas and limited access areas
- Section 610: No SEIOSNOSE. These rules enhance navigational safety and impose minimal costs on regulated entities.
  - Plain language: plain language revision is not needed.
  - General: No revision needed.
- 33 CFR part 168 — Escort requirements for certain tankers
- Section 610: No SEIOSNOSE. These rules affect few if any small entities.
  - Plain language: plain language revision is not needed.
  - General: No revision needed.
- 33 CFR part 173 — Vessel numbering and casualty and accident reporting
- Section 610: No SEIOSNOSE. The vessel numbering and accident reports required do not have a significant economic impact on small entities.
  - Plain language: plain language revision is not needed.
  - General: No revision needed.
- 33 CFR part 179 — Defect notification
- Section 610: Probable SEIOSNOSE. This part will be scheduled for full 610 Review.
  - Plain language: plain language revision is not needed.
  - General: No revision needed.
- 33 CFR part 181 — Manufacturer requirements
- Section 610: Probable SEIOSNOSE. This part will be scheduled for full 610 Review.
  - Plain language: plain language revision is not needed.
  - General: No revision needed.
- 33 CFR part 183 — Boats and associated equipment
- Section 610: Probable SEIOSNOSE. This part will be scheduled for full 610 Review.
  - Plain language: plain language revision is not needed.
  - General: No revision needed.
- 33 CFR part 184 — 186 Reserved
- 33 CFR part 187 — Vessel identification system
- Section 610: No SEIOSNOSE. Affects only states and imposes no mandatory cost.
  - Plain language: plain language revision is not needed.
  - General: No revision needed.
- 33 CFR parts 188 through 199 — Reserved
- 46 CFR part 1 — Organization, general course and methods governing marine safety functions
- Section 610: No SEIOSNOSE. Procedural in nature; imposes no cost.
  - Plain language: plain language revision is not needed.
  - General: No revision needed.

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## 46 CFR part 2 — Vessel inspections

- Section 610: No SEIOSNOSE. These rules provide for vessel inspections and certification and impose minimal costs on small entities.
- Plain language: plain language revision is not needed.
- General: No revision needed.

## 46 CFR part 3 — Designation of oceanographic research vessels

- Section 610: No SEIOSNOSE. These rules apply only to owners and operators who desire designation and do not impose a significant cost.
- Plain language: plain language revision is not needed.
- General: No revision needed.

## 46 CFR part 4 — Marine casualties and investigations

- Section 610: No SEIOSNOSE. These rules apply only in the event of a marine casualty and impose no cost on small entities.
- Plain language: plain language revision is not needed.
- General: No revision needed.

## 46 CFR part 5 — Marine investigation regulations — personnel action

- Section 610: No SEIOSNOSE. These rules apply only to an insignificant number of mariners.
- Plain language: plain language revision is not needed.
- General: No revision needed.

## 46 CFR part 6 — Waivers of navigation and vessel inspection laws and regulations

- Section 610: No SEIOSNOSE. These rules provide for waivers in the interest of national defense and do not impose significant costs.
- Plain language: plain language revision is not needed.
- General: No revision needed.

## 46 CFR part 7 — Boundary lines

- Section 610: No SEIOSNOSE. These rules demarcate boundaries and impose no cost.
- Plain language: plain language revision is not needed.
- General: No revision needed.

## 46 CFR part 8 — Vessel inspection alternatives

- Section 610: No SEIOSNOSE. These rules establish an alternative program and impose no cost.
- Plain language: plain language revision is not needed.
- General: No revision needed.

## 46 CFR part 9 — Extra compensation for overtime services

- Section 610: No SEIOSNOSE. These rules involve services by a small class of employees and do not impose significant costs.
- Plain language: plain language revision is not needed.
- General: No revision needed.

## 46 CFR part 10 — Licensing of maritime personnel

- Section 610: No SEIOSNOSE. These rules primarily affect individuals and do not impose significant costs on small entities..
- Plain language: plain language revision is not needed.
- General: No revision needed.

## 46 CFR part 12 — Certification of seamen

- Section 610: No SEIOSNOSE. These rules primarily affect individuals and do not impose significant costs on small entities.
- Plain language: plain language revision is not needed.
- General: No revision needed.

## 46 CFR part 13 — Certification of tankermen

- Section 610: No SEIOSNOSE. These rules primarily affect individuals and do not impose significant costs on small entities.
- Plain language: plain language revision is not needed.
- General: No revision needed.

## 46 CFR part 14 — Shipment and discharge of merchant mariners

- Section 610: No SEIOSNOSE. These rules continue practices in effect at least since 1937, relate primarily to individuals rather than small entities, and were revised in 1996 to reduce any burdens on small entities.
- Plain language: plain language revision is not needed.
- General: No revision needed.

## 46 CFR part 15 — Manning requirements

- Section 610: No SEIOSNOSE. These rules primarily affect individuals and have been revised several times in the past 10 years in ways that minimize any impact on small entities.
- Plain language: plain language revision is not needed.
- General: No revision needed.

## 46 CFR part 16 — Chemical testing

- Section 610: Probable SEIOSNOSE. These rules require small entities to conduct chemical testing for dangerous drugs in certain circumstances. In adopting these rules in 1988, the Coast Guard concluded that they could have a significant

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economic impact on substantial number of small entities. We took steps then to ameliorate that impact. A formal Section 610 Review will be planned for these parts.

- Plain language: plain language revision is not needed.
- General: No revision needed.

46 CFR part 24 — General provisions

- Section 610: No SEIOSNOSE. These uninspected vessel rules largely affect small entities, but their impact is either nonsignificant or voluntary.

- Plain language: plain language revision is not needed.
- General: No revision needed.

46 CFR part 25 — Requirements

- Section 610: No SEIOSNOSE. These uninspected vessel rules largely affect small entities, but their impact is either nonsignificant or voluntary.

- Plain language: plain language revision is not needed.
- General: No revision needed.

46 CFR part 26 — Operations

- Section 610: No SEIOSNOSE. These uninspected vessel rules largely affect small entities, but their impact is either nonsignificant or voluntary.

- Plain language: plain language revision is not needed.
- General: No revision needed.

46 CFR part 28 — Requirements for commercial fishing industry vessels

- Section 610: No SEIOSNOSE. These rules, when adopted in 1991, were deemed to have an insignificant economic impact on most small entities. Any significant impact is likely to have been absorbed at the time of adoption and would not be continuing..

- Plain language: plain language revision is not needed.
- General: No revision needed.

46 CFR part 30 — General provisions

- Section 610: Possible SEIOSNOSE. A small entities evaluation for the Subchapter D tank vessel regulations as a whole has not been published. Therefore, to comply with the spirit of the Regulatory Flexibility Act, we will schedule a full Section 610 Review for these parts.

- Plain language: plain language revision is not needed.
- General: No revision needed.

46 CFR part 31 — Inspection and certification

- Section 610: Possible SEIOSNOSE. A small entities evaluation for the Subchapter D tank vessel regulations as a whole has not been published. Therefore, to comply with the spirit of the Regulatory Flexibility Act, we will schedule a full Section 610 Review for these parts.

- Plain language: plain language revision is not needed.
- General: No revision needed.

46 CFR part 32 — Special equipment, machinery, and hull requirements

- Section 610: Possible SEIOSNOSE. A small entities evaluation for the Subchapter D tank vessel regulations as a whole has not been published. Therefore, to comply with the spirit of the Regulatory Flexibility Act, we will schedule a full Section 610 Review for these parts.

- Plain language: plain language revision is not needed.
- General: No revision needed.

46 CFR part 34 — Firefighting equipment

- Section 610: Possible SEIOSNOSE. A small entities evaluation for the Subchapter D tank vessel regulations as a whole has not been published. Therefore, to comply with the spirit of the Regulatory Flexibility Act, we will schedule a full Section 610 Review for these parts.

- Plain language: plain language revision is not needed.
- General: No revision needed.

46 CFR part 35 — Operations

- Section 610: Possible SEIOSNOSE. A small entities evaluation for the Subchapter D tank vessel regulations as a whole has not been published. Therefore, to comply with the spirit of the Regulatory Flexibility Act, we will schedule a full Section 610 Review for these parts.

- Plain language: plain language revision is not needed.
- General: No revision needed.

46 CFR part 36 — Elevated temperature cargoes

- Section 610: Possible SEIOSNOSE. A small entities evaluation for the Subchapter D tank vessel regulations as a whole has not been published. Therefore, to comply with the spirit of the Regulatory Flexibility Act, we will schedule a full Section 610 Review for these parts.

- Plain language: plain language revision is not needed.
- General: No revision needed.

46 CFR part 38 — Liquefied flammable gases

- Section 610: Possible SEIOSNOSE. A small entities evaluation for the Subchapter D tank vessel regulations as a whole has not been published. Therefore, to comply with the spirit of the Regulatory Flexibility Act, we will schedule a full Section 610 Review for these parts.

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- Plain language: plain language revision is not needed.
- General: No revision needed.

## 46 CFR part 39 — Vapor control systems

- Section 610: Possible SEIOSNOSE. A small entities evaluation for the Subchapter D tank vessel regulations as a whole has not been published. Therefore, to comply with the spirit of the Regulatory Flexibility Act, we will schedule a full Section 610 Review for these parts.
- Plain language: plain language revision is not needed.
- General: No revision needed.

**Year 4 (Fall 2001) List of rules analyzed and summary of the results**

## 46 CFR part 42 — Domestic and foreign voyages by sea

- Section 610: Possible SEIOSNOSE. A small entities evaluation for the Subchapter E load lines regulations as a whole has been published. Therefore, to comply with the spirit of the Regulatory Flexibility Act, we will schedule a full Section 610 Review for these parts.
- Plain language: Plain language revision is not needed.
- General: No revision needed.

## 46 CFR part 44 — Special service limited domestic voyage

- Section 610: Possible SEIOSNOSE. A small entities evaluation for the Subchapter E load lines regulations as a whole has been published. Therefore, to comply with the spirit of the Regulatory Flexibility Act, we will schedule a full Section 610 Review for these parts.
- Plain language: Plain language revision is not needed.
- General: No revision needed.

## 46 CFR part 45 — Great lakes load lines

- Section 610: Possible SEIOSNOSE. A small entities evaluation for the Subchapter E load lines regulations as a whole has been published. Therefore, to comply with the spirit of the Regulatory Flexibility Act, we will schedule a full Section 610 Review for these parts.
- Plain language: Plain language revision is not needed.
- General: No revision needed.

## 46 CFR part 46 — Subdivision load lines for passenger vessels

- Section 610: Possible SEIOSNOSE. A small entities evaluation for the Subchapter E load lines regulations as a whole has been published. Therefore, to comply with the spirit of the Regulatory Flexibility Act, we will schedule a full Section 610 Review for these parts.
- Plain language: Plain language revision is not needed.
- General: No revision needed.

## 46 CFR part 47 — Combination load lines

- Section 610: Possible SEIOSNOSE. A small entities evaluation for the Subchapter E load lines regulations as a whole has been published. Therefore, to comply with the spirit of the Regulatory Flexibility Act, we will schedule a full Section 610 Review for these parts.
- Plain language: Plain language revision is not needed.
- General: No revision needed.

## 46 CFR part 50 — General provisions

- Section 610: Possible SEIOSNOSE. A small entities evaluation for the Subchapter F marine engineering regulations as a whole has been published. Therefore, to comply with the spirit of the Regulatory Flexibility Act, we will schedule a full Section 610 Review for these parts (with the exception of part 62, which we conclude has no SEIOSNOSE).
- Plain language: Plain language revision is not needed.
- General: No revision needed.

## 46 CFR part 52 — Power boilers

- Section 610: Possible SEIOSNOSE. A small entities evaluation for the Subchapter F marine engineering regulations as a whole has been published. Therefore, to comply with the spirit of the Regulatory Flexibility Act, we will schedule a full Section 610 Review for these parts (with the exception of part 62, which we conclude has no SEIOSNOSE).
- Plain language: Plain language revision is not needed.
- General: No revision needed.

## 46 CFR part 53 — Heating boilers

- Section 610: Possible SEIOSNOSE. A small entities evaluation for the Subchapter F marine engineering regulations as a whole has been published. Therefore, to comply with the spirit of the Regulatory Flexibility Act, we will schedule a full Section 610 Review for these parts (with the exception of part 62, which we conclude has no SEIOSNOSE).
- Plain language: Plain language revision is not needed.
- General: No revision needed.

## 46 CFR part 54 — Pressure vessels

- Section 610: Possible SEIOSNOSE. A small entities evaluation for the Subchapter F marine engineering regulations as a whole has been published. Therefore, to comply with the spirit of the Regulatory Flexibility Act, we will schedule a full Section 610 Review for these parts (with the exception of part 62, which we conclude has no SEIOSNOSE).
- Plain language: Plain language revision is not needed.
- General: No revision needed.

## 46 CFR part 56 — Piping systems and appurtenances

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- Section 610: Possible SEIOSNOSE. A small entities evaluation for the Subchapter F marine engineering regulations as a whole has been published. Therefore, to comply with the spirit of the Regulatory Flexibility Act, we will schedule a full Section 610 Review for these parts (with the exception of part 62, which we conclude has no SEIOSNOSE).
  - Plain language: Plain language revision is not needed.
  - General: No revision needed.
- 46 CFR part 57 — Welding and brazing
- Section 610: Possible SEIOSNOSE. A small entities evaluation for the Subchapter F marine engineering regulations as a whole has been published. Therefore, to comply with the spirit of the Regulatory Flexibility Act, we will schedule a full Section 610 Review for these parts (with the exception of part 62, which we conclude has no SEIOSNOSE).
  - Plain language: Plain language revision is not needed.
  - General: No revision needed.
- 46 CFR part 58 — Main auxiliary machinery and related systems
- Section 610: Possible SEIOSNOSE. A small entities evaluation for the Subchapter F marine engineering regulations as a whole has been published. Therefore, to comply with the spirit of the Regulatory Flexibility Act, we will schedule a full Section 610 Review for these parts (with the exception of part 62, which we conclude has no SEIOSNOSE).
  - Plain language: Plain language revision is not needed.
  - General: No revision needed.
- 46 CFR part 59 — Repairs to boilers, pressure vessels and appurtenances
- Section 610: Possible SEIOSNOSE. A small entities evaluation for the Subchapter F marine engineering regulations as a whole has been published. Therefore, to comply with the spirit of the Regulatory Flexibility Act, we will schedule a full Section 610 Review for these parts (with the exception of part 62, which we conclude has no SEIOSNOSE).
  - Plain language: Plain language revision is not needed.
  - General: No revision needed.
- 46 CFR part 61 — Periodic tests and inspections
- Section 610: Possible SEIOSNOSE. A small entities evaluation for the Subchapter F marine engineering regulations as a whole has been published. Therefore, to comply with the spirit of the Regulatory Flexibility Act, we will schedule a full Section 610 Review for these parts (with the exception of part 62, which we conclude has no SEIOSNOSE).
  - Plain language: Plain language revision is not needed.
  - General: No revision needed.
- 46 CFR part 62 — Vital systems automation
- Section 610: No SEIOSNOSE. The primary impact of these rules is on large entities; they do not affect a substantial number of small entities
  - Plain language: Plain language revision is not needed.
  - General: No revision needed.
- 46 CFR part 63 — Automatic auxiliary boilers
- Section 610: Possible SEIOSNOSE. A small entities evaluation for the Subchapter F marine engineering regulations as a whole has been published. Therefore, to comply with the spirit of the Regulatory Flexibility Act, we will schedule a full Section 610 Review for these parts (with the exception of part 62, which we conclude has no SEIOSNOSE).
  - Plain language: Plain language revision is not needed.
  - General: No revision needed.
- 46 CFR part 64 — Marine portable tanks and cargo handling systems
- Section 610: Possible SEIOSNOSE. A small entities evaluation for the Subchapter F marine engineering regulations as a whole has been published. Therefore, to comply with the spirit of the Regulatory Flexibility Act, we will schedule a full Section 610 Review for these parts (with the exception of part 62, which we conclude has no SEIOSNOSE).
  - Plain language: Plain language revision is not needed.
  - General: No revision needed.
- 46 CFR part 67 — Documentation of vessels
- Section 610: No SEIOSNOSE. The cost of documentation is not significant.
  - Plain language: Plain language revision is not needed.
  - General: No revision needed.
- 46 CFR part 68 — Documentation of vessels pursuant to extraordinary legislative grants
- Section 610: No SEIOSNOSE. The cost of documentation is not significant.
  - Plain language: Plain language revision is not needed.
  - General: No revision needed.
- 46 CFR part 69 — Measurement of vessels
- Section 610: No SEIOSNOSE. These regulations are primarily administrative and do not impose a significant cost.
  - Plain language: Plain language revision is not needed.
  - General: No revision needed.
- Year 5 (Fall 2002) List of rules that will be analyzed during the next year**
- 46 CFR part 70 — General provisions
  - 46 CFR part 71 — Inspection and certification
  - 46 CFR part 72 — Construction and arrangement
  - 46 CFR part 76 — Fire protection equipment
  - 46 CFR part 77 — Vessel control and miscellaneous systems and equipment

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46 CFR part 78 — Operations

46 CFR part 80 — Disclosure of safety standards and country of registry

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 4 (Fall 2001) List of Rules analyzed and a summary of the results**

14 CFR 61 — Certification: pilots, flight instructors and ground instructors

- Section 610; No SEIOSNOSE. This rule applies to a significant number of small entities, but amendments over the past decade do not have a substantial economic impact. Accordingly, a periodic review was not required.
  - Plain Language: To the extent that the FAA's plain language study identified a need for revisions in this part, revisions will be made when the FAA has the opportunity and resources to do so.
- 14 CFR 63 — Certification: flight crewmembers other than pilots
- Section 610; No SEIOSNOSE. This rule applies to a significant number of small entities, but amendments over the past decade do not have a substantial economic impact. Accordingly, a periodic review was not required.
  - Plain Language: To the extent that the FAA's plain language study identified a need for revisions in this part, revisions will be made when the FAA has the opportunity and resources to do so.
- 14 CFR 65 — Certification: airmen other than flight crewmembers
- Section 610; No SEIOSNOSE. This rule applies to a significant number of small entities, but amendments over the past decade do not have a substantial economic impact. Accordingly, a periodic review was not required.
  - Plain Language: To the extent that the FAA's plain language study identified a need for revisions in this part, revisions will be made when the FAA has the opportunity and resources to do so.
- 14 CFR 67 — Medical standards and certification
- Section 610; No SEIOSNOSE. This rule applies to a significant number of small entities, but amendments over the past decade do not have a substantial economic impact. Accordingly, a periodic review was not required.
  - Plain Language: To the extent that the FAA's plain language study identified a need for revisions in this part, revisions will be made when the FAA has the opportunity and resources to do so.
- 14 CFR 70 — Designation of class A, class B, class C, class D and class E airspace areas; airway routes and reporting points
- Section 610; No SEIOSNOSE. This rule applies to a significant number of small entities, but amendments over the past decade do not have a substantial economic impact. Accordingly, a periodic review was not required.
  - Plain Language: To the extent that the FAA's plain language study identified a need for revisions in this part, revisions will be made when the FAA has the opportunity and resources to do so.
- 14 CFR 73 — Special use airspace
- Section 610; No SEIOSNOSE. This rule applies to a significant number of small entities, but amendments over the past decade do not have a substantial economic impact. Accordingly, a periodic review was not required.
  - Plain Language: To the extent that the FAA's plain language study identified a need for revisions in this part, revisions will be made when the FAA has the opportunity and resources to do so.
- 14 CFR part 77 — Objects affecting navigable airspace
- Section 610; FAA will conduct a formal 610 review during the following 12 months.
  - Plain Language: To the extent that the FAA's plain language study identified a need for revisions in this part, revisions will be made when the FAA has the opportunity and resources to do so.

**Year 5 (Fall 2002) List of rules that will be analyzed during the next year**

14 CFR part 35 — Airworthiness standards: propellers

14 CFR part 36 — Noise standards: aircraft type and airworthiness

14 CFR part 39 — Airworthiness directives

14 CFR part 43 — Maintenance, preventive maintenance; rebuilding and alteration

14 CFR part 45 — Identification and registration marking

14 CFR part 47 — Aircraft registration

14 CFR part 49 — Recording of aircraft titles and security

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FAA Note:

The preceding parts for analysis were erroneously listed in the Fall 2001 Regulatory Agenda in the list of completed analyses and identified for review in the following year. While the

FAA's 10-year plan called for completion of these analyses before the Fall 2002, lack of available resources prevented this. In addition, the 10-year plan calls for analysis of 14 CFR parts 91-105 in this coming year; resources

are not available, however, to analyze these parts. Should resources become available during the year, the FAA will announce its intention to analyze some or all of these parts in the Federal Register.

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
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

Year 4 (Fall 2001) List of rules analyzed and a summary of the results

- 23 CFR part 1 — General management and administration
  - 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.
- 23 CFR part 140 — Payment procedures
  - Section 610: No SEIOSNOSE. These rules apply 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.
- 23 CFR part 172 — Administration of engineering and design related service contracts
  - Section 610: No SEIOSNOSE. These rules apply primarily to State transportation agencies that are not small entities.
  - Plain language: The FHWA recently issued a final rule updating the regulation to comply with new law and used plain language techniques to update the rule.
- 23 CFR part 180 — Credit assistance for surface transportation projects
  - Section 610: No SEIOSNOSE. This rule implements a Federal credit assistance program for surface transportation projects. There will be a substantial economic impact on the projects funded. Applicants are usually States and large public, or quasi-public entities.
  - Plain language: FHWA's plain language review of these rules indicates no need for substantial revision. The regulation is written clearly.
- 23 CFR part 190 — Incentive procedures for controlling outdoor advertising on the interstate system
  - Section 610: No SEIOSNOSE. These rules apply 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.
- 23 CFR part 192 — Drug offenders driver's license suspension
  - Section 610: No SEIOSNOSE. This regulation applies primarily to State transportation agencies not to small entities.
  - Plain language: FHWA's plain language review of these rules indicates no need for substantial revision as the rule is clearly written.
- 23 CFR part 200 — Title VI program and related statutes-implementation and review procedures
  - Section 610: No SEIOSNOSE. These rules provide requirements and guidelines to State highway agencies to implement the Title VI Program requirement and do not impact small entities.
  - Plain language: FHWA's plain language review of these rules indicates no need for substantial revision; however, if it is necessary for the FHWA to update these rules, plain language techniques will be used.
- 23 CFR part 230 — External equal employment opportunity programs
  - Section 610: No SEIOSNOSE. This regulation applies to the State transportation agencies not to small entities.
  - Plain language: FHWA's plain language review of these rules indicates no need for substantial revision.
- 23 CFR part 260 — Education and training programs
  - Section 610: No SEIOSNOSE. This regulation establishes authority for Fellowship and Scholarship programs and the funding to conduct the program. It does not impact on small entities.
  - Plain language: FHWA's plain language review of these rules indicates no need for substantial revision.

Year 5 (Fall 2002) List of rules to be analyzed during the next year

- 23 CFR part 420 — Planning and research program administration
- 23 CFR part 460 — Public road mileage for apportionment of highway safety funds
- 23 CFR part 470 — Highway systems
- 23 CFR part 476 — Interstate highway system



DOT

*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 1 of

title 23 of the USC. Section 145 of title 23 expressly provides that chapter 1 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 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.

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 and 571.220 through 571.222 .....	1999	2000
3	49 CFR parts 591 through 594 .....	2000	2001
4	49 CFR parts 571.101 through 571.110 and 571.135 .....	2001	2002
5	49 CFR parts 529 through 579, except part 571 .....	2002	2003
6	49 CFR parts 571.111 through 571.129 and parts 580 through 590 .....	2003	2004
7	49 CFR part 571.201 through 571.212 .....	2004	2005
8	49 CFR parts 571.214 through 571.219 .....	2005	2006
9	49 CFR parts 571.223 through 571.304, part 500 and new parts and subparts under 49 CFR .....	2006	2007
10	23 CFR parts 1200s and 1300s and new parts and subparts under 23 CFR .....	2007	2008

**Year 4 (Fall 2001) List of rules analyzed and a summary of the results**

- 49 CFR parts 571.101 — Standard No. 101; Controls and displays
  - Section 610: No SEIOSNOSE. The economic impact on small entities of these rules will not be significant. Accordingly, a periodic review was not required.
  - Plain Language: NHTSA’s plain language review of these rules indicates no need for substantial revision.
- 49 CFR parts 571.102 — Standard No. 102; Transmission shift lever sequence starter interlock, and transmission braking effect
  - Section 610: No SEIOSNOSE. The economic impact on small entities of these rules will not be significant. Accordingly, a periodic review was not required.
  - Plain Language: NHTSA’s plain language review of these rules indicates no need for substantial revision.
- 49 CFR parts 571.103 — Standard No. 103; Windshield defrosting and defogging systems
  - Section 610: No SEIOSNOSE. The economic impact on small entities of these rules will not be significant. Accordingly, a periodic review was not required.
  - Plain Language: NHTSA’s plain language review of these rules indicates no need for substantial revision.
- 49 CFR parts 571.104 — Standard No. 104; Windshield wiping and washing systems
  - Section 610: No SEIOSNOSE. The economic impact on small entities of these rules will not be significant. Accordingly, a periodic review was not required.
  - Plain Language: NHTSA’s plain language review of these rules indicates no need for substantial revision.
- 49 CFR parts 571.105 — Standard No. 105; Hydraulic and electric brake systems
  - Section 610: No SEIOSNOSE. The economic impact on small entities of these rules will not be significant. Accordingly, a periodic review was not required.
  - Plain Language: NHTSA’s plain language review of these rules indicates no need for substantial revision.
- 49 CFR parts 571.106 — Standard No. 106; Brake hoses
  - Section 610: No SEIOSNOSE. The economic impact on small entities of these rules will not be significant. Accordingly, a periodic review was not required.
  - Plain Language: NHTSA’s plain language review of these rules indicates no need for substantial revision.
- 49 CFR parts 571.107 — Standard No. 107; [Reserved]
- 49 CFR parts 571.108 — Standard No. 108; lamps, reflective devices, and associated equipment
  - Section 610: No SEIOSNOSE. The economic impact on small entities of these rules will not be significant. Accordingly, a periodic review was not required.
  - Plain Language: NHTSA’s plain language review of these rules indicates no need for substantial revision.
- 49 CFR parts 571.109 — Standard No. 109; New pneumatic tires
  - Section 610: No SEIOSNOSE. The economic impact on small entities of these rules will not be significant. Accordingly, a periodic review was not required.
  - Plain Language: NHTSA’s plain language review of these rules indicates no need for substantial revision.
- 49 CFR parts 571.110 — Standard No. 110; Tire selection and rims
  - Section 610: No SEIOSNOSE. The economic impact on small entities of these rules will not be significant. Accordingly, a periodic review was not required.

**DOT**

- Plain Language: NHTSA’s plain language review of these rules indicates no need for substantial revision. 49 CFR parts 571.135 — Standard No. 135; Passenger car brake systems
- Section 610: No SEIOSNOSE. The economic impact on small entities of these rules will not be significant. Accordingly, a periodic review was not required.
- Plain Language: NHTSA’s plain language review of these rules indicates no need for substantial revision.

**Year 5 (Fall 2002) list of rules that will be analyzed during the next year**

- 49 CFR part 529 — Manufacturers of multistage automobiles
- 49 CFR part 531 — Passenger automobile average fuel economy standards
- 49 CFR part 533 — Light truck fuel economy standards
- 49 CFR part 535 — 3-year carryforward and carryback of credits for light trucks
- 49 CFR part 537 — Automotive fuel economy reports
- 49 CFR part 538 — Manufacturing incentives for alternative fuel vehicles
- 49 CFR part 541 — Federal motor vehicle theft prevention standard
- 49 CFR part 542 — Procedures for selecting lines to be covered by the theft prevention standard
- 49 CFR part 543 — Exemption from vehicle theft prevention standard
- 49 CFR part 544 — Insurer reporting requirements
- 49 CFR part 551 — Procedural rules
- 49 CFR part 552 — Petitions for rulemaking, defect, and noncompliance orders
- 49 CFR part 553 — Rulemaking procedures
- 49 CFR part 554 — Standards enforcement and defect investigation
- 49 CFR part 555 — Temporary exemption from motor vehicle safety and bumper standards
- 49 CFR part 556 — Exemption for inconsequential defect or non-compliance
- 49 CFR part 557 — Petitions for hearing on notification and remedy of defects
- 49 CFR part 564 — Replacement light source information
- 49 CFR part 565 — Vehicle identification number requirements
- 49 CFR part 566 — Manufacturer identification
- 49 CFR part 567 — Certification
- 49 CFR part 568 — Vehicles manufactured in two or more stages
- 49 CFR part 569 — Regrooved tires
- 49 CFR part 570 — Vehicle in use inspection standards
- 49 CFR part 572 — Anthropomorphic test devices
- 49 CFR part 573 — Defect and noncompliance reports
- 49 CFR part 574 — Tire identification and recordkeeping
- 49 CFR part 575 — Consumer information regulations
- 49 CFR part 576 — Record retention
- 49 CFR part 577 — Defect and noncompliance notification
- 49 CFR part 578 — Civil penalties
- 49 CFR part 579 — Defect and noncompliance responsibility

**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
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 4 (Fall 2001) List of rules analyzed and a summary of the results**

- 49 CFR part 219 — Control of alcohol and drug regulations
- Section 610: No SEIOSNOSE. These are minimum Federal standards for control of alcohol and drug use. To FRA’s knowledge, the control of alcohol and drug use regulation has not imposed any significant burden on any small railroad. The smallest railroads are exempt from many of the rule’s provisions.
- Plain Language: FRA’s plain language review of this rule indicates no need for substantial revision.
- General: Having minimum Federal standards for control of alcohol and drug use will provide safety and security not only for railroad employees but also for the general public.
- 49 CFR part 214 — Railroad workplace safety regulations

**DOT**

- Section 610: In the Fall 2001 Regulatory Agenda, FRA determined that subpart B of 49 CFR part 214 has a SEIOSNOSE. Therefore, FRA solicits comments regarding how this regulation can be amended to reduce its impact on small entities.
- 49 CFR part 215 — Railroad freight car safety standards
- Section 610: In the Fall 2000 Regulatory Agenda, FRA determined that 49 CFR part 215 has a SEIOSNOSE. Therefore, FRA solicits comments regarding how this regulation can be amended to reduce its impact on small entities.

**Year 5 (Fall 2002) List of rules that will be analyzed during the next year**

- 49 CFR part 218 — Railroad operating practice regulations
- 49 CFR part 221 — Rear end marking device regulations

**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 part 661 .....	2001	2002
5	49 CFR part 665 .....	2002	2003

**Year 4 (Fall 2001) List of rules analyzed and a summary of the results**

- 49 CFR part 661 — Buy America requirements-Surface Transportation Assistance Act of 1982, as amended
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant. Further rulemaking will not be undertaken until the TEA-21 reauthorization process is completed.
- Plain language: FTA’s plain language review indicates no need for substantial revision. As resources permit, FTA will make such changes as may be necessary.
- General: Part 661 contains provisions to mitigate the burden on small entities by providing a process for affected small entities to request waivers from some provisions.
- 49 CFR part 66 — Bus testing
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant. FTA plans to issue a final rule.
- Plain language: New rulemaking will be drafted in plain language.
- General: Part 665 is an interim rule that provides for bus testing procedures and will be finalized.

**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 399 .....	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 4 (Fall 2001) List of Rules analyzed and a summary of the results**

- 46 CFR part 298 — Obligation Guarantees
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: These regulations were rewritten in plain language in 2000.
- General: In 2000, MARAD amended part 298 by simplifying existing administrative practices governing ship financing guarantees. The revisions simplify the process for applicants. MARAD will continue to review these regulations and make additional changes when appropriate.

**Year 5 (Fall 2002) List of Rules that will be analyzed during the next year**

- 46 CFR part 307 — Establishment of mandatory position reporting system for vessels
- 46 CFR part 308 — War risk insurance
- 46 CFR part 309 — Values for war risk insurance
- 46 CFR part 310 — Merchant marine training

DOT

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION  
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 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 4 (Fall 2001) List of Rules analyzed and a summary of the results**

49 CFR part 176 — Carriage by vessel

- Section 610: No SEIOSNOSE. The requirements apply to ocean-going vessels and to coastal and inland water transportation. Most operators of ocean-going vessels are not small entities. Further, the requirements are consistent with international standards applicable to vessel transportation and, therefore, impose few additional costs of doing business on ocean-going vessels. Vessels operating in domestic transportation are also permitted to utilize international standards in place of these requirements; domestic vessel operators incur only minimal costs incurred as a result of normal business practices. Finally, the requirements have little or no impact on entry to or exit from the industry.
- Plain language: As resources permit, RSPA will rewrite regulations using plain language techniques.

**Year 5 (Fall 2002) List of rules that will be analyzed during the next year**

- 49 CFR part 172 — Hazardous materials table, special provisions, hazardous materials communications, emergency response information, and training requirements
- 49 CFR part 173 — Shippers—general requirements for shipments and packagings
- 49 CFR part 174 — Carriage by rail
- 49 CFR part 175 — Carriage by aircraft
- 49 CFR part 176 — Carriage by vessel
- 49 CFR part 177 — Carriage by public highway
- 49 CFR part 178 — Specifications for packagings (radioactive material)

BUREAU OF TRANSPORTATION STATISTICS  
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
10	14 CFR part 374a, ICAO .....	2007	2008

**Year 4 (Fall 2001) List of Rules analyzed and a summary of the results**

14 CFR part 241, section 19-7 — Passenger Origin and Destination Survey

- Section 610: No SEIOSNOSE. This data collection applies only to large entities.
- General: This rule is being reviewed as part of an overall aviation data requirements review and modernization program, which will also take into account the plain language initiative.

**Year 5 (Fall 2002) List of Rules that will be analyzed during the next year**

14 CFR part 291 — Cargo operations in interstate air transportation

## DOT

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 Identification Number
1916	+Computer Reservations System Regulations Comprehensive Review ( <b>Reg Plan Seq No. 102</b> ) .....	2105-AC65
1917	+Aviation Data Requirements Review and Modernization Program .....	2105-AC71
1918	Nondiscrimination on the Basis of Disability in Air Travel .....	2105-AC97
1919	Drug and Alcohol Management Information System Reporting .....	2105-AD14
1920	DBE Airport Concessionaires Size Standards .....	2105-AD21

+ DOT-designated significant regulation

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

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
1921	Direct Flights .....	2105-AA73
1922	Use of Direct Final Rulemaking .....	2105-AC11
1923	Overbooking of Flights: Elimination of Airport Notice Signs .....	2105-AC45
1924	Fees and Charges for Special Services: Reinvention .....	2105-AC47
1925	Nondiscrimination in Air Travel; Boarding Where Level-Entry Is Unavailable .....	2105-AC81
1926	+Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations .....	2105-AC83
1927	+Americans With Disabilities Act Accessibility Standards .....	2105-AC86
1928	Participation by Disadvantaged Business Enterprises in Department of Transportation Programs: Memorandum of Understanding With Small Business Administration; Uniform Forms and Other Revisions .....	2105-AC88
1929	Participation by Minority Business Enterprises in Department of Transportation Financial Assistance Programs: Threshold Requirements and Other Technical Revisions .....	2105-AC89
1930	Participation by Disadvantaged Business Enterprises in Department of Transportation Programs .....	2105-AC91
1931	Nondiscrimination in Federally Assisted Programs .....	2105-AC96
1932	Over-the-Road Buses: Extension of Due Date for Information Collection .....	2105-AC98
1933	Standard Time Zone Boundary in the State of North Dakota: Morton County .....	2105-AD03
1934	Reporting Requirement for Air Carriers Regarding Disability-Related Complaints .....	2105-AD04
1935	Nondiscrimination on the Basis of Disability in Programs and Activities Receiving or Benefiting From Federal Financial Assistance; Transportation Services for Individuals With Disabilities (ADA) .....	2105-AD05

+ DOT-designated significant regulation

Office of the Secretary—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
1936	Policy Statement on Airline Preemption .....	2105-AA46
1937	+Statement of Enforcement Policy on Rebating .....	2105-AB39
1938	+Accessibility of Passenger Vessels to Individuals With Disabilities .....	2105-AB87
1939	Use of Oxygen by Air Carrier Passengers .....	2105-AC29
1940	+Domestic Passenger Manifest Information .....	2105-AC62
1941	Electronic Filing Option in DOT Proceedings .....	2105-AC79
1942	Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace Grants .....	2105-AD01

## DOT

## Office of the Secretary—Long-Term Actions (Continued)

Sequence Number	Title	Regulation Identification Number
1943	Governmentwide Debarment and Suspension (Nonprocurement)/Governmentwide Requirements for Drug-Free Workplace (Financial Assistance) .....	2105-AD07

+ DOT-designated significant regulation

## Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identification Number
1944	+Direct Air Carrier Responsibility for Returning Stranded Charter Passengers .....	2105-AA40
1945	Air Travelers: Age Discrimination .....	2105-AA45
1946	Diversion of Flights Within a Metropolitan Area .....	2105-AA78
1947	Simplified Aviation Exemption Procedures .....	2105-AA82
1948	Baggage Liability Notices in International Air Transportation .....	2105-AA84
1949	Simplified Airline Counter-Sign Notices .....	2105-AA88
1950	+Price Advertising .....	2105-AB50
1951	+Procedures for Transportation Workplace Drug-Testing Programs .....	2105-AB71
1952	+Transportation for Individuals With Disabilities (Accessibility Guidelines) .....	2105-AC06
1953	Amendments to Modal Alcohol Testing Rules: Pre-Employment Testing .....	2105-AC50
1954	Statement of Policy on Alternative Dispute Resolution .....	2105-AC94
1955	+Procedures for Compensation of Air Carriers .....	2105-AD06
1956	Supplemental Standards of Ethical Conduct for Employees of the Department of Transportation .....	2105-AD08
1957	Reporting Prohibited Communications .....	2105-AD10
1958	Procedures for Nonevidential Alcohol Screening Devices Procedures for Transportation Workplace Drug and Alcohol Programs .....	2105-AD13
1959	Public Availability of Information; Maintenance of and Access to Records Pertaining to Individuals .....	2105-AD15
1960	+Withdrawal of Proposed Rulemaking Actions .....	2105-AD16

+ DOT-designated significant regulation

## Transportation Security Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
1961	Protection of Sensitive Security Information in Information Circulars for Nonaviation Modes of Transportation .....	2110-AA07
1962	+Fingerprint-Based Criminal History Records Checks: Escorted Access .....	2110-AA08
1963	+Protection of Sensitive Security Information for All Modes of Transportation .....	2110-AA10

+ DOT-designated significant regulation

## Transportation Security Administration—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
1964	+Civil Aviation Security Rules .....	2110-AA03
1965	+Security Programs for Aircraft Weighing 12,500 Pounds or More .....	2110-AA04
1966	+Private Charter Security Rules .....	2110-AA05
1967	+Security Threat Assessments for Federal Aviation Administration Certificate Holders and Applicants .....	2110-AA14

+ DOT-designated significant regulation

## DOT

## Transportation Security Administration—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
1968	+Imposition and Collection of Passenger Civil Aviation Security Service Fees .....	2110-AA01
1969	+Aviation Security Infrastructure Fees .....	2110-AA02
1970	Investigative and Enforcement Procedures .....	2110-AA09

+ DOT-designated significant regulation

## U.S. Coast Guard—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
1971	Claims Procedures Under the Oil Pollution Act of 1990 (CGD 91-035) .....	2115-AD90
1972	+Vessel and Facility Response Plans for Oil: 2003 Removal Equipment Requirements and Alternative Technology Revisions (USCG-2001-8661) .....	2115-AG05
1973	+Post Casualty Drug and Alcohol Testing (USCG-2001-8773) .....	2115-AG07
1974	+Vessel Documentation: Lease Financing for Vessels Engaged in the Coastwise Trade (USCG-2001-8825) .....	2115-AG08
1975	Territorial Seas, Navigable Waters, and Jurisdiction (USCG-2001-9044) .....	2115-AG13
1976	Update of Rules on Aids to Navigation Affecting Buoys, Sound Signals, International Rules at Sea, Communications Procedures, and Large Navigational Buoys (USCG-2001-10714) .....	2115-AG25
1977	Marine Events: Permit Procedures (USCG-2001-10713) .....	2115-AG26
1978	Drawbridge Operations Regulations; Revisions (USCG-2001-10881) .....	2115-AG27
1979	Rates for Pilotage on the Great Lakes (USCG-2002-11288) .....	2115-AG30
1980	Wearing of Personal Flotation Devices by Persons Operating or Riding on Personal Watercraft or Being Towed Behind Recreational Vessels (USCG-2002-11421) .....	2115-AG32
1981	+Automatic Identification System Carriage Requirement (USCG-2002-11721) .....	2115-AG36
1982	Protection for Whistleblowers in Coast Guard (USCG-2002-13016) .....	2115-AG49
1983	+Penalties for Non-Submission of Ballast Water Management Reports (USCG-2002-13147) .....	2115-AG50

+ DOT-designated significant regulation

## U.S. Coast Guard—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
1984	Reporting Marine Casualties (USCG-2000-6927) .....	2115-AD98
1985	Handling of Explosives or Other Dangerous Cargoes Within or Contiguous to Waterfront Facilities (USCG-1998-4302) .....	2115-AE22
1986	Licensing and Manning for Officers of Towing Vessels (USCG 1999-6224) .....	2115-AF23
1987	Limited Service Domestic Voyage Load Lines for River Barges on Lake Michigan (USCG-1998-4623) .....	2115-AF38
1988	Outer Continental Shelf Activities (USCG-1998-3868) .....	2115-AF39
1989	Fire-Suppression Systems and Voyage Planning for Towing Vessels (USCG 2000-6931) .....	2115-AF53
1990	+Salvage and Marine Firefighting Requirements; Vessel Response Plans for Oil (USCG-1998-3417) ( <b>Reg Plan Seq No. 103</b> ) .....	2115-AF60
1991	Deepwater Ports (USCG-1998-3884) .....	2115-AF63
1992	Anchorage Ground; Safety Zone; Speed Limit; Tongass Narrows and Ketchikan, AK (CGD17-99-002) .....	2115-AF81
1993	Training and Qualifications for Personnel on Passenger Ships (USCG 1999-5610) .....	2115-AF83
1994	Alternate Hull Examination Program for Certain Passenger Vessels, and Underwater Surveys for Passenger, Nautical School, and Sailing School Vessels (USCG-2000-6858) .....	2115-AF95
1995	Allowing Alternative Source to Incandescent Lights, and Establishing Standards for New Lights, in Private Aids to Navigation (USCG-2000-7466) .....	2115-AF98
1996	Wearing of Personal Flotation Devices (PFDs) by Certain Children Aboard Recreational Vessels (USCG-2000-8589) .....	2115-AG04
1997	Federal Requirements for Propeller Injury Avoidance Measures (USCG 2001-10163) .....	2115-AG18
1998	Safety Zones for Outer Continental Shelf Facilities in the Gulf of Mexico (CGD08-01-025) .....	2115-AG22
1999	Safety Zone for Outer Continental Shelf Facility in the Gulf of Mexico (CGD08-01-043) .....	2115-AG31
2000	Notifications of Arrival and Departure in Ports or Places in the United States (USCG-2001-11865) .....	2115-AG35
2001	Great Lakes Maritime Academy — Eligibility of Certain Graduates for Unrestricted Third-Mate Licenses (USCG-2002-13213) .....	2115-AG43

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## U.S. Coast Guard—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
2002	Traffic Separation Schemes: In the Strait Of Juan De Fuca and Its Approaches; In Puget Sound and Its Approaches; In Haro Strait, Boundary Pass, and in the Strait of Georgia (USCG-2002-12702) .....	2115-AG45
2003	Temporary Requirements for Notification of Arrival in U.S. Ports (USCG-2001-10689) .....	2115-AG47

+ DOT-designated significant regulation

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

## U.S. Coast Guard—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
2004	Safety and Security Zone Regulations .....	2115-AA97
2005	Special Anchorage Areas/Anchorage Grounds Regulations .....	2115-AA98
2006	+Discharge-Removal Equipment for Vessels Carrying Oil (CGD 90-068) .....	2115-AD66
2007	+Escort Vessels for Certain Tankers (CGD 91-202) .....	2115-AE10
2008	State Access to the Oil Spill Liability Trust Fund (CGD 92-014) .....	2115-AE19
2009	Regatta and Marine Parade Regulations .....	2115-AE46
2010	Drawbridge Regulations .....	2115-AE47
2011	+Escort Vessels in Certain U.S. Waters (CGD 91-202a) .....	2115-AE56
2012	Regulated Navigation Areas .....	2115-AE84
2013	+Marine Transportation-Related Facility Response Plans for Hazardous Substances (USCG-1999-5705) .....	2115-AE87
2014	+Tank Vessel Response Plans for Hazardous Substances (USCG-1998-4354) .....	2115-AE88
2015	Numbering of Undocumented Barges (USCG-1998-3798) .....	2115-AF13
2016	+Implementation of the 1995 Amendments to the International Convention on Standards of Training, Certification, and Watchkeeping for Seafarers, 1978 (STCW) (CGD 95-062) .....	2115-AF26
2017	Rules of Practice, Procedure, and Evidence for Administrative Proceedings of the Coast Guard (USCG 1998-3472) .....	2115-AF59
2018	Commercial Diving Operations (USCG-1998-3786) .....	2115-AF64
2019	+Improvements to Maritime Safety in Puget Sound-Area Waters (USCG-1998-4501) .....	2115-AF68
2020	Vessel Traffic Service Lower Mississippi River (USCG-1998-4399) .....	2115-AF75
2021	Cargo Securing on Vessels Operating in U.S. Waters (USCG-2000-7080) .....	2115-AF97
2022	Electronic Chart Display and Information System (ECDIS) (USCG-2001-8826) .....	2115-AG09
2023	+Standards for Living Organisms in Ships' Ballast Water Discharged in U.S. Waters (USCG-2001-10486) .....	2115-AG21
2024	+Alternate Tonnage Convention: Small Passenger Vessels .....	2115-AG29
2025	Port Security Plans .....	2115-AG37
2026	Facility Security Plan .....	2115-AG38
2027	Passenger Facility Security Plan .....	2115-AG39
2028	Maritime Security: Passenger Vessel Security .....	2115-AG40
2029	Maritime Security: High Consequence Vessels .....	2115-AG41
2030	Identification Credentials for Maritime Security .....	2115-AG42

+ DOT-designated significant regulation

## U.S. Coast Guard—Completed Actions

Sequence Number	Title	Regulation Identification Number
2031	+Emergency Response Plans for Passenger Vessels (USCG-1998-3473) .....	2115-AF61
2032	Safety of Uninspected Passenger Vessels Under the Passenger Vessel Safety Act of 1993 (USCG-1999-5040) .....	2115-AF69
2033	Barges Carrying Bulk Liquid Hazardous Material (USCG-1999-5117) .....	2115-AF77
2034	Notification of Arrival: Addition of Charterer to Required Information (USCG-2001-8659) .....	2115-AG06
2035	+Tank Level or Pressure Monitoring Devices (USCG-2001-9046) .....	2115-AG10
2036	Inspection and Enforcement of Coast Guard Regulations for Fixed Facilities by Minerals Management Service (USCG-2001-9045) .....	2115-AG14
2037	Revise Options for Responding to Notices of Violations (USCG-2001-9175) .....	2115-AG15
2038	Traffic Separation Scheme: In Prince William Sound, Alaska (USCG-2001-10254) .....	2115-AG20
2039	Protection of Naval Vessels (LANT AREA-01-001 and PAC AREA-01-001) .....	2115-AG23
2040	Liferaft Servicing Intervals (USCG-2001-11118) .....	2115-AG28



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## U.S. Coast Guard—Completed Actions (Continued)

Sequence Number	Title	Regulation Identification Number
2041	Protection of Naval Vessels (LANT AREA-02-001 and PAC AREA-02-001) .....	2115-AG33
2042	Navigation and Navigable Waters — Technical Amendments, Organizational Changes, Miscellaneous Editorial Changes and Conforming Amendments (USCG-2002-12471) .....	2115-AG44
2043	Basic Rates and Charges on Lake Erie and the Navigable Waters From Southeast Shoal to Port Huron, MI (USCG-2002-12840) .....	2115-AG46
2044	Shipping — Technical and Conforming Amendments (USCG-2002-13058) .....	2115-AG48

+ DOT-designated significant regulation

## Federal Aviation Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
2045	Objects Affecting Navigable Airspace .....	2120-AA09
2046	+Improved Water Survival Equipment .....	2120-AC72
2047	+Retrofit of Improved Seats in Air Carrier Transport Category Airplanes .....	2120-AC84
2048	+Corrosion Control Program .....	2120-AE92
2049	+National Air Tour Safety Standards .....	2120-AF07
2050	+Flight Crewmember Duty Period Limitations, Flight Time Limitations, and Rest Requirements ( <b>Reg Plan Seq No. 104</b> ) .....	2120-AF63
2051	+False and Misleading Statements Regarding Aircraft Parts .....	2120-AG08
2052	+Noise Limitations for Aircraft Operations in the Vicinity of Grand Canyon National Park .....	2120-AG34
2053	Licensing and Safety Requirements for Launch .....	2120-AG37
2054	+Child Restraint Systems .....	2120-AG43
2055	Revision of Air Carrier Crewmember and Training Regulations .....	2120-AG57
2056	Training in the Recognition of Hazardous Material .....	2120-AG75
2057	+Air Tour Operations in State of Hawaii .....	2120-AH02
2058	+Flight Simulation Device Qualification .....	2120-AH07
2059	Refusal To Submit to an Authorized Drug Test .....	2120-AH23
2060	Public Address System .....	2120-AH30
2061	Safe, Efficient Use and Preservation of the Navigable Airspace .....	2120-AH31
2062	Design Requirements for Pressurization and Pneumatic Systems Installed on Transport Category Airplanes .....	2120-AH33
2063	Design Standards for Fuselage Doors on Transport Category Airplanes .....	2120-AH34
2064	Reverse Thrust and Propeller Pitch Settings Below the Flight Regime .....	2120-AH35
2065	Trim Systems and Protective Breathing Equipment .....	2120-AH40
2066	Revisions to Passenger Facility Charge Rule for Compensation to Air Carriers .....	2120-AH43
2067	Noise Stringency Increase for Single-Engine Propeller-Driven Small Airplanes .....	2120-AH44
2068	Airworthiness Standards for Classes B and F Cargo Compartment for Transport Category Airplanes .....	2120-AH47
2069	Modification of the Dimensions of the Grand Canyon National Park Special Flight Rules Area and Flight-Free Zones .....	2120-AH48
2070	+Security Programs for Charter Operations Using Aircraft 12,500 Pounds and Over .....	2120-AH66
2071	+Transponder Continuous Operation .....	2120-AH67
2072	Revised Checked Pitching Maneuver for Transport Airplanes .....	2120-AH71
2073	Revised Requirements for Gust and Continuous Turbulence Design Loads .....	2120-AH73
2074	Harmonization of Airworthiness Standards Flight Rules, Static Lateral-Directional Stability, and Speed Increase and Recovery Characteristics .....	2120-AH74
2075	+Picture Identification Requirements .....	2120-AH76
2076	Area Navigation (RNAV) and Miscellaneous Amendments .....	2120-AH77
2077	Flight Visibility; Vision Enhancing Equipment .....	2120-AH78
2078	Establishment of Organization Designation Authorization Procedures .....	2120-AH79
2079	Airworthiness Standards; Fire Protection .....	2120-AH80
2080	Refusal To Take a DOT-Required Drug or Alcohol Test .....	2120-AH82
2081	Performance and Handling Qualities Requirements for Rotorcraft .....	2120-AH87
2082	+Revisions to Cockpit Voice Recorder and Digital Flight Data Recorder Regulations .....	2120-AH88

+ 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—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
2083	+Fuel System Vent Fire Protection .....	2120-AA49
2084	Miscellaneous Amendments .....	2120-AA50
2085	1-G Stalling Speed as a Basis for Aircraft Parts .....	2120-AD40
2086	+Revision of Part 108, Aircraft Operator Security .....	2120-AD45
2087	+Revision of Part 107, Airport Security .....	2120-AD46
2088	+Aging Aircraft Safety .....	2120-AE42
2089	Air Traffic Control Radar Beacon System and Mode S Transponder Requirements in the National Airspace System	2120-AE81
2090	+Revised Access to Type III Exits .....	2120-AF01
2091	+Revision of Emergency Evacuation Demonstration Procedures To Improve Participant Safety .....	2120-AF21
2092	+Overflights of Units of the National Park System .....	2120-AF46
2093	Revised Precision Approach Landing Systems Policy .....	2120-AG16
2094	+Prohibition of the Transportation of Devices Designed as Chemical Generators as Cargo in Aircraft .....	2120-AG35
2095	+Revised Standards for Cargo or Baggage Compartments in Transport Category Airplanes .....	2120-AG42
2096	+Screening of Checked Baggage on Flights Within the United States .....	2120-AG51
2097	+Policy Regarding Airport Rates and Charges .....	2120-AG58
2098	+Certification of Screening Companies .....	2120-AG84
2099	+Revisions to Digital Flight Data Recorder Regulations for B-737 Airplanes and for Part 125 Operators .....	2120-AG87
2100	+Traffic Alert and Collision Avoidance Systems .....	2120-AG90
2101	+Improved Flammability Standards for Thermal/Acoustic Insulation Materials Used in Transport Category Airplanes <b>(Reg Plan Seq No. 105)</b> .....	2120-AG91
2102	Fire Protection of Electrical System Components on Transport Category Airplanes .....	2120-AG92
2103	+Certification Procedures for Products and Parts <b>(Section 610 Review)</b> .....	2120-AG93
2104	+Certification of Airports <b>(Reg Plan Seq No. 106)</b> .....	2120-AG96
2105	Special Flight Rules in the Vicinity of Grand Canyon National Park .....	2120-AG97
2106	+Fractional Ownership .....	2120-AH06
2107	Noise Certification Regulations for Helicopters .....	2120-AH10
2108	Antidrug and Alcohol Misuse Prevention Programs for Personnel Engaged in Specified Aviation Activities .....	2120-AH14
2109	+Certification of Pilots, Aircraft, and Repairmen for the Operation of Light Sport Aircraft .....	2120-AH19
2110	Revision to Airspeed Indicating System Requirements for Transport Category Airplanes .....	2120-AH26
2111	Electrical Installation, Nickel Cadmium Battery Installation, and Nickel Cadmium Battery Storage .....	2120-AH27
2112	Design and Installation of Electronic Equipment on Transport Category Airplanes .....	2120-AH28
2113	Electrical Cables .....	2120-AH29
2114	Material Strength Properties and Design Values .....	2120-AH36
2115	Revisions to Various Powerplant Installation Requirements for Transport Category Airplanes .....	2120-AH37
2116	Lower Deck Service Compartments on Transport Category Airplanes .....	2120-AH38
2117	Miscellaneous Flight Requirements .....	2120-AH39
2118	Harmonization of Noise Certification Standards for Propeller-Driven Small Airplanes .....	2120-AH42
2119	Digital Flight Data Recorder Resolutions Requirements .....	2120-AH46
2120	+Criminal History Background Checks .....	2120-AH53
2121	Flight Restrictions in the Vicinity of Niagara Falls .....	2120-AH57
2122	+Screeners, Qualifications, Training, and Testing .....	2120-AH59
2123	Procedures for Reimbursement of Airports, On-Airport Parking Lots and Vendors of On-Airfield Direct Services to Air Carriers for Security Mandates .....	2120-AH60
2124	+Enhanced Security Procedures for Operations at Certain Airports .....	2120-AH62
2125	Powerplant Controls on Transport Category Airplanes, General .....	2120-AH65
2126	+Reduced Vertical Separation Minimum in United States Domestic Airspace .....	2120-AH68
2127	Reports by Carriers on Incidents Involving Animals During Air Transport .....	2120-AH69
2128	+Security Considerations for the Flightdeck on Foreign Operated Transport Category Airplanes .....	2120-AH70
2129	Aircraft Registration Requirements; Clarification of "Court of Competent Jurisdiction" .....	2120-AH75
2130	+Prohibition of Construction or Alteration in the Vicinity of the Private Residence of the President of the United States .....	2120-AH83
2131	+Revocation of Pilot Certificates or Denial of an Application Based on Security Disqualification .....	2120-AH84
2132	Flightdeck Security on Foreign Operated Airplanes .....	2120-AH86

+ 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 Identification Number
2133	IFR Altitudes; Miscellaneous Amendments .....	2120-AA63
2134	Airworthiness Directives .....	2120-AA64
2135	Standard Instrument Approach Procedures; Miscellaneous Amendments .....	2120-AA65
2136	Airspace Actions .....	2120-AA66
2137	+Drug Enforcement Assistance .....	2120-AD16
2138	Type Certificates for Some Surplus Aircraft of the Armed Forces .....	2120-AE41
2139	Civil Penalty Assessment Procedures .....	2120-AE84
2140	Miscellaneous Cabin Safety Changes .....	2120-AF77
2141	Bird Strike .....	2120-AF80
2142	+Security Programs of Foreign Air Carriers and Foreign Operators of U.S.-Registered Air Carriers Engaged in Common Carriage .....	2120-AG13

+ DOT-designated significant regulation

## Federal Aviation Administration—Completed Actions

Sequence Number	Title	Regulation Identification Number
2143	Low Fuel Quantity Alerting System .....	2120-AB46
2144	Aircraft Engines: Fuel and Induction Systems .....	2120-AB76
2145	Installation of Crashworthy Fuselage Fuel Tanks and Fuel Lines .....	2120-AC87
2146	Airplane Engine Cowling Retention .....	2120-AD34
2147	+Aircraft Ground Deicing and Anti-Icing Program .....	2120-AE70
2148	Flight Attendant English Language Proficiency .....	2120-AE98
2149	+Training and Checking in Ground Icing Conditions .....	2120-AF09
2150	Los Angeles, CA, Class B Airspace .....	2120-AF16
2151	Revision of Braking Systems Airworthiness Standards to Harmonize With European Airworthiness Standards for Transport Category Airplanes .....	2120-AG80
2152	Noise Certification Standards for Subsonic Jet Airplanes and Subsonic Transport Category Large Airplanes .....	2120-AH03
2153	Alcohol and Drug Misuse Prevention Programs for Personnel Engaged in Specified Aviation Activities .....	2120-AH15
2154	Airworthiness Directives .....	2120-AH17
2155	Powered Lift Operations .....	2120-AH20
2156	Transition to an All Stage 3 Fleet Operating in the 48 Contiguous United States and the District of Columbia .....	2120-AH41
2157	Enduring Freedom Special Federal Aviation Regulation (SFAR) .....	2120-AH58
2158	Revisions to Digital Flight Data Recorder Requirements .....	2120-AH81
2159	Equivalent Safety Provisions for Fuel Tank System Fault Tolerance Evaluation Requirements .....	2120-AH85

+ DOT-designated significant regulation

## Federal Highway Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
2160	Advanced Construction of Federal Aid Projects .....	2125-AD59
2161	Work Zone Mobility and Safety .....	2125-AE29
2162	+Federal Lands Highway Program; Management Systems Pertaining to the National Park Service, Including the Park Roads and Parkways Program .....	2125-AE52
2163	+Federal Lands Highway Program; Management Systems Pertaining to the Bureau of Indian Affairs, Including the Indian Reservations Road Program .....	2125-AE53
2164	+Federal Lands Highway Program; Management Systems Pertaining to the Fish and Wildlife Service, Including the Refuge Roads Program .....	2125-AE54
2165	+Federal Lands Highway Program; Management Systems Pertaining to the Forest Service, Including the Forest Highways Program .....	2125-AE55
2166	Revision of the Manual on Uniform Traffic Control Devices; Traffic Control Devices on Federal-Aid and Other Streets and Highways; Standards .....	2125-AE78
2167	+National Bridge Inspection Standards .....	2125-AE86
2168	Debt Financing .....	2125-AE91

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## Federal Highway Administration—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
2169	+Designation of Dromedary-Equipped Truck Tractor-Semitrailers as Specialized Equipment .....	2125-AE94
2170	Truck Size and Weight; National Network; Virginia .....	2125-AE96

+ DOT-designated significant regulation

## Federal Highway Administration—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
2171	Federal-Aid Highway Systems .....	2125-AD74
2172	Railroad Highway Projects .....	2125-AD86
2173	Standards for Dedicated Short-Range Communications (DSRC) Applications for Use by Commercial Vehicles in Intelligent Transportation Systems Projects .....	2125-AE63
2174	+Design-Build Contracting .....	2125-AE79
2175	Discretionary Bridge Candidate Rating Factor .....	2125-AE88
2176	+Statewide Transportation Planning; Metropolitan Transportation Planning .....	2125-AE95

+ DOT-designated significant regulation

## Federal Highway Administration—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
2177	Indian Reservation Road Bridge Program .....	2125-AE57
2178	Revisions to Highway Bridge Replacement and Rehabilitation Program .....	2125-AE75
2179	Commercial Vehicle Width Exclusive Devices .....	2125-AE90
2180	Manual on Uniform Traffic Control Devices .....	2125-AE93

## Federal Highway Administration—Completed Actions

Sequence Number	Title	Regulation Identification Number
2181	Certification of Size and Weight Enforcement .....	2125-AC60
2182	Administration of Engineering and Design-Related Services Contracts .....	2125-AE45
2183	+Statewide and Metropolitan Planning .....	2125-AE62
2184	+NEPA and Related Procedures for Transportation Decisionmaking; Protection of Public Parks, Wildlife and Waterfowl Refuges, and Historic Sites .....	2125-AE64
2185	Traffic Control Devices on Federal-Aid and Other Streets and Highways; Color Specifications for Retroreflective Sign and Pavement Marking Materials .....	2125-AE67
2186	+Railroad-Highway Crossing Projects .....	2125-AE81
2187	National Standards for Traffic Control Devices; Manual on Uniform Traffic Control Devices; Accessible Pedestrian Signals .....	2125-AE83
2188	Planning and Research Program Administration .....	2125-AE84
2189	Landscape and Roadside Development .....	2125-AE85
2190	Metropolitan Transportation Planning and Programming .....	2125-AE92

+ DOT-designated significant regulation

## Federal Motor Carrier Safety Administration—Prerule Stage

Sequence Number	Title	Regulation Identification Number
2191	Security Requirements for Motor Carriers Transporting Hazardous Materials .....	2126-AA71

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## Federal Motor Carrier Safety Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
2192	+Qualification of Drivers; Vision .....	2126-AA05
2193	+Commercial Driver Physical Fitness as Part of the CDL Process .....	2126-AA10
2194	Safety Performance History of New Drivers .....	2126-AA17
2195	+Unified Registration System .....	2126-AA22
2196	Safety Fitness Procedures .....	2126-AA37
2197	+Federal Motor Carrier Safety Regulations; Interstate School Bus Safety .....	2126-AA53
2198	Posting of Employee Protections Information .....	2126-AA68
2199	+Hours of Service of Drivers; Supporting Documents .....	2126-AA76
2200	Safety Fitness Procedures; Safety Ratings .....	2126-AA77

+ DOT-designated significant regulation

## Federal Motor Carrier Safety Administration—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
2201	+Railroad-Highway Grade Crossing Safety .....	2126-AA18
2202	+Hours of Service of Drivers; Driver Rest and Sleep for Safe Operations ( <b>Rulemaking Resulting From a Section 610 Review</b> ) ( <b>Reg Plan Seq No. 107</b> ) .....	2126-AA23
2203	Electronic Filing of Surety Bonds, Trust Fund Agreements, Insurance Certificates; Cancellations .....	2126-AA24
2204	+Transportation of Household Goods; Consumer Protection Regulations ( <b>Rulemaking Resulting From a Section 610 Review</b> ) .....	2126-AA32
2205	Out-of-Service Criteria .....	2126-AA36
2206	Federal Motor Carrier Safety Regulations; Waivers, Exemptions, and Pilot Programs; Rules and Procedures .....	2126-AA41
2207	+Federal Motor Carrier Safety Regulations; Safety Requirements for Operators of Small Passenger-Carrying Commercial Motor Vehicles Used in Interstate Commerce .....	2126-AA52
2208	+Limitations on Issuance of Commercial Driver's License With Hazardous Materials Endorsement ( <b>Reg Plan Seq No. 108</b> ) .....	2126-AA70
2209	+Penalties, Inspection, and Decal Display Requirements for Mexico-Domiciled Motor Carriers .....	2126-AA72

+ DOT-designated significant regulation

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

Sequence Number	Title	Regulation Identification Number
2210	+Commercial Driver's License Standards; Biometric Identifier .....	2126-AA01
2211	Commercial Learner Permits .....	2126-AA03
2212	+Federal Motor Carrier Safety Regulations; General Transportation of Hazardous Materials .....	2126-AA07
2213	+Minimum Training Requirements for Operators and Training Instructors of Multiple Trailer Combination Vehicles ..	2126-AA08
2214	+Training for Entry-Level Drivers of Commercial Motor Vehicles .....	2126-AA09
2215	Parts and Accessories Necessary for Safe Operation; Sleeper Berths on Motor Coaches .....	2126-AA12
2216	Rules of Practice for Motor Carrier Proceedings; Investigations; Disqualifications and Penalties .....	2126-AA15
2217	Parts and Accessories Necessary for Safe Operation; Television Receivers and Data Display Units .....	2126-AA19
2218	General Jurisdiction Over Freight Forwarder Service .....	2126-AA25
2219	+English Language Requirement; Qualifications of Drivers .....	2126-AA31
2220	+Application by Certain Mexico-Domiciled Motor Carriers To Operate Beyond U.S. Municipalities and Commercial Zones on the U.S.-Mexico Border .....	2126-AA34
2221	+Safety Monitoring System and Compliance Initiative for Mexico-Domiciled Motor Carriers Operating in the United States .....	2126-AA35
2222	+General Requirements; Inspection, Repair, and Maintenance; Intermodal Container Chassis and Trailers .....	2126-AA38
2223	+Federal Motor Carrier Safety Regulations; Zero-Base Revision .....	2126-AA39
2224	+Post-Accident Controlled Substances and Alcohol Test Results; Reporting Requirements for the Fatality Analysis Reporting System .....	2126-AA50
2225	+New Entrant Safety Assurance Process .....	2126-AA59
2226	Parts and Accessories Necessary for Safe Operation; General Amendments .....	2126-AA61

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

Sequence Number	Title	Regulation Identification Number
2227	Rules of Practice for Administrative Proceedings .....	2126-AA63
2228	+Certification of Safety Auditors, Safety Investigators, and Safety Inspectors .....	2126-AA64
2229	+Certification of Compliance With Federal Motor Vehicle Safety Standards (FMVSS) .....	2126-AA69
2230	+Registration Enforcement .....	2126-AA78

+ DOT-designated significant regulation

## Federal Motor Carrier Safety Administration—Completed Actions

Sequence Number	Title	Regulation Identification Number
2231	Development of a North American Standard for Protection Against Shifting and Falling Cargo .....	2126-AA27
2232	Brake Performance Requirements for CMVs Inspected by Performance-Based Brake Testers .....	2126-AA46
2233	Commercial Driver's License Standards; Requirements and Penalties; Noncommercial Motor Vehicle Violations .....	2126-AA55
2234	Commercial Driver's License Standards; Requirements and Penalties; Commercial Driver's License Program Improvements .....	2126-AA60
2235	Revision to Periodic Tire Check Requirement for Motor Carriers Transporting Hazardous Materials .....	2126-AA74
2236	+Hazardous Material Route Plans .....	2126-AA75

+ DOT-designated significant regulation

## National Highway Traffic Safety Administration—Prerule Stage

Sequence Number	Title	Regulation Identification Number
2237	Review: Odometer Fraud .....	2127-AF53
2238	Review: American Automobile Labeling Act .....	2127-AG18
2239	Review: Heavy Truck Conspicuity .....	2127-AG19
2240	Motorcycle-Mounted Reflex Reflector Height .....	2127-AG92
2241	Review: Child Safety Seat Registration .....	2127-AG93
2242	Review: Air Bag On-Off Switches .....	2127-AH12
2243	Child Restraints for Older Children .....	2127-AH14
2244	Defect Reporting and Notification .....	2127-AH89

## National Highway Traffic Safety Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
2245	Procedures for Considering Environmental Impacts .....	2127-AB79
2246	Seating Systems Performance .....	2127-AD08
2247	Certification Requirements of Multistage Vehicles .....	2127-AE27
2248	Convex Cross-View Mirrors .....	2127-AG41
2249	Political Subdivision Participation in State Highway Safety Programs and State Highway Safety Agency .....	2127-AH00
2250	Definition of Multifunctional School Activity Bus .....	2127-AH23
2251	Metric Conversion—Phase III .....	2127-AH27
2252	Upgrade Door Retention Performance .....	2127-AH34
2253	Administrative Rewrite of the Lighting Requirements Other Than Headlamps .....	2127-AH37
2254	Exemption for Inconsequential Defect or Noncompliance .....	2127-AH58
2255	Compliance and Enforcement .....	2127-AH63
2256	Registered Importers of Vehicles Not Originally Manufactured To Conform With the Federal Motor Vehicle Safety Standards .....	2127-AH67
2257	+Frontal Offset Protection ( <b>Reg Plan Seq No. 109</b> ) .....	2127-AH73
2258	Special Purpose Vehicles .....	2127-AH75
2259	Brake Hoses .....	2127-AH79
2260	Low-Speed Vehicle Performance Requirements .....	2127-AH80

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

Sequence Number	Title	Regulation Identification Number
2261	Headlamp Glare .....	2127-AH81
2262	Stowable or Fold-Away Child Restraint Anchorages .....	2127-AH85
2263	Motorcycle Headlamp System .....	2127-AH92
2264	Improve Motorcycle Helmet Head Protection .....	2127-AI03
2265	Reorganize and Harmonize Controls and Displays .....	2127-AI09
2266	Seat Belt Emergency Locking Retractor .....	2127-AI38
2267	Adaptation of Instrumented Lower Legs for Hybrid III Male and Female Adult Dummies .....	2127-AI39
2268	Voluntarily Installed Seat Belt Assembly Anchorages .....	2127-AI40
2269	Idle Stop Technology Used in Some Hybrid Electric Vehicles .....	2127-AI43
2270	+Operation of Motor Vehicles by Intoxicated Persons .....	2127-AI44
2271	Procedures for Participating In and Receiving Data From the National Driver Registration Problem Driver Pointer System .....	2127-AI45
2272	Parking Brakes for Non-School Bus Vehicles .....	2127-AI47
2273	Cargo Carrying Capacity .....	2127-AI50
2274	Convex Mirrors for Commercial Trucks .....	2127-AI52
2275	Enhance Passenger-Side Mirror System .....	2127-AI53
2276	Horizontal Discharge Trailers .....	2127-AI56
2277	Heavier Hybrid III Type 6-Year-Old-Size Test Dummy .....	2127-AI58
2278	Allow Roll-Bar During Brake Testing .....	2127-AI63
2279	Child Restraint System Webbing Strength .....	2127-AI66
2280	Motorcycle Brake Controls .....	2127-AI67
2281	+Light Truck Average Fuel Economy Standard, Model Years 2005-2010 .....	2127-AI70
2282	+Event Data Recorders .....	2127-AI72
2283	GM Petition on Amending FMVSS No. 301 and FMVSS Nos. 208, 212, 219, 303, and 305 .....	2127-AI76
2284	Exemption for Inconsequential Defect or Noncompliance .....	2127-AI78
2285	+Consumer Information Regulations; Federal Motor Vehicle Safety Standards; Rollover Resistance .....	2127-AI81
2286	Incorporation of EuroSID II Dummy into 49 CFR Part 572 .....	2127-AI89
2287	Rear Center Lap/Shoulder Belt Requirement - Std. 208 .....	2127-AI91

+ 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—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
2288	+Crashworthiness Ratings .....	2127-AA03
2289	+Flammability of Interior Materials—School Buses .....	2127-AA44
2290	+Platform Lift Systems .....	2127-AD50
2291	Upgrade Fuel Integrity Performance Requirements .....	2127-AF36
2292	Alternative Geometric Visibility Requirements for Lamps .....	2127-AF75
2293	Power-Operated Windows: Roof Panels .....	2127-AF83
2294	Door Latch Exemption for Vehicles Equipped With Wheelchair Lifts and Ramps .....	2127-AG16
2295	Dealer Notification of Defect or Noncompliance Determination .....	2127-AG27
2296	Seat Belt Positioning Devices .....	2127-AG49
2297	Glare Reduction From Daytime Running Lamps .....	2127-AG86
2298	Administrative Rewrite for Headlamp Requirements .....	2127-AG87
2299	Signal Lamps Used With Light-Emitting Diodes .....	2127-AG88
2300	+Allocation of Fuel Economy Credits .....	2127-AG97
2301	Incorporate the 1996 Revision of the American National Standards Institute (ANSI) into Glazing Standard .....	2127-AH08
2302	+Harmonization of Head Restraints .....	2127-AH09
2303	Heavy Vehicle Antilock Brake System (ABS) Performance Requirement .....	2127-AH16
2304	Upper Interior Impact .....	2127-AH61
2305	Accelerator Control Systems .....	2127-AH71
2306	Vehicles With Raised Roofs .....	2127-AH74
2307	Clarify Test Procedures for Brake Fluids .....	2127-AH96
2308	Guidelines for States on Enforcement of Light Transmission .....	2127-AH97
2309	Child Restraint Anchorage Systems—Part 2 .....	2127-AH99

## DOT

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

Sequence Number	Title	Regulation Identification Number
2310	Label Placement on Rear Impact Guards .....	2127-AI04
2311	Moving Barrier Tire Specification .....	2127-AI05
2312	+Confidential Business Information .....	2127-AI13
2313	Acceleration of Manufacturer Remedy Program .....	2127-AI27
2314	Disposition of Replaced Tires .....	2127-AI29
2315	+Improve Tire Safety Information .....	2127-AI32
2316	Improving the Safety of Child Restraints .....	2127-AI34
2317	Seat Belt Fit .....	2127-AI36
2318	+Automotive Fuel Economy Manufacturing Incentive for Alternative Fuel Vehicles .....	2127-AI41
2319	Expanding the Auto Parts Marking Requirement .....	2127-AI46
2320	Compliance for Multistage Manufacturers and Alterers .....	2127-AI49
2321	+Improved Tire Safety .....	2127-AI54
2322	Retroactive Certification (Policy Statement) .....	2127-AI59
2323	Record Retention of Retroactively Certified Vehicles .....	2127-AI60
2324	Importation of Commercial Motor Vehicles .....	2127-AI64
2325	Child Restraint Safety Rating .....	2127-AI65
2326	+Advanced Air Bag Requirements .....	2127-AI71
2327	Theft Data for Calendar Year 2000 .....	2127-AI75
2328	FMVSS No. 208 Advanced Air Bag Petitions for Reconsideration (Part 2) .....	2127-AI82
2329	Warning Label and Additional Conspicuity Features for Low Speed Vehicles .....	2127-AI84
2330	+FMVSS No. 208 Advanced Air Bag Petitions for Reconsideration (Part 1) .....	2127-AI85
2331	FMVSS No. 201 Upper Interior Impact Multi-Stage Vehicle Compliance .....	2127-AI86
2332	List of Nonconforming Vehicles Eligible for Importation .....	2127-AI87
2333	Use of Seat Mounted Child Restraints on School Bus Seats .....	2127-AI88
2334	+Tire Pressure Monitoring System; Petitions for Reconsideration .....	2127-AI90
2335	+Reporting of Information and Documents About Potential Defects .....	2127-AI92

+ DOT-designated significant regulation

## National Highway Traffic Safety Administration—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
2336	Radiator Safety Cap .....	2127-AE59
2337	+Review: Side-Impact Protection .....	2127-AF54
2338	Power Window Safety Switches .....	2127-AG36
2339	Upgrade Roof Crashworthiness .....	2127-AG51
2340	Hybrid III 95th Percentile Male .....	2127-AG79
2341	Placement of Wheelchair Restraints on Buses .....	2127-AH03
2342	Review: Redesigned Air Bags .....	2127-AH13
2343	Use of Universal Child Seats in Aircraft .....	2127-AH56
2344	Hybrid III Type 6-Year-Old-Size Test Dummy .....	2127-AI00
2345	Fifth Percentile Female Test Dummy .....	2127-AI01
2346	Review: Antilock Brake Systems for Heavy Trucks .....	2127-AI14
2347	Review: Rear-Impact Guards for Truck Trailers .....	2127-AI15
2348	Daytime Running Lamps Intensity Reduction Phase II .....	2127-AI62
2349	+Federal Motor Vehicle Safety Standards; Child Restraint Systems .....	2127-AI83

+ DOT-designated significant regulation

## National Highway Traffic Safety Administration—Completed Actions

Sequence Number	Title	Regulation Identification Number
2350	Brake Lining .....	2127-AC66
2351	Buy America Requirements .....	2127-AG99
2352	Ejection Mitigation Using Advanced Glazing .....	2127-AH50



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## National Highway Traffic Safety Administration—Completed Actions (Continued)

Sequence Number	Title	Regulation Identification Number
2353	Review: Head Restraints for Light Trucks .....	2127-AH98
2354	+Early Warning Defect Reporting Requirements .....	2127-AI25
2355	Defects in Foreign Countries .....	2127-AI26
2356	Reimbursement Prior to Recall .....	2127-AI28
2357	Prohibition of Sale or Lease of Equipment .....	2127-AI30
2358	+Tire Pressure Monitoring System .....	2127-AI33
2359	Civil Penalties .....	2127-AI42
2360	Trailer Test Rig .....	2127-AI48
2361	Child Safety Information Labels .....	2127-AI55
2362	List of Nonconforming Vehicles Eligible for Importation .....	2127-AI61
2363	Modified Front-Opening Hood Requirements .....	2127-AI69
2364	Insurer Reporting Requirements/List of Insurers Required To File Reports for October 2002 .....	2127-AI73
2365	High-Theft Lines for Model Year 2002 .....	2127-AI74
2366	Schedule of Fees Authorized by 49 U.S.C. 30141 .....	2127-AI77
2367	Exemption From the Make-Inoperative Prohibition .....	2127-AI80

+ DOT-designated significant regulation

## Federal Railroad Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
2368	Locomotive Crashworthiness .....	2130-AB23
2369	Locomotive Event Recorders .....	2130-AB34
2370	Revision to Railroad Safety Enforcement Procedures .....	2130-AB35
2371	Rules of Practice .....	2130-AB36
2372	Railroad Car Conspicuity .....	2130-AB41
2373	Revision to the Accident/Incident Reporting Regulations and Guide .....	2130-AB51
2374	Occupational Noise Exposure for Railroad Operating Employees .....	2130-AB56

## Federal Railroad Administration—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
2375	+Whistle Bans at Highway-Rail Grade Crossings .....	2130-AA71
2376	+Standards for Development and Use of Processor-Based Signal and Train Control Systems ( <b>Reg Plan Seq No. 110</b> ) .....	2130-AA94
2377	Small Railroads; Policy Statement on Enforcement Program .....	2130-AB15
2378	Regulations on Safety Integration Plans Governing Railroad Consolidations, Mergers, Acquisitions of Control, and Start-Up Operations .....	2130-AB24
2379	Roadway Maintenance Machines .....	2130-AB28
2380	Annual Adjustment of Monetary Threshold for Reporting Rail Equipment Accidents/Incidents .....	2130-AB30
2381	Determination of Minimum Testing Rate for Random Drug and Alcohol Testing .....	2130-AB31
2382	+Locational Requirement for Dispatching of United States Rail Operations .....	2130-AB38
2383	+Application of Random Testing and Other Alcohol and Drug Regulations to Employees of Foreign Railroads .....	2130-AB39

+ DOT-designated significant regulation

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

## Federal Railroad Administration—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
2384	Local Rail Freight Assistance to States .....	2130-AA60
2385	Blue Signal and Related Protections .....	2130-AA90

## DOT

## Federal Railroad Administration—Long-Term Actions (Continued)

Sequence Number	Title	Regulation Identification Number
2386	Crane Safety Standards .....	2130-AB27
2387	+Minimum Standards for Temperature in the Locomotive Cab .....	2130-AB46
2388	Automatic Train Control (ATC) and Advanced Civil Speed Enforcement System (ACSES); Northeast Corridor (NEC) Railroads .....	2130-AB55

+ DOT-designated significant regulation

## Federal Railroad Administration—Completed Actions

Sequence Number	Title	Regulation Identification Number
2389	Passenger Equipment Safety Standards .....	2130-AB48
2390	Improvements to the System for Reporting Train Accidents .....	2130-AB50

## Federal Transit Administration—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
2391	+Bus Testing .....	2132-AA30

+ DOT-designated significant regulation

## Federal Transit Administration—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
2392	Buy America Requirements; Amendment to Certification Procedures .....	2132-AA62
2393	School Bus Operations .....	2132-AA67
2394	Buy America Requirements; Permanent Waiver for Microcomputers .....	2132-AA68
2395	State Safety Oversight; Rail Fixed Guideway Systems .....	2132-AA69
2396	+Statewide Transportation Planning; Metropolitan Transportation Planning .....	2132-AA75

+ DOT-designated significant regulation

## Federal Transit Administration—Completed Actions

Sequence Number	Title	Regulation Identification Number
2397	+NEPA and Related Procedures for Transportation Decisionmaking; Protection of Public Parks, Wildlife and Waterfowl Refuges, and Historic Sites .....	2132-AA43
2398	+Clean Fuels Formula Grant Program .....	2132-AA64
2399	+Statewide Transportation Planning; Metropolitan Transportation Planning .....	2132-AA66

+ DOT-designated significant regulation

## Research and Special Programs Administration—Prerule Stage

Sequence Number	Title	Regulation Identification Number
2400	Hazardous Materials: Revision of Requirements for Carriage by Aircraft .....	2137-AD18
2401	+Hazardous Materials: Safety Requirements for External Product Piping on Cargo Tanks Transporting Flammable Liquids .....	2137-AD36
2402	Hazardous Materials: Frangible Discs on Tank Cars .....	2137-AD57

## DOT

## Research and Special Programs Administration—Prerule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
2403	Pipeline Safety: Annual Update of Standards Incorporated by Reference .....	2137-AD68

+ DOT-designated significant regulation

## Research and Special Programs Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
2404	Pipeline Safety: Gas Gathering Line Definition .....	2137-AB15
2405	Pipeline Safety: Periodic Underwater Inspections .....	2137-AC54
2406	Pipeline Safety: Further Regulatory Review; Gas Pipeline Safety Standards .....	2137-AD01
2407	Hazardous Materials: Hazard Communication Requirements—Petitions for Rulemaking and Miscellaneous Amendments .....	2137-AD28
2408	+Hazardous Materials Safety: Transportation of Oxygen Cylinders and Oxygen Generators Aboard Aircraft .....	2137-AD33
2409	+Pipeline Safety: Pipeline Integrity Management in High-Consequence Areas (Gas Transmission Pipeline Operators) ( <b>Reg Plan Seq No. 111</b> ) .....	2137-AD54
2410	Hazardous Materials: Harmonization With the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization Technical Instructions .....	2137-AD66
2411	Hazardous Materials: Security Requirements for Motor Carriers Transporting Hazardous Materials .....	2137-AD70
2412	Hazardous Materials: Miscellaneous Revisions to the Hazardous Materials Regulations .....	2137-AD73
2413	Hazardous Materials: Transportation of Division 1.5 explosives (Blasting Agents) and Ammonium Nitrate Mixtures in Bulk .....	2137-AD75
2414	Pipeline Safety: National Pipeline Mapping System .....	2137-AD76

+ DOT-designated significant regulation

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

## Research and Special Programs Administration—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
2415	+Pipeline Safety: Response Plans for Onshore Oil Pipelines .....	2137-AC30
2416	Hazardous Materials: Retention of Shipping Papers .....	2137-AC64
2417	+Applicability of the Hazardous Materials Regulations to Loading, Unloading, and Storage .....	2137-AC68
2418	Hazardous Materials: Requirements for Cargo Tanks .....	2137-AC90
2419	Pipeline Safety: Recommendations To Change Hazardous Liquid Pipeline Safety Standards .....	2137-AD10
2420	Hazardous Materials: Revisions to Incident Reporting Requirements and Detailed Hazardous Materials Incident Report DOT Form .....	2137-AD21
2421	Hazardous Materials: Air Carrier Emergency Telephone Number Requirements .....	2137-AD29
2422	Pipeline Safety: Periodic Updates to Pipeline Safety Requirements (1999) .....	2137-AD35
2423	Pipeline Safety: Producer-Operated Outer Continental Shelf Gas and Hazardous Liquid Pipelines That Cross Directly Into State Waters .....	2137-AD42
2424	Revisions; Definition of Administrator .....	2137-AD43
2425	Hazardous Materials: Miscellaneous Amendments for Unloading IM Portable Tanks on a Transport Vehicle—Petition for Rulemaking .....	2137-AD44
2426	Hazardous Materials: Transportation of Lithium Batteries .....	2137-AD48
2427	Hazardous Materials: Reduction of Registration Fees .....	2137-AD53
2428	Pipeline Safety: Hazardous Liquid Pipeline Operator Annual Reports .....	2137-AD59
2429	Hazardous Materials: Security Requirements for Offerors and Transporters of Hazardous Materials .....	2137-AD67
2430	Hazardous Materials: Revision to Periodic Tire Check Requirement for Motor Carriers Transporting Hazardous Materials .....	2137-AD69
2431	Hazardous Materials: Revision to Penalty Guidelines .....	2137-AD71

+ DOT-designated significant regulation

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## Research and Special Programs Administration—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
2432	Pipeline Safety: Passage of Internal Inspection Devices .....	2137-AB71
2433	+Safeguarding Food From Contamination During Transportation .....	2137-AC00
2434	Hazardous Materials: Cargo Tank Rollover Requirements .....	2137-AD34
2435	Hazardous Materials: Adoption of Latest IAEA and Other Miscellaneous Revisions and Clarifications .....	2137-AD40
2436	Hazardous Materials: Revision of the Requirements for Hazardous Waste Manifests .....	2137-AD50

+ DOT-designated significant regulation

## Research and Special Programs Administration—Completed Actions

Sequence Number	Title	Regulation Identification Number
2437	+Hazardous Materials: Requirements for Cylinders .....	2137-AA92
2438	DOT 3AL Aluminum Cylinders; Safety Problems .....	2137-AB51
2439	+Hazardous Materials: Revisions to Standards for Infectious Substances and Genetically Modified Microorganisms .....	2137-AD13
2440	Hazardous Materials: Revised and Clarified Hazardous Materials Safety Rulemaking and Program Procedures .....	2137-AD20
2441	Pipeline Safety: Enforcement Procedures .....	2137-AD22
2442	Pipeline Safety: Pressure Testing Older Pipelines in Terminals .....	2137-AD26
2443	Harmonization With United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization's Technical Instructions .....	2137-AD41
2444	Pipeline Safety: Pipeline Integrity Management in High-Consequence Areas (Hazardous Liquid Operators With Less Than 500 Miles of Pipeline) .....	2137-AD49
2445	Hazardous Materials: Requirements for Maintenance, Requalification, and Repair of DOT Specification Cylinders ..	2137-AD58
2446	Pipeline Safety: Integrity Management Communication .....	2137-AD62
2447	Pipeline Safety: Controlling Corrosion on Gas Pipelines .....	2137-AD63
2448	Pipeline Safety: High Consequence Areas for Gas Transmission Operators .....	2137-AD64
2449	Hazardous Materials: Hazardous Substances—Additions, Revisions and Deletions .....	2137-AD65
2450	Hazardous Materials: Minor Editorial Corrections and Clarifications .....	2137-AD72
2451	Hazardous Materials: Miscellaneous Revisions to the Registration Requirements .....	2137-AD74

+ DOT-designated significant regulation

## Maritime Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
2452	+Cargo Preference Regulations—Carriage of Oceangoing Cargo Generated by Government Programs .....	2133-AB37

+ DOT-designated significant regulation

## Maritime Administration—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
2453	Requirements To Document U.S.-Flag Fishing Industry Vessels of 100 Feet or Greater in Registered Length and To Hold Preferred Mortgage on Such Vessels .....	2133-AB46

## Maritime Administration—Completed Actions

Sequence Number	Title	Regulation Identification Number
2454	Amendment of MARAD's Regulations Establishing and Administering Deposit Funds Authorized by Section 1109 of Merchant Marine Act, 1936, as Amended .....	2133-AB47

DOT

Bureau of Transportation Statistics—Prerule Stage

Sequence Number	Title	Regulation Identification Number
2455	Modernizing the Passenger Origin-Destination Survey .....	2139-AA01

Bureau of Transportation Statistics—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
2456	+Amendment to Part 234 To Collect Causal Information for Airline Delays and Cancellations .....	2139-AA09

+ DOT-designated significant regulation

Bureau of Transportation Statistics—Completed Actions

Sequence Number	Title	Regulation Identification Number
2457	Amendment to Definitions of Revenue and Nonrevenue Passengers .....	2139-AA07
2458	Air Carrier Traffic and Capacity Data by Nonstop Segment and On-Flight Market .....	2139-AA08

Department of Transportation (DOT)  
Office of the Secretary (OST)

Proposed Rule Stage

**1916. +COMPUTER RESERVATIONS SYSTEM REGULATIONS COMPREHENSIVE REVIEW**

**Regulatory Plan:** This entry is Seq. No. 102 in part II of this issue of the **Federal Register**.

**RIN:** 2105-AC65

**1917. +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:** The Department is undertaking an aviation data requirements review and modernization program. The review is designed to harmonize the Department's aviation data systems with current regulatory and statutory needs; improve the quality of the Department's aviation data bases; and eliminate obsolete data reporting and processing systems. The ANPRM was the first step in an outreach program to review aviation

data collected by the Department and the measures that should be taken to modernize and improve aviation data reporting and processing systems. The Department solicited public comments from aviation data users on the nature, scope, source, and means for collecting, processing, and distributing airline traffic, fare, and financial data. Specifically, the Department invited comments to determine whether existing aviation 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 airline industry. The Department has reviewed the comments and reply comments and is in the process of redefining the data elements and restructuring the data reporting requirements to be included in a NPRM. This action is significant due to substantial public and industry interest.

**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	08/00/03	

**Regulatory Flexibility Analysis Required:** Undetermined

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

**Government Levels Affected:** Undetermined

**Agency Contact:** Todd Homan, Industry Economist, Department of Transportation, Office of the Secretary, X-55, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-9605

**RIN:** 2105-AC71

**1918. NONDISCRIMINATION ON THE BASIS OF DISABILITY IN AIR TRAVEL**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 14 USC 41702; 14 USC 41705; 14 USC 41712

**CFR Citation:** 14 CFR 382

## DOT—OST

## Proposed Rule Stage

**Legal Deadline:** None

**Abstract:** The Department is proposing to amend its rules implementing the Air Carrier Access Act of 1986 concerning requirements for movable aisle armrests. The amendment would clarify the application of the movable armrest requirement to all classes of service in an aircraft. In addition, in response to changed practices in parts of the airline industry, the Department is proposing to require preboarding to be made available for passengers with disabilities.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**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-AC97

**1919. • DRUG AND ALCOHOL MANAGEMENT INFORMATION SYSTEM REPORTING**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 102, 301, 322, 5331, 20140, 31306, 45101

**CFR Citation:** 49 CFR 40

**Legal Deadline:** None

**Abstract:** This rule proposes to revise the management information system forms by standardizing the information collected and to reduce the amount of data reported by transportation employers. Annual drug and alcohol program data is currently submitted by Federal Motor Carrier Safety Administration, Federal Aviation Administration, Federal Transit Administration, Federal Railroad Administration, Research and Special Programs Administration, and the United States Coast Guard.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/03	

**Regulatory Flexibility Analysis Required:** No

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

**Government Levels Affected:** State, Local

**Agency Contact:** Jim L Swart, Drug and Alcohol policy Advisor, Department of Transportation, Office of the Secretary, Room 10403, 400 7th Street SW, Washington, DC 20590  
Phone: 202 366-6369

Fax: 202 366-3897

Email: jim.swart@ost.dot.gov

**RIN:** 2105-AD14

**1920. • DBE AIRPORT CONCESSIONAIRES SIZE STANDARDS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 200d et seq.; 49 USC 47107 and 47123; EO 12138; 3 CFR; 1979 Comp., p. 393

**CFR Citation:** 49 CFR 23

**Legal Deadline:** None

**Abstract:** This action seeks comment on an adjustment to size standards for current DBE concessionaires.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** State, Local

**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-AD21

**Department of Transportation (DOT)  
Office of the Secretary (OST)**

**Final Rule Stage**

**1921. DIRECT FLIGHTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 1381

**CFR Citation:** 14 CFR 399

**Legal Deadline:** None

**Abstract:** Donald L. Pevsner petitioned the CAB to institute a rulemaking proceeding to ban use of the term "direct flight" because it is deceptive, and to declare use of the term to be a prima facie violation of section 411 of the Federal Aviation Act of 1958. The Department is now considering what action to take in response to the petition.

**Timetable:**

Action	Date	FR Cite
Final Action	01/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** The petition is filed in Docket 41217.

**Agency Contact:** Joanne Petrie, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-4723

**RIN:** 2105-AA73

**1922. USE OF DIRECT FINAL RULEMAKING**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 1657

**CFR Citation:** 49 CFR 5.21; 49 CFR 5.35

**Legal Deadline:** None

**Abstract:** The Department is considering a new rulemaking procedure to expedite the processing of noncontroversial changes to its regulations. Rules that the Secretary

## DOT—OST

## Final Rule Stage

judges to be unlikely to result in public comment would be published as direct final rules. Such direct final rules would advise the public that no adverse comment is anticipated and that, unless written adverse comment or notice of intent to submit such comment is received within a specified number of days, the rule will become effective 60 days from the date of publication in the Federal Register.

**Timetable:**

Action	Date	FR Cite
NPRM	08/04/95	60 FR 39919
NPRM Comment Period End	10/03/95	
Final Action	12/00/02	

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

**Agency Contact:** Neil Eisner, Assistant General Counsel for Regulation and Enforcement, Department of Transportation, Office of the Secretary, Room 10424 Nassif Building, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-4723

Fax: 202 366-9313

RIN: 2105-AC11

**1923. OVERBOOKING OF FLIGHTS: ELIMINATION OF AIRPORT NOTICE SIGNS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 401; 49 USC 411; 49 USC 413; 49 USC 417**CFR Citation:** 14 CFR 250**Legal Deadline:** None

**Abstract:** This action would eliminate a consumer notice about airline overbooking of flights that is required to appear on signs at airports, city ticket offices, and travel agencies. However, that information would be available to consumers because it must accompany every ticket.

**Timetable:**

Action	Date	FR Cite
NPRM	06/03/96	61 FR 27818
NPRM Comment Period End	07/18/96	
Final Action	12/00/02	

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

**Additional Information:** Other rulemakings: RIN 2105-AA88, Simplified Airline Counter-Sign Notices. RIN 2105-AC36, Ticketless Travel: Passenger Notices, Statement of Compliance Policy published 4/22/97, 62 FR 19473.

**Agency Contact:** Tim Kelly, Aviation Consumer Protection Division, Office of the General Counsel, Department of Transportation, Office of the Secretary, C-75, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-5952

RIN: 2105-AC45

**1924. FEES AND CHARGES FOR SPECIAL SERVICES: REINVENTION****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 40101; 49 USC 46101; 31 USC 9701**CFR Citation:** 14 CFR 389**Legal Deadline:** None

**Abstract:** This action would remove or update obsolete provisions and organizational references, and adjust the fee schedule for certain special services related to aviation economic proceedings that the Department makes available to the public. The regulation has not been comprehensively updated since 1985 and the revisions will take the form of a complete reissuance of part 389.

**Timetable:**

Action	Date	FR Cite
NPRM	01/21/99	64 FR 3229
NPRM Comment Period End	03/22/99	
Final Action	12/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal

**Agency Contact:** John Miller, Analyst, Planning and Special Projects Office, Department of Transportation, Office of the Secretary, X-60, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-4868

RIN: 2105-AC47

**1925. NONDISCRIMINATION IN AIR TRAVEL; BOARDING WHERE LEVEL-ENTRY IS UNAVAILABLE****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 41702; 49 USC 41705; 49 USC 41712**CFR Citation:** 14 CFR 382**Legal Deadline:** None

**Abstract:** This action requires air carriers and airports to work jointly to make lifts or other boarding devices available for aircraft, of whatever size, where level-entry loading bridges or existing lifts are not present. This action is intended to facilitate the boarding of aircraft by individuals with disabilities. It amends existing rules that implement the Air Carrier Access Act of 1986 and the Rehabilitation Act of 1973.

**Timetable:**

Action	Date	FR Cite
NPRM	08/26/99	64 FR 46611
NPRM Comment Period End	11/24/99	
Final Rule	01/00/03	

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

**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-AC81

**1926. +UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND AGREEMENTS WITH INSTITUTIONS OF HIGHER EDUCATION, HOSPITALS, AND OTHER NONPROFIT ORGANIZATIONS****Priority:** Other Significant**Legal Authority:** 49 USC 322(a)**CFR Citation:** 49 CFR 19**Legal Deadline:** None

**Abstract:** This action implements changes to OMB Circular A-110 that were issued by OMB on October 8, 1999, providing uniform guidance for administering grants to institutions of higher education, hospitals, and other

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nonprofit organizations. The change provides guidance on making data produced under awards available to the public. The regulation is essentially a word-for-word issuance of the requirements in OMB Circular A-110. An interim final rule was issued because of the limited ability to change the requirements from those in the circular. We are awaiting OMB instructions regarding whether there will be any Governmentwide changes to the final rule.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/16/00	65 FR 14406
Final Action	04/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**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-AC83

### 1927. +AMERICANS WITH DISABILITIES ACT ACCESSIBILITY STANDARDS

**Priority:** Other Significant

**Legal Authority:** 5 USC 552a

**CFR Citation:** 49 CFR 27; 49 CFR 37

**Legal Deadline:** None

**Abstract:** The Department of Transportation is proposing to amend its rules implementing the Americans with Disabilities Act (ADA) by adopting as its standards revised accessibility guidelines proposed by the Architectural and Transportation Barriers Compliance Board (Access Board). The Access Board published a notice of proposed rulemaking (NPRM) to revise and update the accessibility guidelines for the ADA and the Architectural Barriers Act (ABA) in the November 16, 1999 issue of the Federal Register. This proposed rule would adopt the Access Board's revised and updated ADA guidelines and make a conforming change to the Department's rule implementing the ADA.

**Timetable:**

Action	Date	FR Cite
NPRM	08/08/00	65 FR 48444
NPRM Comment Period End	09/07/00	
Final Action	01/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Blane A. Workie, Attorney, Department of Transportation, Office of the Secretary, Room 4116/C-70, 400 7th Street SW., Washington, DC 20590  
Phone: 202 366-9342  
TDD Phone: 202 755-7687  
Fax: 202 366-7152  
Email: blane.workie@ost.dot.gov

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-AC86

### 1928. PARTICIPATION BY DISADVANTAGED BUSINESS ENTERPRISES IN DEPARTMENT OF TRANSPORTATION PROGRAMS: MEMORANDUM OF UNDERSTANDING WITH SMALL BUSINESS ADMINISTRATION; UNIFORM FORMS AND OTHER REVISIONS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 105-178; 112 Stat. 107 and 113; 42 USC 2000d; PL 102-581

**CFR Citation:** 49 CFR 26

**Legal Deadline:** None

**Abstract:** This rule would implement a memorandum of understanding (MOU) between DOT and the Small Business Administration. The MOU would establish reciprocity and streamline certification procedures for participation in SBA's 8(a) Business Development and Small Disadvantaged Business program, and DOT's DBE program. This document would provide a uniform certification application form and a uniform reporting form.

**Timetable:**

Action	Date	FR Cite
NPRM	05/08/01	66 FR 23208
NPRM Comment Period End	06/07/01	
Final Action	01/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

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

**Government Levels Affected:** State, Local

**Agency Contact:** Laura Aguilar, Attorney, Department of Transportation, Office of the Secretary, C-10, Room 10102  
Phone: 202 366-0365  
Fax: 202 366-9170  
Email: laura.aguilar@ost.dot.gov

**RIN:** 2105-AC88

### 1929. PARTICIPATION BY MINORITY BUSINESS ENTERPRISES IN DEPARTMENT OF TRANSPORTATION FINANCIAL ASSISTANCE PROGRAMS: THRESHOLD REQUIREMENTS AND OTHER TECHNICAL REVISIONS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 105-178, TEA-21; PL 102-581

**CFR Citation:** 49 CFR 26.11 (Revision); 49 CFR 26.21 (Revision); 49 CFR 26.37 (Revision); 49 CFR 26.45 (Revision); 49 CFR 26.55 (Revision)

**Legal Deadline:** None

**Abstract:** This interim final rule changes threshold requirements for Federal Transit Administration and Federal Aviation Administration recipients to establish DBE programs and overall goals. Each August 1, recipients must submit DBE goals for the following fiscal year. This change will reduce burdens on entities receiving smaller Federal grants. The DOT is issuing an interim final rule in order to reduce the burden, this fiscal year, for the smallest grant recipients. This document also makes technical changes to 49 CFR part 26.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/15/00	65 FR 68949
Interim Final Rule Effective	11/15/00	



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Action	Date	FR Cite
Interim Final Rule	01/02/01	
Comment Period End		
Final Action	01/00/03	

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None

**Agency Contact:** Laura Aguilar, Attorney, Department of Transportation, Office of the Secretary, C-10, Room 10102  
Phone: 202 366-0365  
Fax: 202 366-9170  
Email: laura.aguilar@ost.dot.gov

RIN: 2105-AC89

### 1930. PARTICIPATION BY DISADVANTAGED BUSINESS ENTERPRISES IN DEPARTMENT OF TRANSPORTATION PROGRAMS

**Priority:** Substantive, Nonsignificant**Legal Authority:** 23 USC 324; 42 USC 2000d et seq; 49 USC 1611, 47107, 47113, 47123; EO 12138; 3 CFR 1951 comp., p. 393, sec 1101 (b); ...**CFR Citation:** 49 CFR 2a, subpart G**Legal Deadline:** Final, Statutory, June 30, 1993.

**Abstract:** In May 1997, the Department issued a supplemental notice of proposed rulemaking (SNPRM) to revise its disadvantaged business enterprise (DBE) regulation. The SNPRM included proposals for revising the airport concessions portion of the DBE program. When the Department, in February 1999, issued a final rule based on the SNPRM, we did not publish a final version of the airport concessions proposal.

This SNPRM seeks comments on an airport concessions subpart to part 26 that takes into account comments on the May 1997 SNPRM, adapts provisions of the rest of part 26 to the concessions context, and proposes options for provisions affecting car rental operations at airports. These options are based in part on a recent memorandum of understanding between the American Car Rental Association and the Airport Minority Advisory Council making recommendations to the Department on this aspect of the rulemaking. This SNPRM was inadvertently published under RIN 2105-AB92.

**Timetable:**

Action	Date	FR Cite
SNPRM	09/08/00	65 FR 54454
SNPRM Comment Period End	10/23/00	
Final Action	12/00/02	

**Regulatory Flexibility Analysis**

Required: Yes

**Small Entities Affected:** Businesses**Government Levels Affected:** State, Local

**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-AC91

### 1931. NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 794; 42 USC 2000d to 2000d-7; 42 USC 6101 to 6107; EO 12250**CFR Citation:** 49 CFR 21; 49 CFR 27**Legal Deadline:** None

**Abstract:** This rule proposes to amend DOT's regulations implementing Title VI of the Civil Rights Act of 1964 (Title VI), Section 504 of the Rehabilitation Act of 1972 (Section 504), and the Age Discrimination Act of 1975 (Age Discrimination Act). Together, these statutes prohibit discrimination on the basis of race, color, national origin, disability, and age in programs or activities that receive Federal financial assistance. In 1988, the Civil Rights Restoration Act (CRRRA) added definitions of "program or activity" and "program" to Title VI and added a definition of "program or activity" to Section 504 and the Age Discrimination Act. The added definitions were designed to clarify the broad scope of coverage of recipients' programs or activities under these statutes. The promulgation of this proposed regulation incorporates the CRRRA's definition of "program or activity" and "program" into Title VI, Section 504, and the Age Discrimination Act regulations. This proposed regulation also promotes consistency and enforceability of these statutes. This is

a joint notice of proposed rulemaking with other Federal agencies.

**Timetable:**

Action	Date	FR Cite
NPRM	12/06/00	65 FR 76460
NPRM Comment Period End	01/05/01	
Final Action	12/00/02	
Final Action Effective	01/00/03	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** Federal

**Agency Contact:** Blane A. Workie, Attorney, Department of Transportation, Office of the Secretary, Room 4116/C-70, 400 7th Street SW., Washington, DC 20590  
Phone: 202 366-9342  
TDD Phone: 202 755-7687  
Fax: 202 366-7152  
Email: blane.workie@ost.dot.gov

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-AC96

### 1932. OVER-THE-ROAD BUSES: EXTENSION OF DUE DATE FOR INFORMATION COLLECTION

**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 12101 to 12213; 49 USC 322**CFR Citation:** 49 CFR 37**Legal Deadline:** None

**Abstract:** The Department of Transportation is amending its Americans with Disabilities Act regulations concerning accessibility of over-the-road buses with respect to information collection requirements by postponing the requirement for bus companies to submit information reporting ridership on accessible fixed route service and the acquisition of buses and designating of the Federal Motor Carrier Safety Administration as the recipient of the data.

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**Timetable:**

Action	Date	FR Cite
Interim Final Rule	02/06/01	66 FR 10968
Final Action	12/00/02	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

**Agency Contact:** Blane A. Workie, Attorney, Department of Transportation, Office of the Secretary, Room 4116/C-70, 400 7th Street SW., Washington, DC 20590  
Phone: 202 366-9342  
TDD Phone: 202 755-7687  
Fax: 202 366-7152  
Email: blane.workie@ost.dot.gov

RIN: 2105-AC98

**1933. STANDARD TIME ZONE BOUNDARY IN THE STATE OF NORTH DAKOTA: MORTON COUNTY**

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 260 to 267

CFR Citation: 49 CFR 71

Legal Deadline: None

**Abstract:** This rule would relocate Morton County, ND, from mountain time to central time. This proposal is based on a request from the Chairman of the Board of County Commissioners for Morton County, ND.

**Timetable:**

Action	Date	FR Cite
NPRM	08/03/01	66 FR 40666
NPRM Comment Period End	09/17/01	
Final Action	12/00/02	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

**Agency Contact:** Joanne Petrie, Attorney, Department of

Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-4723

RIN: 2105-AD03

**1934. REPORTING REQUIREMENT FOR AIR CARRIERS REGARDING DISABILITY-RELATED COMPLAINTS**

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 41702; 49 USC 41705

CFR Citation: 49 CFR 382

**Legal Deadline:** Other, Statutory, Implementation of Plan Required by PL 106-181, sec 707.

**Abstract:** The Office of the Secretary will propose in the NPRM a reporting requirement for air carriers to periodically file information with DOT regarding disability-related complaints they receive. The NPRM will include detailed categories for the reporting which will be of use to DOT, disabled air travelers, and Congress. DOT will report to Congress each year on the results of the review as required by the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century.

**Timetable:**

Action	Date	FR Cite
NPRM	02/14/02	67 FR 6892
Extension of Comment Period	04/10/02	67 FR 17308
NPRM Comment Period End	04/15/02	
2nd Comment Period End	06/01/02	
Final Rule	01/00/03	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

**Agency Contact:** Blane A. Workie, Attorney, Department of Transportation, Office of the Secretary,

Room 4116/C-70, 400 7th Street SW., Washington, DC 20590

Phone: 202 366-9342

TDD Phone: 202 755-7687

Fax: 202 366-7152

Email: blane.workie@ost.dot.gov

RIN: 2105-AD04

**1935. NONDISCRIMINATION ON THE BASIS OF DISABILITY IN PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITING FROM FEDERAL FINANCIAL ASSISTANCE; TRANSPORTATION SERVICES FOR INDIVIDUALS WITH DISABILITIES (ADA)**

Priority: Substantive, Nonsignificant

**Legal Authority:** 49 USC 16(a); 49 USC 16 (d); 49 USC 142; 42 USC 12101-12213; 47 USC 225; 49 USC 322; ...

CFR Citation: 44 CFR 27; 44 CFR 37

Legal Deadline: None

**Abstract:** This rule would create a procedure within the Department to improve coordination of guidance and interpretations related to disability issues.

**Timetable:**

Action	Date	FR Cite
Final Rule	03/00/03	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

**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-AD05

**Department of Transportation (DOT)  
Office of the Secretary (OST)****Long-Term Actions****1936. POLICY STATEMENT ON AIRLINE PREEMPTION**

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 41713

CFR Citation: 14 CFR 399

Legal Deadline: None

**Abstract:** The Civil Aeronautics Board in 1979 issued an interim Policy Statement on preemption. It discusses the policy of the Department with respect to three areas in which State law has been preempted by the Airline Deregulation Act of 1978: regulation of

commuter air carriers and air taxis, the rights of airport proprietors, and general State authority as it directly or indirectly affects air transportation competition. The Supreme Court has classified that section 105 of the ADA preempts even indirect State regulation

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that “has a connection with or reference to” airline rates, routes, or services, but does not preempt State contract law with respect to interpretation and enforcement of agreements voluntarily entered into by air carriers. Other courts continue to issue decisions applying this provision to a multitude of different circumstances. The Department believes that this process of exploring the interpretation of section 105 will continue, and is considering the admissibility of terminating this proceeding.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	02/15/79	44 FR 9948
Interim Final Rule Comment Period End	04/16/79	

Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** Yes

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

**Government Levels Affected:** State, Local, Federal

**Additional Information:** PSDR-56, Docket 34684 The 1995 decision issued by the Supreme Court is *American Airlines v. Wolens* (S. Ct. No. 93-1286).

**Agency Contact:** Paul Smith, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-9285

**RIN:** 2105-AA46

**1937. +STATEMENT OF ENFORCEMENT POLICY ON REBATING**

**Priority:** Other Significant

**Legal Authority:** 5 USC 601; 49 USC 1301 to 1302; 49 USC 1305; 49 USC 1324(a); 49 USC 1371 to 1379; 49 USC 1381 to 1382; 49 USC 1384; 49 USC 1386; 49 USC 1461; 49 USC 1481 to 1482; 49 USC 1502; 49 USC 1504

**CFR Citation:** 14 CFR 399.80; 14 CFR 399.85

**Legal Deadline:** None

**Abstract:** Airlines are required by 49 USC §41510, formerly section 403 of the Federal Aviation Act, to file tariffs with the Department that state their passenger fares, cargo rates, and associated charges in foreign air transportation. On October 21, 1988,

the Department issued an NPRM (53 FR 41353) in response to concerns raised by travel agents concerning rebating of international airline prices. The NPRM proposed to establish an enforcement policy concerning the rebating of international airline prices, as a policy statement, in the regulations on aviation proceeding. Since publication of the NPRM, many conditions in the airline industry related to rebating have changed. For example, the United States has increasingly negotiated with success for liberal pricing regimes in our bilateral agreements with foreign nations. Therefore, the Department believes that the proposed enforcement policy is no longer necessary and is withdrawing the 1988 NPRM.

**Timetable:**

Action	Date	FR Cite
NPRM	10/21/88	53 FR 41353
NPRM Comment Period End	12/20/88	
NPRM Comment Period Extended	02/03/89	54 FR 5497
Correction	02/10/89	54 FR 6475
Extended Comment Period End	02/21/89	

Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Betsy Wolf, Senior Trial Attorney, Office of the General Counsel, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-9349

**RIN:** 2105-AB39

**1938. +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 (56 FR 45584), 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 action will address these issues and propose feasible requirements to make passenger vessels accessible to, and usable by, individuals with disabilities. DOT is participating in an ongoing advisory committee effort convened by the Access Board to study passenger vessel accessibility issues. September and November 1998 meetings were held. This rulemaking is considered significant because of substantial public and congressional interest.

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**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-AB87

**1939. USE OF OXYGEN BY AIR CARRIER PASSENGERS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 41705

**CFR Citation:** 14 CFR 382

**Legal Deadline:** None

**Abstract:** The Department is considering the use of regulatory negotiation to seek consensus among air carriers, consumers, airports, equipment manufacturers, oxygen suppliers, and safety regulators concerning the use of oxygen by passengers on air carriers when individuals need special private supplies. The need for action stems from a current situation where not all carriers allow passengers to bring their own oxygen aboard. Issues involve conformance with RSPA and FAA hazardous materials rules and the question of providing oxygen during long layovers. The Department is considering whether to begin a regulatory negotiation.

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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**Government Levels Affected:** None

**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-AC29

#### 1940. +DOMESTIC PASSENGER MANIFEST INFORMATION

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

**Unfunded Mandates:** This action may affect the private sector under PL 104-4.

**Legal Authority:** 49 USC 40101; 49 USC 40113 to 40114; 49 USC 41702; 49 USC 41708 to 41709; 49 USC 41711; 49 USC 46301; 49 USC 46310; 49 USC 46316

**CFR Citation:** 14 CFR 243

**Legal Deadline:** None

**Abstract:** This notice requested comments concerning operational and cost issues related to U.S. air carriers collecting information such as full name, date of birth and/or social security number, emergency contact and telephone number from passengers traveling on flights within the United States. This notice was issued on the Department's initiative in response to difficulties with notification in the aftermath of domestic aviation disasters and to comply with a recommendation contained in the initial report of the White House Commission on Aviation Safety and Security (1996) that urged the Department to explore immediately the costs and effects of a comprehensive passenger manifest requirement on the domestic aviation system. DOT will review the implementation of the international passenger manifest requirements (RIN 2105-AB78, 2/18/98, 63 FR 8258) as it determines how to proceed with this rulemaking.

#### Timetable:

Action	Date	FR Cite
ANPRM	03/13/97	62 FR 11789
ANPRM Comment Period End	05/12/97	
Comment Period Reopened	05/30/97	62 FR 29313

Action	Date	FR Cite
Comment Period End	06/20/97	
Next Action Undetermined		

Comment Period End 06/20/97  
Next Action Undetermined

#### Regulatory Flexibility Analysis Required: Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Bernestine Allen, Director, Office of International Transportation and Trade, Department of Transportation, Office of the Secretary, X-20, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-4368

**RIN:** 2105-AC62

#### 1941. ELECTRONIC FILING OPTION IN DOT PROCEEDINGS

**Priority:** Info./Admin./Other

**Legal Authority:** 49 USC 322; 49 USC 1655; 49 USC 1657; 45 USC 431

**CFR Citation:** 14 CFR 11

**Legal Deadline:** None

**Abstract:** This action amends existing rules, where necessary, to allow electronic filing in all DOT proceedings as an alternative to filing hard copy. The electronic filing option will help us serve the public more quickly and efficiently and will enable the public to participate more easily in DOT proceedings. This rulemaking addresses only the procedures for filing electronically, not technical issues such as media, word-processing formats, and mechanisms for payment of filing fees.

#### Timetable:

Action	Date	FR Cite
Note Requesting Comment	05/26/98	63 FR 28545
Comment Period End	07/27/98	
Next Action Undetermined		

#### Regulatory Flexibility Analysis Required: No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** This is a procedural change that presents no substantive issue that we could reasonably expect to produce further meaningful comment. It also will relieve a restriction. Therefore, good cause exists to publish this rule without prior formal notice and comments.

**Agency Contact:** Charlotte Boeck, Administrative Officer, Office of the

General Counsel, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20015

Phone: 202 366-4713

**RIN:** 2105-AC79

#### 1942. GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENTWIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE GRANTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 103-355; EO 11738; EO 12549; EO 12689

**CFR Citation:** 49 CFR 29; 49 CFR 32

**Legal Deadline:** None

**Abstract:** This action would provide DOT-specific amendments for a uniform Governmentwide rule on debarment and suspension (nonprocurement) and drug-free workplace.

#### Timetable:

Action	Date	FR Cite
NPRM	01/23/02	67 FR 3266
NPRM Comment Period End	03/25/02	

Next Action Undetermined

#### Regulatory Flexibility Analysis Required: No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Ladd Hakes, Department of Transportation, Office of the Secretary, Office of the Senior Executive (M-62), 400 Seventh Street, SW, Washington, DC 20590

Phone: 202 366-4268

Email: ladd.hakes@ost.dot.gov

**RIN:** 2105-AD01

#### 1943. GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT)/ GOVERNMENTWIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (FINANCIAL ASSISTANCE)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** EO 11738; EO 12689; EO 12549; PL 103-355; PL 108; 31 USC 6101

**CFR Citation:** 49 CFR 29; 49 CFR 32

**Legal Deadline:** None

**Abstract:** Executive Orders 12549 and 12689 established a Governmentwide

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system for nonprocurement suspension and debarment. All Federal departments and major agencies codified these requirements as part of a common rule. DOT is joining 34 other departments and major agencies to update those requirements. Part one of this action is separating the drug-free workplace provisions from the existing common rule and placing them in a separate part.

**Timetable:**

Action	Date	FR Cite
NPRM	01/23/02	67 FR 3266
NPRM Comment Period End	03/25/02	
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State, Local, Tribal, Federal

**Agency Contact:** Ladd Hakes, Department of Transportation, Office of the Secretary, Office of the Senior Executive (M-62), 400 Seventh Street, SW, Washington, DC 20590  
Phone: 202 366-4268  
Email: ladd.hakes@ost.dot.gov

**RIN:** 2105-AD07

**Department of Transportation (DOT)  
Office of the Secretary (OST)**

## Completed Actions

**1944. +DIRECT AIR CARRIER  
RESPONSIBILITY FOR RETURNING  
STRANDED CHARTER PASSENGERS**

**Priority:** Other Significant

**Legal Authority:** 49 USC 1324; 49 USC 1371

**CFR Citation:** 14 CFR 207; 14 CFR 208

**Legal Deadline:** None

**Abstract:** This action proposed to make direct air carriers responsible for returning charter passengers stranded by strikes or other service interruptions, by eliminating the force majeure clause from charter contracts. However, the CAB subsequently issued an interpretive rule (ER-1387, 49 FR 33436) which was affirmed in court. (Arrow Air, Inc. v. Dole, 784 F2d 1118 (1986)) Therefore, this action is now moot; the NPRM has been withdrawn.

**Timetable:**

Action	Date	FR Cite
NPRM	07/11/80	45 FR 46812
NPRM Comment Period End	09/25/80	
Reply Comment Period End	10/10/80	
Withdrawn	10/03/02	67 FR 61996

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** EDR 405, Docket 37169.

**Agency Contact:** Joanne Petrie, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-4723

**RIN:** 2105-AA40

**1945. AIR TRAVELERS: AGE  
DISCRIMINATION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 6102

**CFR Citation:** 14 CFR 376

**Legal Deadline:** None

**Abstract:** This rulemaking action was initiated by the Civil Aeronautics Board to implement the Age Discrimination Act of 1975. A draft final rule was submitted to HHS, as required by that Act, and was approved. However, in view of current airline practices with respect to travel by the elderly, and the absence of complaints of discrimination based on age, there no longer appears to be a need for further rulemaking action, and the NPRM has been withdrawn.

**Timetable:**

Action	Date	FR Cite
NPRM	09/26/79	44 FR 55383
Final Action Adopted by the Board	04/10/80	
HHS Approved Final Rule With Changes	07/13/84	
Withdrawn	10/03/02	67 FR 61996

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SPDR-74, Docket 36639.

**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-AA45

**1946. DIVERSION OF FLIGHTS WITHIN  
A METROPOLITAN AREA**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 1301; 49 USC 1302; 49 USC 1305; 49 USC 1324; 49 USC 1371; 49 USC 1375; 49 USC 1377 to 1379; 49 USC 1381; 49 USC 1382; 49 USC 1386; 49 USC 1461; 49 USC 1481; 49 USC 1482; 49 USC 1502; 49 USC 1504; PL 96-354; 5 USC 601

**CFR Citation:** 14 CFR 253; 14 CFR 399

**Legal Deadline:** None

**Abstract:** The CAB proposed to amend its rules requiring notice of contract terms for domestic travel to require that actual notice be given to passengers of terms absolving carriers from any responsibility to transport a passenger to the destination named on the ticket, or to reimburse the passenger for expenses in reaching the airport noted on the ticket when a flight is diverted to another airport in the same metropolitan area. Alternatively, the Board proposed to declare it to be an unfair and deceptive practice to divert a passenger without arranging and paying for alternate transportation to the destination airport named on the passenger's ticket. The Board considered a final rule but did not decide what action to take. DOT is withdrawing the NPRM as unnecessary since it appears that carriers no longer have the policies that promoted the CAB's concern.

**Timetable:**

Action	Date	FR Cite
NPRM	09/23/83	48 FR 43343
NPRM Comment Period End	11/07/83	
Withdrawn	10/03/02	67 FR 61996

**Regulatory Flexibility Analysis Required:** No

## DOT—OST

## Completed Actions

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Docket 41683, EDR 468/PSDR-81.

**Agency Contact:** Joanne Petrie, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-4723

**RIN:** 2105-AA78

#### 1947. SIMPLIFIED AVIATION EXEMPTION PROCEDURES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 1371; 49 USC 1372; 49 USC 1386

**CFR Citation:** 14 CFR 302; 14 CFR 389; 14 CFR 399

**Legal Deadline:** None

**Abstract:** A Civil Aeronautics Board rulemaking proposed to revise and simplify the requirements and procedures for applying for exemptions under section 416(b) of the Federal Aviation Act. This action has become unnecessary since the Department included most of its provisions in its rule transferring the CAB's rules to DOT. Therefore, the NPRM has been withdrawn.

**Timetable:**

Action	Date	FR Cite
NPRM	10/05/84	49 FR 39337
NPRM Comment Period End	12/04/84	
Withdrawn	10/03/02	67 FR 61996

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** PDR-88/ODR-27/PSDR-83.

**Agency Contact:** Joanne Petrie, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-4723

**RIN:** 2105-AA82

#### 1948. BAGGAGE LIABILITY NOTICES IN INTERNATIONAL AIR TRANSPORTATION

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 1302; 49 USC 1324; 49 USC 1371 to 1374; 49 USC

1381; 49 USC 1386; 49 USC 1481 to 1482

**CFR Citation:** 14 CFR 221

**Legal Deadline:** None

**Abstract:** In response to a petition by Mr. Howard Boros, the CAB proposed to amend the baggage liability notices provided to passengers in foreign air travel. The NPRM proposed to eliminate the disclaimer of liability for fragile and perishable items because that notice is false and misleading. Because of the amount of time that has elapsed since the proposal was issued, the Department is withdrawing it.

**Timetable:**

Action	Date	FR Cite
NPRM	12/18/84	49 FR 49111
NPRM Comment Period End	03/19/85	
Withdrawn	10/03/02	67 FR 61996

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Docket 41690; EDR-477.

**Agency Contact:** Joanne Petrie, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-4723

**RIN:** 2105-AA84

#### 1949. SIMPLIFIED AIRLINE COUNTER-SIGN NOTICES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 1301; 49 USC 1302; 49 USC 1324; 49 USC 1371 to 1374; 49 USC 1381; 49 USC 1386; 49 USC 1481; 49 USC 1482

**CFR Citation:** 14 CFR 221; 14 CFR 250; 14 CFR 256

**Legal Deadline:** None

**Abstract:** The American Association of Airport Executives, the Airport Operators Council International, and the Air Transport Association of America petitioned the CAB to simplify its counter-sign requirements. Presently, airlines are required to display four different consumer protection notices on their ticket counters. The petitioners alleged that the current notices are hard to read and, therefore, do not provide much

notice to passengers. They proposed replacing the four notices with one simplified counter sign. A CAB NPRM proposed a number of alternatives, such as a long and/or short notice, where the notices would be required to be posted, and whether a smoking notice should be included. DOT decided not to act on these counter signs separately, but rather to consider whether there should be a comprehensive re-examination of all forms of notice to passengers, including notices on tickets. This NPRM has been withdrawn.

**Timetable:**

Action	Date	FR Cite
NPRM	08/01/84	49 FR 30742
NPRM Comment Period End	09/17/84	
Reply Comment Period End	10/02/84	
Withdrawn	10/03/02	67 FR 61996

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Docket 41971; EDR-474

**Agency Contact:** Joanne Petrie, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-4723

**RIN:** 2105-AA88

#### 1950. +PRICE ADVERTISING

**Priority:** Other Significant

**Legal Authority:** 49 USC 1371; 49 USC 1381

**CFR Citation:** 14 CFR 380; 14 CFR 399

**Legal Deadline:** None

**Abstract:** The Department proposed in 1989 to amend its rule and policy statement with respect to air transportation price advertising. This rulemaking is significant because of substantial public interest. Because of the amount of time that has elapsed since the proposal was issued, the Department has withdrawn it.

**Timetable:**

Action	Date	FR Cite
NPRM	07/26/89	54 FR 31052
NPRM Extended Comment Period	08/23/89	54 FR 35005

## DOT—OST

## Completed Actions

Action	Date	FR Cite
NPRM Comment Period End	08/25/89	
NPRM Comment Period End	09/25/89	
Withdrawn	10/03/02	67 FR 61996

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Joanne Petrie, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-4723

RIN: 2105-AB50

**1951. +PROCEDURES FOR TRANSPORTATION WORKPLACE DRUG-TESTING PROGRAMS****Priority:** Other Significant**Legal Authority:** 49 USC 101; 49 USC 102; 49 USC 301; 49 USC 302; 49 USC 322**CFR Citation:** 49 CFR 40**Legal Deadline:** None

**Abstract:** The NPRM in 1990 concerned the question of to whom reports of negative drug test results may be sent. It will be formally withdrawn when the Department issues an NPRM under RIN 2105-AC49, Update of Drug and Alcohol Procedural Rules. This action is significant because of substantial public and congressional interest, and multimodal impact.

**Timetable:**

Action	Date	FR Cite
NPRM	07/13/90	55 FR 28782
NPRM Comment Period End	08/13/90	
Withdrawn	10/03/02	67 FR 61996

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None

**Additional Information:** ANALYSIS: Regulatory Evaluation, 07/13/90, 55 FR 28782

**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-AB71

**1952. +TRANSPORTATION FOR INDIVIDUALS WITH DISABILITIES (ACCESSIBILITY GUIDELINES)****Priority:** Other Significant**Legal Authority:** 5 USC 552a**CFR Citation:** 49 CFR 27; 49 CFR 37**Legal Deadline:** None

**Abstract:** This action would amend the rules implementing the Americans with Disabilities Act by adopting the revised accessibility guidelines issued by the Architectural and Transportation Barriers Compliance Board, published June 20, 1994 (59 FR 31676) as interim final rules. The proposed rule would also conform the Department's rule implementing section 504 of the Rehabilitation Act of 1973.

**Timetable:**

Action	Date	FR Cite
NPRM	06/20/94	59 FR 31818
NPRM Comment Period End	08/19/94	
Withdrawn	10/03/02	67 FR 61996

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None

**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-AC06

**1953. AMENDMENTS TO MODAL ALCOHOL TESTING RULES: PRE-EMPLOYMENT TESTING****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 102; 49 USC 301; 49 USC 5331; 49 USC 20140; 49 USC 31306; 49 USC 45101; 49 USC 45106**CFR Citation:** 49 CFR 219; 49 CFR 382; 49 CFR 653; 49 CFR 654; 49 CFR 121**Legal Deadline:** None

**Abstract:** This rule would implement a statutory change required by the

National Highway Systems Act of 1995, section 342, to the existing pre-employment alcohol testing provisions. It would make pre-employment testing voluntary for employers.

**Timetable:**

Action	Date	FR Cite
NPRM	05/09/96	61 FR 21149
NPRM Comment Period End	07/08/96	
Withdrawn	10/03/02	67 FR 61996

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None

**Additional Information:** This action involves four operating administrations: FAA, FHWA, FTA, and FRA. On May 10, 1995 (60 FR 24765), DOT suspended its pre-employment alcohol testing requirements after a court decision vacated the requirements of the FHWA alcohol testing rule.

**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-AC50

**1954. STATEMENT OF POLICY ON ALTERNATIVE DISPUTE RESOLUTION****Priority:** Info./Admin./Other**Legal Authority:** 5 USC 571 to 583; 5 USC 561 to 570**CFR Citation:** None**Legal Deadline:** None

**Abstract:** This statement of policy defines alternative dispute resolution (ADR) and commits the Department to considering ADR and furthering its use across the Department. It also states that the Department will provide ADR-related training to employees, allocate resources to support ADR, and evaluate and assess our ADR uses. This statement of policy encourages employees and persons who interact with the Department to identify opportunities for collaborative, consensual approaches to dispute resolution or rulemaking.

## DOT—OST

## Completed Actions

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/15/00	65 FR 69121
Interim Final Rule Comment Period End	01/16/01	
Final Action	06/12/02	67 FR 40367
Final Action Effective	06/12/02	

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

**Agency Contact:** Judith S. Kaleta, Senior Counsel for Dispute Resolution, Department of Transportation, Office of the Secretary, Room 10428, 400 Seventh Street, SW, Washington, DC 20590

Phone: 202 366-0992

Fax: 202 366-3388

Email: judy.kaleta@ost.dot.gov

**RIN:** 2105-AC94**1955. +PROCEDURES FOR COMPENSATION OF AIR CARRIERS****Priority:** Economically Significant. Major under 5 USC 801.**Legal Authority:** PL 104-42**CFR Citation:** 49 CFR 62**Legal Deadline:** None

**Abstract:** This rule establishes procedures for air carriers to apply for direct compensation authorized by the Air Transportation Safety and System Stabilization Act of 2001. The rule governs the distribution of \$1.775 billion of authorized funds.

**Timetable:**

Action	Date	FR Cite
Final Rule; Request for Comments	10/29/01	66 FR 54616
Final Rule Effective	10/29/01	
Comment Period End	11/13/01	
NPRM	01/02/02	67 FR 263
Final Rule	01/02/02	67 FR 250
Final Rule Effective	01/02/02	
NPRM Comment Period End	01/16/02	
Final Rule; Amendment	02/01/02	67 FR 4899
Final Rule Effective	02/01/02	
Final Action	08/20/02	67 FR 54058
Final Action Effective	08/20/02	

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

**Agency Contact:** Randall Bennett, Acting Director, Office of Aviation Analysis, Department of Transportation, Office of the Secretary, X-50, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-1053

Email: randall.bennett@ost.dot.gov

**RIN:** 2105-AD06**1956. SUPPLEMENTAL STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE DEPARTMENT OF TRANSPORTATION****Priority:** Info./Admin./Other**Legal Authority:** 5 USC 301; 5 USC 7301; 5 USC 7353**CFR Citation:** 5 CFR 6100**Legal Deadline:** Final, Statutory, November 16, 2001.

**Abstract:** This rule amends the Supplemental Standards of Ethical Conduct for Employees of the Department of Transportation. The amendment adds authority to waive the general prohibition against Federal Aviation Administration employees holding stock or other securities in airline or aircraft manufacturing companies or suppliers of aircraft parts. The exercise of this waiver authority will be conditioned in each case upon determination that employee conduct will not result in an appearance of misuse of position or loss of impartiality.

**Timetable:**

Action	Date	FR Cite
Final Rule	12/03/01	66 FR 60131
Final Rule Effective	12/03/01	

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

**Agency Contact:** William R. Register, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-9161

**RIN:** 2105-AD08**1957. REPORTING PROHIBITED COMMUNICATIONS****Priority:** Info./Admin./Other**Legal Authority:** 49 USC 401, 411, 413, 415, 417, 419, 421, 449, 461, 463, 465**CFR Citation:** 49 CFR 300**Legal Deadline:** None

**Abstract:** The proposed amendment to 14 CFR 300.3, dealing with the reporting of prohibited communications, would update that section in order to reflect the Department's conversion to an electronic docket management system (DMS). The proposed changes apply to procedures already in place thereby omitting obsolete references, and would make section 300.3 consistent with the rest of the DOT's regulations already taking DMS into account.

**Timetable:**

Action	Date	FR Cite
Final Rule	05/06/02	67 FR 30324
Final Action Effective	05/06/02	

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

**Agency Contact:** Colleen Hanley, Attorney Advisor, Department of Transportation, Office of the Secretary, Room 10118, 400 Seventh Street, SW, Washington, DC 20590

Phone: 202 366-2509

Fax: 202 366-9188

Email: colleen.hanley@ost.dot.gov

**RIN:** 2105-AD10**1958. • PROCEDURES FOR NONEVIDENTIAL ALCOHOL SCREENING DEVICES PROCEDURES FOR TRANSPORTATION WORKPLACE DRUG AND ALCOHOL PROGRAMS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 102, 301, 322, 5331, 20140, 31306, 45101**CFR Citation:** 49 CFR 40**Legal Deadline:** None

**Abstract:** This rule will establish procedures for use of an alcohol screening device that differs from other nonevidential alcohol screening devices recognized in part 40 of the regulations.

**Timetable:**

Action	Date	FR Cite
Final Rule	10/01/02	67 FR 61521
Final Action Effective	10/31/02	

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



## DOT—OST

## Completed Actions

**Government Levels Affected:** State, Local

**Agency Contact:** Jim L Swart, Drug and Alcohol policy Advisor, Department of Transportation, Office of the Secretary, Room 10403, 400 7th Street SW, Washington, DC 20590  
Phone: 202 366-6369  
Fax: 202 366-3897  
Email: jim.swart@ost.dot.gov

**RIN:** 2105-AD13

**1959. • PUBLIC AVAILABILITY OF INFORMATION; MAINTENANCE OF AND ACCESS TO RECORDS PERTAINING TO INDIVIDUALS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 552; 31 USC 9701; 49 USC 322; EO 12600

**CFR Citation:** 49 CFR 7; 49 CFR 10

**Legal Deadline:** None

**Abstract:** This rule would amend DOT regulations implementing the Freedom of Information Act and the Privacy Act to reflect establishment within DOT of the Transportation Security Administration

**Timetable:**

Action	Date	FR Cite
Final Action	08/26/02	67 FR 54746
Final Action Effective	08/26/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Robert I. Ross, Office of General Counsel, C-10, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-9156  
Fax: 202 366-9170  
Email: bob.ross@ost.dot.gov

**RIN:** 2105-AD15

**1960. • +WITHDRAWAL OF PROPOSED RULEMAKING ACTIONS**

**Priority:** Other Significant

**Legal Authority:** 49 USC 1324; 49 USC 1371; 42 USC 6102; PL 96-354; 49 USC 1371-1372; 49 USC 1386; 49 USC 1302; 49 USC 45106; 49 USC 1324; 49 USC 1371-1374; 49 USC 1381; 49 USC 1386; 49 USC 1481-1482; 49 USC 101; 49 USC 102; 49 USC 301-302; 49 USC 322; 49 USC 5331; 49 USC 20140; 49 USC 31306; 49 USC 45101

**CFR Citation:** 14 CFR 121,207, 208, 221, 250, 253, and 256; 14 CFR 302, 380, 389, and 399; 49 CFR 27, 37, 40, 219, 376, and 382; 49 CFR 653, and 654

**Legal Deadline:** None

**Abstract:** This document withdraws a number of notices of proposed rulemakings (NPRMs) issued by the Department of Transportation and the Civil Aeronautics Board that have been superseded by more recent rulemakings or other actions that make the proposed actions no longer necessary or appropriate. This withdrawal is significant because several of the NPRMs were significant.

**Timetable:**

Action	Date	FR Cite
Notice of Withdrawal	10/03/02	67 FR 61996

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** This document withdraws RIN numbers 2105-AA45, 2105-AA40, 2105-AA78, 2105-AA88, 2105-AA82, 2105-AA84, 2105-AB50, 2105-AB71, 2105-AC06, and 2105-AC50.

**Agency Contact:** Jennifer Abdul-Wali, Transportation Specialist, Department of Transportation, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-6322  
Fax: 202 366-9313  
Email: jennifer.abdul-wali@ost.dot.gov

**RIN:** 2105-AD16

**Department of Transportation (DOT)  
Transportation Security Administration (TSA)**

**Proposed Rule Stage**

**1961. • PROTECTION OF SENSITIVE SECURITY INFORMATION IN INFORMATION CIRCULARS FOR NONAVIATION MODES OF TRANSPORTATION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 114; 49 USC 5103; 49 USC 40119; 49 USC 44901 to 44907; 49 USC 44913 to 44914; 49 USC 44916 to 44918; 49 USC 44935 to 44936; 49 USC 44942; 49 USC 46105

**CFR Citation:** 49 CFR 1520

**Legal Deadline:** None

**Abstract:** TSA is proposing to amend its regulation governing the protection of sensitive security information (SSI) in order to require persons operating in various nonaviation modes of transportation to safeguard information about security concerns that TSA

disseminates to those persons in the form of Information Circulars (ICs). This will facilitate the dissemination of ICs to entities and individuals in nonaviation sectors of transportation by bringing them within the regulatory framework governing the protection of ICs from disclosure. Recipients of ICs will be required to restrict disclosure of and access to their contents to persons with an operational need to know. Persons subject to the SSI regulation that fail to protect ICs in accordance with the regulation's requirements will be subject to civil penalties and other enforcement action by TSA.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	

Action	Date	FR Cite
NPRM Comment Period End	01/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State, Local

**Agency Contact:** Brandon B. Straus, Associate Chief Counsel for Regulations, Department of Transportation, Transportation Security Administration, TSA-2, Chief Counsel, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 493-1224  
Fax: 202 493-1266  
Email: brandon.straus@tsa.dot.gov

**RIN:** 2110-AA07

## DOT—TSA

## Proposed Rule Stage

**1962. • +FINGERPRINT-BASED CRIMINAL HISTORY RECORDS CHECKS: ESCORTED ACCESS**

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

**Legal Authority:** 49 USC 40101 et seq (PL 107-71)

**CFR Citation:** 49 CFR 1542; 49 CFR 1544

**Legal Deadline:** None

**Abstract:** This action will address criminal history background checks for individuals who regularly have escorted access to secured areas of an airport.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

**Federalism:** Undetermined

**Agency Contact:** Christine Beyer, Attorney, Regulations Division, Department of Transportation, Transportation Security Administration, TSA-2, Chief Counsel, 400 Seventh Street SW, Washington, DC 20590

Phone: 202 493-1340  
Fax: 202 493-1741  
Email: christine.beyer@tsa.dot.gov

**RIN:** 2110-AA08

**1963. • +PROTECTION OF SENSITIVE SECURITY INFORMATION FOR ALL MODES OF TRANSPORTATION**

**Priority:** Other Significant

**Legal Authority:** 49 USC 114; 49 USC 40119; 49 USC 44901 to 44907; 49 USC 44913 to 44914; 49 USC 44916 to 44918; 49 USC 44935 to 44936; 49 USC 46105

**CFR Citation:** 49 CFR 1520

**Legal Deadline:** None

**Abstract:** TSA is proposing to amend its regulation governing the protection of sensitive security information (SSI) to expand the regulation's coverage to security information related to non-aviation modes of transportation. The current regulation covers information primarily related to aviation security. The proposed rule will make several revisions to the regulation. In addition, in order to implement its new statutory authority to protect sensitive security information in all modes of

transportation, TSA will amend the SSI regulation to specifically cover information in all modes regulated by the Department of Transportation and relevant entities in those modes that may create and receive SSI.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	
NPRM Comment Period End	02/00/03	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Agency Contact:** Brandon B. Straus, Associate Chief Counsel for Regulations, Department of Transportation, Transportation Security Administration, TSA-2, Chief Counsel, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 493-1224  
Fax: 202 493-1266  
Email: brandon.straus@tsa.dot.gov

**RIN:** 2110-AA10

**Department of Transportation (DOT) Transportation Security Administration (TSA)**

## Final Rule Stage

**1964. +CIVIL AVIATION SECURITY RULES**

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

**Legal Authority:** 49 USC 40101 et seq (PL 107-71)

**CFR Citation:** 14 CFR 91; 14 CFR 107 to 109; 14 CFR 121; 14 CFR 129; 14 CFR 135; 14 CFR 139; 14 CFR 191; 49 CFR 1500 to 1550

**Legal Deadline:** Final, Statutory, February 17, 2002.

**Abstract:** This action transfers the FAA security rules to the Transportation Security Administration.

**Timetable:**

Action	Date	FR Cite
Final Rule Effective	02/17/02	
Final Rule	02/22/02	67 FR 8340
Final Rule Comment Period End	03/25/02	
Final Action	12/00/02	

**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**URL For More Information:**

[http://www.tsa.gov/laws\\_\\_regs/gov\\_\\_index.shtm](http://www.tsa.gov/laws__regs/gov__index.shtm)

**Agency Contact:** Mardi Ruth Thompson, Acting Deputy Chief Counsel for Regulations, Department of Transportation, Transportation Security Administration, TSA-2, Chief Counsel, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 493-1227  
Fax: 202 493-1266  
Email: mardi.thompson@tsa.dot.gov

**RIN:** 2110-AA03

**1965. +SECURITY PROGRAMS FOR AIRCRAFT WEIGHING 12,500 POUNDS OR MORE**

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

**Legal Authority:** 49 USC 114; 49 USC 5103; 49 USC 40119; 49 USC 44901 to 44907; 49 USC 44913 to 44914; 49 USC 44916 to 44918; 49 USC 44935 to 44936; 49 USC 44942; 49 USC 46105

**CFR Citation:** 49 CFR 1540; 49 CFR 1544

**Legal Deadline:** Final, Statutory, February 17, 2002.

**Abstract:** This action requires operators of aircraft with a maximum certificated takeoff weight of 12,500 pounds or more to implement a Transportation Security Administration approved security program.

**Timetable:**

Action	Date	FR Cite
Final Rule	02/22/02	67 FR 8205

## DOT—TSA

## Final Rule Stage

Action	Date	FR Cite
Final Rule Comment Period End	04/23/02	
Final Rule Effective	06/24/02	
Final Action	11/00/02	

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

**Additional Information:** The TSA will develop the final security program after affected operators have an opportunity to comment on it. The TSA will publish a notice in the Federal Register when this occurs.

**URL For More Information:**

[http://www.tsa.gov/laws\\_\\_regs/gov\\_index.shtm](http://www.tsa.gov/laws__regs/gov_index.shtm)

**Agency Contact:** Christine Beyer, Attorney, Regulations Division, Department of Transportation, Transportation Security Administration, TSA-2, Chief Counsel, 400 Seventh Street SW, Washington, DC 20590  
Phone: 202 493-1340  
Fax: 202 493-1741  
Email: christine.beyer@tsa.dot.gov

**RIN:** 2110-AA04**1966. • +PRIVATE CHARTER SECURITY RULES****Priority:** Other Significant

**Legal Authority:** 49 USC 114; 49 USC 5102; 49 USC 40119; 49 USC 44901 to 44907; 49 USC 44913 to 44914; 49 USC 44916 to 44918; 49 USC 44935 to 44936; 49 USC 44942; 49 USC 46105

**CFR Citation:** 49 CFR 1540; 49 CFR 1544

**Legal Deadline:** None

**Abstract:** This rule amends the rules that apply to private charter aircraft. Private charter aircraft with a maximum

certificated takeoff weight of 95,000 pounds or more will now be required to ensure that passengers and their accessible property are screened prior to boarding.

**Timetable:**

Action	Date	FR Cite
Final Rule	06/19/02	67 FR 41635
Final Rule Comment Period End	07/19/02	
Final Rule Effective	08/19/02	
Final Action	11/00/02	

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** None

**Additional Information:** The TSA will develop the final security program after affected operators have an opportunity to comment on it. The TSA will publish a notice in the Federal Register when this occurs.

**URL For More Information:**

[http://www.tsa.gov/laws\\_\\_regs/gov\\_index.shtm](http://www.tsa.gov/laws__regs/gov_index.shtm)

**Agency Contact:** Lon M Siro, Aviation Security Operations Specialist, Department of Transportation, Transportation Security Administration, TSA-7-500, Air Carrier Operations Division, Building 10A, Room 325, 800 Independence Avenue SW, Washington, DC 20591  
Phone: 202 267-9661  
Fax: 202 267-5359  
Email: lon.siro@faa.gov

**RIN:** 2110-AA05**1967. • +SECURITY THREAT ASSESSMENTS FOR FEDERAL AVIATION ADMINISTRATION CERTIFICATE HOLDERS AND APPLICANTS****Priority:** Other Significant

**Legal Authority:** 49 USC 114; 49 USC 5102; 49 USC 40119 to 44907; 49 USC 44913 to 44914; 49 USC 44916 to 44918; 49 USC 44935 to 44936; 49 USC 44942; 49 USC 46105

**CFR Citation:** 49 CFR 1540**Legal Deadline:** None

**Abstract:** This action provides the process by which the Transportation Security Administration (TSA) will notify a holder of, or an applicant for, a Federal Aviation Administration (FAA) certificate, and the FAA, if the TSA has determined that the certificate holder or applicant poses a security threat. This process, in a normal case, offers the certificate holder the opportunity to respond to an initial notification.

**Timetable:**

Action	Date	FR Cite
Final Rule	11/00/02	

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

**Agency Contact:** Brandon B. Straus, Associate Chief Counsel for Regulations, Department of Transportation, Transportation Security Administration, TSA-2, Chief Counsel, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 493-1224

Fax: 202 493-1266

Email: brandon.straus@tsa.dot.gov

**Related RIN:** Related To 2120-AH84**RIN:** 2110-AA14
**Department of Transportation (DOT)  
Transportation Security Administration (TSA)**

## Long-Term Actions

**1968. +IMPOSITION AND COLLECTION OF PASSENGER CIVIL AVIATION SECURITY SERVICE FEES****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 49 USC 44940**CFR Citation:** 49 CFR 1510**Legal Deadline:** None

**Abstract:** The Transportation Security Agency announces the imposition of a security service fee in the amount of \$2.50 per emplacement on passengers of domestic and foreign carriers in air transportation, foreign air

transportation, and intrastate air transportation originating in the US.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/31/01	66 FR 67698
Notice Information Collection	01/31/02	67 FR 4866

## DOT—TSA

## Long-Term Actions

Action	Date	FR Cite
Notice Information Collection	02/19/02	67 FR 7582
Interim Final Rule Comment Period End	03/01/02	
Comment Period Reopened	03/28/02	67 FR 14879
Comment Period End	04/30/02	
Final Action	To Be Determined	

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

[http://www.tsa.gov/laws\\_\\_regs/gov\\_index.shtml](http://www.tsa.gov/laws__regs/gov_index.shtml)

**Agency Contact:** Randall Fiertz, Acting Chief TSA Revenue, Department of Transportation, Transportation Security Administration, TSA-14, Associate US for Finance and Administration, 400 Seventh Street SW, Washington, DC 20590

Phone: 202 385-1209

Email: randall.fiertz@tsa.dot.gov

RIN: 2110-AA01

**1969. +AVIATION SECURITY INFRASTRUCTURE FEES****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 49 USC 44901; 49 USC 44940**CFR Citation:** 49 CFR 1511**Legal Deadline:** None

**Abstract:** TSA announces the imposition of an air carrier fee each fiscal year on air carriers and foreign air carriers in air transportation, foreign air transportation, and intrastate air transportation. The fee is necessary to

help defray TSA's costs of providing U.S. civil aviation security services.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule Effective	02/18/02	
Interim Final Rule Correction	02/20/02	67 FR 7926
Notice Information Collection	02/22/02	67 FR 8579
Interim Final Rule Comment Period End	02/28/02	67 FR 9355
Comment Period Extended	03/18/02	
Comment Period End	03/20/02	67 FR 12954
Notice Guidance App A	04/02/02	
Final Action	05/01/02	67 FR 21582
	To Be Determined	

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

[http://www.tsa.gov/laws\\_\\_regs/gov\\_index.shtml](http://www.tsa.gov/laws__regs/gov_index.shtml)

**Agency Contact:** Randall Fiertz, Acting Chief TSA Revenue, Department of Transportation, Transportation Security Administration, TSA-14, Associate US for Finance and Administration, 400 Seventh Street SW, Washington, DC 20590

Phone: 202 385-1209

Email: randall.fiertz@tsa.dot.gov

RIN: 2110-AA02

**1970. • INVESTIGATIVE AND ENFORCEMENT PROCEDURES****Priority:** Substantive, Nonsignificant**Legal Authority:** 18 USC 6002; 28 USC 2461 (note); 49 USC 114; 49 USC 40113 to 40114; 49 USC 40119; 49 USC 44901

to 44907; 49 USC 46101 to 46107; 49 USC 46109 to 46110; 49 USC 46301; 49 USC 46305; 49 USC 46311; 49 USC 46313 to 46314

**CFR Citation:** 49 CFR 1503**Legal Deadline:** None

**Abstract:** This rulemaking establishes the interim investigative and enforcement procedural rules that the TSA will use to address statutory and regulatory violations. It adopts, in large part, the Federal Aviation Administration's (FAA) investigative and enforcement procedures.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule Effective	08/08/02	67 FR 51480
Interim Final Rule Effective	08/08/02	
NPRM	To Be Determined	

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

[http://www.tsa.gov/laws\\_\\_regs/gov\\_index.shtml](http://www.tsa.gov/laws__regs/gov_index.shtml)

**Agency Contact:** Quang Nguyen, Attorney, Enforcement Division, Department of Transportation, Transportation Security Administration, TSA-2, Chief Counsel, 400 Seventh Street SW, Washington, DC 20590  
Phone: 202 493-1233  
Fax: 202 493-1266  
Email: quang.nguyen@tsa.dot.gov

RIN: 2110-AA09

**Department of Transportation (DOT)  
U.S. Coast Guard (USCG)****Proposed Rule Stage****1971. CLAIMS PROCEDURES UNDER THE OIL POLLUTION ACT OF 1990 (CGD 91-035)****Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 2713; 33 USC 2714**CFR Citation:** 33 CFR 136**Legal Deadline:** None

**Abstract:** This rulemaking implements section 1013 (Claims Procedures) and section 1014 (Designation of Source

and Advertisement) of the Oil Pollution Act of 1990. The Interim Rule provides the requirements for the filing of claims for uncompensated removal costs or damages resulting from the discharge of oil, for the designation of the sources of the discharge, and for the advertisement of where claims are to be filed. The interim rule also included the processing of natural resource damage (NRD) claims. The NRD claims, however, were not processed until September 25, 1997, when the

Department of Justice issued an opinion that the Oil Spill Liability Trust Fund (OSLTF) is available without further appropriation to pay trustee NRD claims under the general claims provisions of the Oil Pollution Act of 1990, 33 U.S.C. 2712(a)(4). Release of the more comprehensive NPRM has been delayed while the Coast Guard gained experience on NRD claims, as well as other OPA damages. This rulemaking supports the Coast Guard's

## DOT—USCG

## Proposed Rule Stage

strategic goal of protection of natural resources.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	08/12/92	57 FR 36314
Correction	09/09/92	57 FR 41104
Interim Final Rule	12/10/92	
Comment Period		
End		
NPRM	08/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

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

**Government Levels Affected:** None

**URL For More Information:**

<http://dms.dot.gov>

**URL For Public Comments:**

<http://dms.dot.gov>

**Agency Contact:** Linda Burdette, Project Manager, National Pollution Fund Center, Department of Transportation, U.S. Coast Guard, Suite 1000, 4200 Wilson Boulevard, Arlington, VA 22203-1804  
Phone: 202 493-6831

**RIN:** 2115-AD90

**1972. +VESSEL AND FACILITY RESPONSE PLANS FOR OIL: 2003 REMOVAL EQUIPMENT REQUIREMENTS AND ALTERNATIVE TECHNOLOGY REVISIONS (USCG-2001-8661)**

**Priority:** Other Significant

**Legal Authority:** 33 USC 1321

**CFR Citation:** 33 CFR 153; 33 CFR 154; 33 CFR 155

**Legal Deadline:** None

**Abstract:** This rulemaking will propose changes to the Vessel Response Plans and Marine Transportation Facility Response Plans, and revise the language in the Code of Federal Regulations concerning methods and procedures for removing oil from coastal waters. This rulemaking supports the Coast Guard's strategic goal of protection of natural resources.

**Timetable:**

Action	Date	FR Cite
NPRM	10/11/02	67 FR 63331
NPRM Comment	01/09/03	
Period End		
Final Action	04/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Robert Pond, Project Manager, G-MOR-2, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001

Phone: 202 267-6603

**RIN:** 2115-AG05

**1973. +POST CASUALTY DRUG AND ALCOHOL TESTING (USCG-2001-8773)**

**Priority:** Other Significant

**Legal Authority:** PL 105-383, sec 304

**CFR Citation:** 46 CFR 4

**Legal Deadline:** None

**Abstract:** This project will revise the requirements for chemical testing following a serious marine incident. The revision will establish procedures to ensure that alcohol testing be conducted within 2 hours of a serious marine incident, as required by the Coast Guard Authorization Act of 1998. The rule will also make additional minor procedural changes to the part. This rule supports the Coast Guard strategic goal of maritime safety.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

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

**Government Levels Affected:**

Undetermined

**Agency Contact:** Robert C. Schoening, Project Manager, G-MOA-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001

Phone: 202 267-0684

**RIN:** 2115-AG07

**1974. +VESSEL DOCUMENTATION: LEASE FINANCING FOR VESSELS ENGAGED IN THE COASTWISE TRADE (USCG-2001-8825)**

**Priority:** Other Significant

**Legal Authority:** 46 USC 12106; 46 USC 12120; 46 USC 12122

**CFR Citation:** 46 CFR 67

**Legal Deadline:** None

**Abstract:** This rulemaking will amend the regulations on the documentation

of vessels engaged in the coastwise trade. It is a spin-off of Vessel Documentation (USCG 1998-4784) RIN 2115-AF71. These proposals address statutory amendments eliminating certain barriers to seeking foreign financing by lease for U.S. flag vessels. These proposals would clarify the information needed to determine the eligibility of a vessel financed in this manner for a coastwise endorsement. This rulemaking supports the Coast Guard's strategic goal of maritime mobility.

**Timetable:**

Action	Date	FR Cite
NPRM	05/02/01	66 FR 21902
NPRM Comment	05/29/01	66 FR 34603
Period Extended to		
09/04/2001		
NPRM Comment	07/02/01	
Period End		
NPRM Comment	12/14/01	66 FR 64784
Period Reopened		
Reopened Comment	01/28/02	
Period End		
Supplemental NPRM	08/09/02	67 FR 51804
Second NPRM	10/08/02	
Comment Period		
End		
Final Rule	04/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**URL For More Information:**

<http://dms.dot.gov>

**URL For Public Comments:**

<http://dms.dot.gov>

**Agency Contact:** Patricia Williams, Project Manager, NVDC, Department of Transportation, U.S. Coast Guard, National Vessel Documentation Center, 792 T.J. Jackson Drive, Falling Waters, WV 25419

Phone: 304 271-2506

**Related RIN:** Related To 2115-AF71

**RIN:** 2115-AG08

**1975. TERRITORIAL SEAS, NAVIGABLE WATERS, AND JURISDICTION (USCG-2001-9044)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 46 USC 2103; 46 USC 3306 to 3307; 46 USC 3703; 49 USC 1804; 49 USC 1655; 14 USC 633; 14 USC 80; ...

## DOT—USCG

## Proposed Rule Stage

**CFR Citation:** 33 CFR 2; 33 CFR 26; 33 CFR 62; 33 CFR 64; 33 CFR 95; 33 CFR 100; 33 CFR 165

**Legal Deadline:** None

**Abstract:** This project will make substantive changes to current regulations, but only to the extent required to conform to the congressionally mandated changes in the laws administered and enforced by the Coast Guard as listed in section 301 of the Coast Guard Authorization Act of 1998 (a. Ports and Waterways Safety Act, b. subtitle II of title 46). We will redefine the “territorial sea,” “navigable waters of the United States,” “high seas,” “contiguous zone,” and “exclusive economic zone” to clarify the varying definitions of those terms under different laws administered and enforced by the Coast Guard, as well as relevant Presidential proclamations. This project supports the Coast Guard’s strategic goal of marine safety.

**Timetable:**

Action	Date	FR Cite
NPRM	08/14/02	67 FR 52906
Correction to NPRM	09/18/02	67 FR 58752
NPRM Comment Period End	11/12/02	
Final Rule	02/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**URL For More Information:** <http://dms.dot.gov>

**URL For Public Comments:** <http://dms.dot.gov>

**Agency Contact:** Alex Weller, Project Manager (G-LMI), Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001  
Phone: 202 267-0097

**RIN:** 2115-AG13

**1976. UPDATE OF RULES ON AIDS TO NAVIGATION AFFECTING BUOYS, SOUND SIGNALS, INTERNATIONAL RULES AT SEA, COMMUNICATIONS PROCEDURES, AND LARGE NAVIGATIONAL BUOYS (USCG-2001-10714)**

**Priority:** Info./Admin./Other

**Legal Authority:** 14 USC 81; 33 USC 1231; 43 USC 1333; 46 USC 4302

**CFR Citation:** 33 CFR 60-76

**Legal Deadline:** None

**Abstract:** The Assistant Commandant for Operations proposes to revise 33 CFR subchapter C — Aids to Navigation: parts 60 through 76. In these parts, he would update technical information concerning buoys, sound signals, international rules at sea, communications procedures, and Large Navigational Buoys (LNBs). The Assistant Commandant for Operations would also rewrite these parts using plain language. The proposed changes would update the existing rules both to reflect current practices and to make them easier to understand.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Daniel Andrusiak, Project Manager, G-OPN-2, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001  
Phone: 202 267-0327

**RIN:** 2115-AG25

**1977. MARINE EVENTS: PERMIT PROCEDURES (USCG-2001-10713)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1233

**CFR Citation:** 33 CFR 100

**Legal Deadline:** None

**Abstract:** This rule would revise Coast Guard procedures to expedite approval of organized marine events conducted on the navigable waters of the United States. These new procedures would establish general permits with nationwide or regional applicability and would encourage sponsors to submit information to the Coast Guard by electronic means. These new procedures would reduce the paperwork burden on both the public and the Coast Guard without adversely affecting vessel safety or the environment in the event areas. This project supports the Coast Guard’s strategic goals of maritime safety and maritime mobility.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** None

**Agency Contact:** Carlton Perry, Project Manager, G-OPB-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001  
Phone: 202 267-0979

**RIN:** 2115-AG26

**1978. DRAWBRIDGE OPERATIONS REGULATIONS; REVISIONS (USCG-2001-10881)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 499

**CFR Citation:** 33 CFR 117

**Legal Deadline:** None

**Abstract:** The Coast Guard is proposing changes to its drawbridge regulations that provide guidance for general requirements relating to the use and operation of drawbridges. This project will create a new deviation for short-term closures, provide Coast Guard Eight District Bridges Administration St. Louis with a general bridge closure requirement during the winter season when navigation is reduced and eliminate any unnecessary distinction between commercial and recreational vessels in subpart B. It will also make changes throughout part 117 to remove redundancies, make amendments and technical corrections, and remove special bridge regulations that are no longer functional. Corrections and clarification of these requirements will help to streamline the drawbridge regulatory process and should shorten and simplify part 117 for the reader. This rulemaking supports the Coast Guard’s strategic goal of maritime mobility.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** J. Christopher Jaufmann, Project Manager (G-OPT-1), Department of Transportation, U.S. Coast Guard, U.S. Coast Guard Headquarters, 2100 Second Street SW, Washington, DC 20593-0001

## DOT—USCG

## Proposed Rule Stage

Phone: 202 267-0377

RIN: 2115-AG27

**1979. RATES FOR PILOTAGE ON THE GREAT LAKES (USCG-2002-11288)****Priority:** Substantive, Nonsignificant**Legal Authority:** 46 USC 9303(f)**CFR Citation:** 46 CFR 401**Legal Deadline:** None

**Abstract:** The Coast Guard conducts an annual review of the Great Lakes Pilotage based on the "Ratemaking Analyses and Methodology" published in the Federal Register on May 9, 1996. Depending on the results of this review, the Coast Guard can make rate adjustments in accordance with 46 CFR part 404, App. A, step 7; or, if the director determines that pilotage rates are within a reasonable range of their target, make no adjustments. This rulemaking may take place annually. It supports the Coast Guard's strategic goal of maritime mobility.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	

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

**Agency Contact:** Tom Lawler, Project Manager, G-M-2, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20590-0001  
Phone: 202 267-1401

**Related RIN:** Related To 2115-AG46

RIN: 2115-AG30

**1980. WEARING OF PERSONAL FLOTATION DEVICES BY PERSONS OPERATING OR RIDING ON PERSONAL WATERCRAFT OR BEING TOWED BEHIND RECREATIONAL VESSELS (USCG-2002-11421)****Priority:** Substantive, Nonsignificant**Legal Authority:** 46 USC 4302**CFR Citation:** 33 CFR 175**Legal Deadline:** None

**Abstract:** This rule would require every person to wear a personal flotation device (PFD)—also called a lifejacket—while operating or riding on personal watercraft (PWC) or being towed behind a recreational vessel. On waters subject to the jurisdiction of the United

States within any State or territory, the rule would not preempt any requirement established for such persons as specified by that State. The rule would set a Federal requirement on waters subject to the jurisdiction of the United States within any State or territory. The new requirement would reduce the number of persons who drown while participating in these activities.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Undetermined**Federalism:** Undetermined

**Agency Contact:** Carlton Perry, Project Manager, G-OPB-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001  
Phone: 202 267-0979

RIN: 2115-AG32

**1981. +AUTOMATIC IDENTIFICATION SYSTEM CARRIAGE REQUIREMENT (USCG-2002-11721)****Priority:** Other Significant**Legal Authority:** 33 USC 1223(a)**CFR Citation:** 33 CFR 161; 33 CFR 164; 33 CFR 165**Legal Deadline:** None

**Abstract:** This project will implement an Automatic Identification System (AIS) carriage requirement for SOLAS and non-SOLAS vessels operating on designated waters (i.e., Vessel Traffic Service [VTS] areas, coastal zones, inland waterways and other major waterways). AIS automatically exchanges navigational and positional information in ship-to-ship and ship-to-shore-to-ship modes. Traditional VTS have been based on radar and video surveillance and rely on voice communications by VHF-FM radio; AIS-based VTS will use this technology to perform the majority of both surveillance and information exchange. AIS unburdens mariners from VTS reporting, reduces the cost of operating a VTS and eliminates much of the potentially distracting voice communications associated with traditional VTS operations. Establishing an AIS-based VTS will meet clear

Congressional direction and maritime community desires to improve port efficiency and vessel traffic safety (particularly on the Lower Mississippi River area) and will enhance maritime domain awareness. This rulemaking supports the Coast Guard's strategic goals of safety, protection of natural resources and mobility. At the Department of Transportation level, this rulemaking supports the goals of safety, mobility and protection of the human and natural environment. Additionally, AIS will be a key link between maritime transportation and DOT's Intelligent Transportation System Initiative and is a major element within the Marine Transportation System Initiative. This rulemaking is significant because of significant public interest in this proposed rule.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/03	

**Regulatory Flexibility Analysis Required:** Undetermined**Government Levels Affected:** Undetermined

**Additional Information:** This proposed rule is expected to reduce the number of collisions, allisions and groundings; the number of tank vessel groundings and collisions resulting from inadequate passage or port transit planning; the number of and/or impact of waterway impediments; crewmember deaths/injuries on U.S. commercial vessels; the risk of major loss of life on passenger vessels; the amount of oil discharged into the marine environment; and the amount of chemicals entering the environment.

**Agency Contact:** Jorge Arroyo, Project Manager, G-MWV, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001  
Phone: 202 267-6277

**Related RIN:** Split From 2115-AF75

RIN: 2115-AG36

**1982. • PROTECTION FOR WHISTLEBLOWERS IN COAST GUARD (USCG-2002-13016)****Priority:** Substantive, Nonsignificant**Legal Authority:** 10 USC 1034**CFR Citation:** 33 CFR 53**Legal Deadline:** None

## DOT—USCG

## Proposed Rule Stage

**Abstract:** This rulemaking would amend 33 CFR part 53 both by extending coverage to uniformed members of the Coast Guard who make “protected” communications either to an organization within the Department of Transportation concerned with audit, inspection, or law enforcement, or to any other person or organization (including any person or organization in the chain of command) designated pursuant to regulations to receive such communications, and by extending the nature of protected communications to comprise complaints (a) of violations of law or regulation prohibiting sexual harassment, (b) or unlawful discrimination, and (c) of gross mismanagement.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	

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

**Agency Contact:** CDR Peter Ganser, Project Manager, G-LGL, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001  
Phone: 202 267-1553

**RIN:** 2115-AG49**1983. • +PENALTIES FOR NON-SUBMISSION OF BALLAST WATER MANAGEMENT REPORTS (USCG-2002-13147)****Priority:** Other Significant**Legal Authority:** 16 USC 4711**CFR Citation:** 33 CFR 151**Legal Deadline:** None

**Abstract:** This rulemaking would set penalties for failure to submit ballast water management reports, as required in subpart D of 33 CFR 151. It supports the Coast Guard’s strategic goals of protection of natural resources.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	

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

**Agency Contact:** LCDR M. Pat McKeown, Project Manager, G-MSO, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001  
Phone: 202 267-0500

**RIN:** 2115-AG50Department of Transportation (DOT)  
U.S. Coast Guard (USCG)

## Final Rule Stage

**1984. REPORTING MARINE CASUALTIES (USCG-2000-6927)****Priority:** Substantive, Nonsignificant**Legal Authority:** 46 USC 6101; 33 USC 1901 et seq**CFR Citation:** 33 CFR 151; 46 CFR 4**Legal Deadline:** None

**Abstract:** This action would add to the definition of a reportable marine casualty, “significant harm to the environment.” Some casualty reporting requirements are extended to include foreign tank vessels operating in U.S. waters, including the Exclusive Economic Zone. This project supports the Coast Guard’s Marine Safety and Environmental Protection program’s goal to reduce the consequence of pollution incidents and further supports the Coast Guard’s strategic goal of protection of natural resources.

**Timetable:**

Action	Date	FR Cite
Request for Comments	12/20/94	59 FR 65522
Comment Period End	02/20/95	
NPRM	11/02/00	65 FR 65808
Supplemental NPRM	07/12/01	66 FR 36530
Supplemental NPRM Comment Period End	09/10/01	
Final Rule	11/00/02	

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

**Additional Information:** This rulemaking was formerly docketed under CGD 91-216. In the 2002 Spring Agenda, the next action listed (“To Be Withdrawn”) was in error. This rulemaking remains active and we propose to publish a final rule in November 2002.

**URL For More Information:**<http://dms.dot.gov>**URL For Public Comments:**<http://dms.dot.gov>

**Agency Contact:** LCDR Charles Barbee, Project Manager, G-MOA-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-1418

**RIN:** 2115-AD98**1985. HANDLING OF EXPLOSIVES OR OTHER DANGEROUS CARGOES WITHIN OR CONTIGUOUS TO WATERFRONT FACILITIES (USCG-1998-4302)****Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 1231**CFR Citation:** 33 CFR 126**Legal Deadline:** None

**Abstract:** This rulemaking was intended to revise existing regulations covering waterfront facilities that handle dangerous cargoes. The present regulations are outdated and do not reflect improved safety procedures and modern transportation methods, such as the use of containers. Where appropriate, the regulations incorporate industry standards regarding the handling of hazardous materials at waterfront facilities. This project supports the Vice Commandant’s workload reduction initiative and also supports the Coast Guard’s strategic goal of maritime safety by reducing deaths and injuries in the maritime industry.

**Timetable:**

Action	Date	FR Cite
ANPRM	01/13/93	58 FR 4127
ANPRM Comment Period End	04/13/93	
NPRM	10/29/98	63 FR 57964
NPRM Comment Period End	12/28/98	
NPRM Comment Period Reopened	01/12/99	64 FR 1770
NPRM Comment Period End	03/01/99	
Final Rule	11/00/02	



## DOT—USCG

## Final Rule Stage

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

**Additional Information:** An independent study has been completed and incorporated with comments from the public in the preparation of the rulemaking. Old Docket Number CGD 92-026.

The NPRM was published under the more precisely descriptive title of Handling of Class I (Explosive) Materials or Other Dangerous Cargoes Within or Contiguous to Waterfront Facilities.

**URL For More Information:**<http://dms.dot.gov>**URL For Public Comments:**<http://dms.dot.gov>**Agency Contact:** Michael A.

Jendrossek, Project Manager, G-MSO-2, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-0836

**RIN:** 2115-AE22

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**1986. LICENSING AND MANNING FOR OFFICERS OF TOWING VESSELS (USCG 1999-6224)**
**Priority:** Substantive, Nonsignificant**Legal Authority:** 14 USC 633; 44 USC 3507; 46 USC 2103; 46 USC 7101; 46 USC 7106; 46 USC 7107; 46 USC 7701**CFR Citation:** 46 CFR 10; 46 CFR 15**Legal Deadline:** None

**Abstract:** This rulemaking is necessary as part of an overall initiative by the Coast Guard to improve navigational safety for towing vessels. It will help ensure that the mariner piloting a towing vessel has the proper training and qualifications to handle the tug and tow. It has introduced a third level of license where there have been only two. Each level requires greater experience and proficiency than the one below. This rulemaking also introduces a requirement for demonstration of proficiency as a prerequisite to being issued an original license. This will be in addition to the current requirements for sea service, physical examination, testing for drugs, and successful testing for competence. This project supports the Coast Guard's strategic goal of maritime safety.

**Timetable:**

Action	Date	FR Cite
NPRM	06/19/96	61 FR 31332
Correction	07/11/96	61 FR 36608
Correction	08/07/96	61 FR 41208
Notice of Meeting	08/26/96	61 FR 43720
NPRM Comment Period End	10/17/96	
Notice of Intent	12/18/96	61 FR 66642
SNPRM	10/27/97	62 FR 55548
Public Meeting Memphis 02/11/98	01/21/98	63 FR 3070
Public Meeting Houston 02/13/98	01/21/98	63 FR 3070
Public Meeting Boston 02/18/98	01/21/98	63 FR 3070
Public Meeting Seattle 02/24/98	01/21/98	63 FR 3070
SNPRM Comment Period End	02/24/98	
Interim Final Rule	11/19/99	64 FR 63213
Interim Final Rule Comment Period End	02/17/00	
Interim Final Rule	10/27/00	65 FR 64388
Notice Concerning Review	02/09/01	66 FR 9673
Interim Final Rule	04/26/01	66 FR 20931
Interim Final Rule Effective	05/21/01	
Notice of Public Meeting	07/11/01	66 FR 36223
Interim Final Rule Comment Period End	07/25/01	
Final Rule	11/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Old Docket Number CGD 94-055.**URL For More Information:**<http://dms.dot.gov>**URL For Public Comments:**<http://dms.dot.gov>

**Agency Contact:** LCDR Luke Harden, Project Manager, G-MSO-1, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW., Washington, DC 20593-0001  
Phone: 202 267-1838

**RIN:** 2115-AF23

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**1987. LIMITED SERVICE DOMESTIC VOYAGE LOAD LINES FOR RIVER BARGES ON LAKE MICHIGAN (USCG-1998-4623)**
**Priority:** Substantive, Nonsignificant**Legal Authority:** 46 USC 51**CFR Citation:** 46 CFR 45**Legal Deadline:** None

**Abstract:** This regulatory project will allow certain unmanned dry cargo river barges operating on Lake Michigan to be exempted from the normal Great Lakes load line requirements. Instead, they may qualify for a conditional load line exemption, or for a limited service domestic voyage load line (depending on which Lake Michigan route). This rulemaking pertains to two specific routes: Chicago to Milwaukee, and Chicago to Muskegon. This will allow certain non-hazardous cargoes originating at inland river ports to be transported as far as Milwaukee and Muskegon by river barge, thereby benefiting from the relatively low cost per ton-mile of river barge transportation. Compliance is not mandatory other than for those river barge operators who voluntarily seek to expand their operations onto these routes. This rulemaking supports the Coast Guard's strategic goal of marine safety.

**Timetable:**

Action	Date	FR Cite
NPRM	11/02/98	63 FR 58679
NPRM Comment Period Extended	12/28/98	63 FR 71411
Comment Period End	01/04/99	
NPRM Comment Period End	03/04/99	
Interim Final Rule	04/23/02	67 FR 19685
Interim Final Rule Effective	05/23/02	
Interim Final Rule--Announcement of Effective Date of COI Sections	06/20/02	67 FR 41847
Collection of Information Sections Effective	06/20/02	
Interim Final Rule Comment Period End	10/23/02	
Final Rule	02/00/03	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses, Organizations**Government Levels Affected:** None**Additional Information:** Old Docket Number CGD 95-015.**URL For More Information:**<http://dms.dot.gov>**URL For Public Comments:**<http://dms.dot.gov>

**Agency Contact:** Thomas Jordan, Project Manager, G-MSE-2, Department

## DOT—USCG

## Final Rule Stage

of Transportation, U.S. Coast Guard,  
2100 Second Street SW, Washington,  
DC 20593-0001  
Phone: 202 267-2988

**RIN:** 2115-AF38

### 1988. OUTER CONTINENTAL SHELF ACTIVITIES (USCG-1998-3868)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 43 USC 1333(d)(1); 43  
USC 1348(c); 43 USC 1356

**CFR Citation:** 33 CFR 140 to 147

**Legal Deadline:** None

**Abstract:** This project would revise the regulations on Outer Continental Shelf (OCS) activities to: add new requirements for fixed OCS facilities for lifesaving, fire protection, training, hazardous materials used as stores, and accommodation spaces; require foreign vessels engaged in OCS activities to comply with requirements similar to those imposed on U.S. vessels similarly engaged; and allow all mobile inland drilling units (MIDUs) to operate on the OCS out to a defined boundary line if they meet requirements for lifesaving, firefighting, and operations similar to those for fixed OCS facilities. This project would affect the owners and operators of facilities and vessels engaged in offshore activities associated with the exploration for, development of, or production of the resources of the OCS. The preliminary estimate of costs imposed by these amendments varies according to the unit. The Coast Guard is consulting with the Minerals Management Service, part of the Department of the Interior. It supports the Coast Guard's strategic goal of marine safety and environmental protection.

#### Timetable:

Action	Date	FR Cite
Request for Comments	06/27/95	60 FR 33185
Comment Period End	09/25/95	
NPRM	12/07/99	64 FR 68416
NPRM Correction	02/22/00	65 FR 8671
NPRM Comment Period Extended	03/16/00	65 FR 14226
NPRM Comment Period Extended	06/30/00	65 FR 40559
NPRM Comment Period End	11/30/00	
Final Rule	03/00/03	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** The Notice of Request for Comments published June 27, 1995, was assigned Coast Guard docket number 95-016. Following the request for comments this docket was terminated. This project continues under docket USCG-1998-3868 and RIN 2115-AF39.

#### URL For More Information:

<http://dms.dot.gov>

#### URL For Public Comments:

<http://dms.dot.gov>

**Agency Contact:** James Magill, Project Manager, G-MSO-2, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001  
Phone: 202 267-1082

**RIN:** 2115-AF39

### 1989. FIRE-SUPPRESSION SYSTEMS AND VOYAGE PLANNING FOR TOWING VESSELS (USCG 2000-6931)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 46 USC 3719; 46 USC 4102

**CFR Citation:** 33 CFR 157; 46 CFR 27

**Legal Deadline:** NPRM, Statutory,  
October 1, 1997.

**Abstract:** The Coast Guard proposes requirements for (a) total-flooding or other installed systems for suppressing fires on existing towing vessels and (b) voyage-planning. The purpose of this rulemaking is to reduce oil spills from single-hull, non-self-propelled barges. Drifting oil barges have run aground and spilled their cargoes, causing considerable damage to marine life and the environment. This project was developed in cooperation with the Towing Safety Advisory Committee. It supports the Coast Guard's strategic goals of maritime safety and protection of natural resources.

#### Timetable:

Action	Date	FR Cite
NPRM	10/06/97	62 FR 52057
Comment Period End	01/05/98	
Comment Period Reopened	02/27/98	63 FR 9980
Notice of Public Meeting	02/27/98	63 FR 9980
Comment Period End	05/11/98	
SNPRM	11/08/00	65 FR 66941
Notice of Public Meeting	12/28/00	65 FR 82303
SNPRM Comment Period End	03/08/01	

Action	Date	FR Cite
SNPRM; Notice of Mtg. & Second Reopening Comment Period	07/11/01	66 FR 36223
Second Reopened Comment Period End	09/15/01	
Interim Rule	11/00/02	

#### Regulatory Flexibility Analysis

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** This rulemaking was formerly titled "Towing Vessel Safety (Fire Suppression Systems and Other Measures for Towing Vessels)" (CGD 97-064). It originally proposed requirements for three sets of issues relative to the safety of towing vessel safety issues: Fire-suppression systems and other measures; control measures for tank barges; and fire-protection measures for towing vessels. The latter two components have developed into separate rulemakings: Emergency Control Measures for Tank Barges (USCG 1998-4443) (RIN 2115-AF65) and Fire Protection Measures for Towing Vessels (USCG 1998-4445) (RIN 2115-AF66).

#### URL For More Information:

<http://dms.dot.gov>

#### URL For Public Comments:

<http://dms.dot.gov>

**Agency Contact:** Randall Eberly, Project Manager, G-MSE-4, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001  
Phone: 202 267-1861

**Related RIN:** Split From 2115-AF65,  
Split From 2115-AF66

**RIN:** 2115-AF53

### 1990. +SALVAGE AND MARINE FIREFIGHTING REQUIREMENTS; VESSEL RESPONSE PLANS FOR OIL (USCG-1998-3417)

**Regulatory Plan:** This entry is Seq. No. 103 in part II of this issue of the **Federal Register**.

**RIN:** 2115-AF60

### 1991. DEEPWATER PORTS (USCG- 1998-3884)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1503

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**CFR Citation:** 33 CFR 148 to 150

**Legal Deadline:** None

**Abstract:** The purpose of this rulemaking is to update the Deepwater Port Regulations. Section 502 of the Coast Guard Authorization Act of 1996 necessitates changes to the current Deepwater Port regulations. These regulations were developed in the 1970s when there were no deepwater ports in the United States. The Coast Guard will be revising the regulations to: remove from the regulations, and place in the license conditions, those requirements which belong in the license conditions; and remove from the regulations those things which can be addressed in an operations manual. The Coast Guard will also consider revising the regulations to address technological advancements and operational experience gained over the last 20 years. In accordance with section 610 of the Regulatory Flexibility Act, the Coast Guard is also reviewing these regulations for their impacts on small businesses and the potential to reduce any such impacts. Public comment on small business impacts is specifically requested. This rulemaking will encompass a complete review of the Deepwater Port Regulations. This project supports the Coast Guard's strategic goals of maritime safety and protection of natural resources.

**Timetable:**

Action	Date	FR Cite
ANPRM	08/29/97	62 FR 45774
ANPRM Comment Period End	10/13/97	
NPRM	05/30/02	67 FR 37920
NPRM Comment Period End	07/29/02	
NPRM Comment Period Reopened	08/19/02	67 FR 53764
Second NPRM Comment Period End	09/18/02	
Final Rule	06/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Additional Information:** ANPRM was published under Docket Number USCG-1998-4441. This docket number is replaced with USCG-1998-3884.

**URL For More Information:** <http://dms.dot.gov>

**URL For Public Comments:**

<http://dms.dot.gov>

**Agency Contact:** CDR Mark Prescott, Project Manager, G-MSO, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001

Phone: 202 267-0225

**RIN:** 2115-AF63

**1992. ANCHORAGE GROUND; SAFETY ZONE; SPEED LIMIT; TONGASS NARROWS AND KETCHIKAN, AK (CGD17-99-002)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 471; 33 USC 1231; 33 USC 2071

**CFR Citation:** 33 CFR 162; 33 CFR 165; 33 CFR 110

**Legal Deadline:** None

**Abstract:** This rulemaking would grant an exemption from the present 7-knot speed limit in Tongass Narrows, AK, for float plane take-off and landing and vessels 23 feet in length or less. The geographic area for the speed limit would be expanded. A safety zone used for cruise ship anchorages would be redesignated as an anchorage area to reflect actual usage of the area and transiting vessels would be required to move quickly and directly through the anchorage, without rapid course changes, to increase safety. This project supports the Coast Guard's strategic goal of marine safety.

**Timetable:**

Action	Date	FR Cite
NPRM	03/25/99	64 FR 14414
NPRM Comment Period End	05/10/99	
Interim Final Rule	06/02/99	64 FR 29554
Interim Final Rule Comment Period End	11/30/99	
Interim Final Rule	04/07/00	65 FR 18242
Interim Final Rule Comment Period End	10/31/00	
Final Rule	11/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**URL For More Information:** <http://dms.dot.gov>

**URL For Public Comments:** <http://dms.dot.gov>

**Agency Contact:** LT Kenneth Kostecki, Project Manager, Department of

Transportation, U.S. Coast Guard, 2030 Sealevel Drive, Suite 203, Ketchikan, AK 99901

Phone: 907 225-4496

**RIN:** 2115-AF81

**1993. TRAINING AND QUALIFICATIONS FOR PERSONNEL ON PASSENGER SHIPS (USCG 1999-5610)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 46 USC 2103; 46 USC ch 71; 46 USC ch 73

**CFR Citation:** 46 CFR 12; 46 CFR 15; 46 CFR 10

**Legal Deadline:** None

**Abstract:** This project will implement new amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW), that impose requirements for training and qualifications of masters, officers, engineers, and "ratings." The following training courses are mandatory for the personnel on passenger ships other than roll-on, roll-off, carrying more than 12 passengers operating on international voyages: (1) Crisis Management and Human Behavior; (2) Crowd Management; (3) Special Safety; (4) Passenger Safety, with special attention given to disabled persons and others needing assistance; and (5) Special Familiarization. This rulemaking supports the Coast Guard's strategic goals of maritime safety and protection of natural resources.

**Timetable:**

Action	Date	FR Cite
NPRM	06/15/00	65 FR 37507
NPRM Comment Period End	09/13/00	
Interim Final Rule	11/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:** <http://dms.dot.gov>

**URL For Public Comments:** <http://dms.dot.gov>

**Agency Contact:** Mark Gould, Project Manager, G-MSO-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001

## DOT—USCG

## Final Rule Stage

Phone: 202 267-6890

RIN: 2115-AF83

**1994. ALTERNATE HULL EXAMINATION PROGRAM FOR CERTAIN PASSENGER VESSELS, AND UNDERWATER SURVEYS FOR PASSENGER, NAUTICAL SCHOOL, AND SAILING SCHOOL VESSELS (USCG-2000-6858)****Priority:** Substantive, Nonsignificant**Legal Authority:** 46 USC 3305; 46 USC 3308**CFR Citation:** 46 CFR 71; 46 CFR 115; 46 CFR 167; 46 CFR 169; 46 CFR 176**Legal Deadline:** None

**Abstract:** This regulatory project will establish hull examination alternatives and a drydock extension policy for qualifying passenger vessels that operate exclusively on benign, low-risk environments, and that have limited time under way. In addition, the proposed regulations would provide the option of alternating drydock examinations with underwater surveys for passenger vessels. This project supports the Coast Guard's strategic Marine Safety, Security and Environmental Protection Program's goal of mobility by facilitating commerce and eliminating interruptions and impediments to the economical movement of goods and people.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	04/29/02	67 FR 21062
Interim Final Rule Effective	06/28/02	
Interim Final Rule Comment Period End	07/29/02	
Interim Final Rule; announcement of effective date	08/28/02	67 FR 55162
Collection of Information Interim Rule Sections Effective	08/28/02	
Final Rule	03/00/03	

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

**Additional Information:** This project is a split-off of RIN 2115-AF73. The split was a result of comments received under the NPRM that was published under RIN 2115-AF73, 11/15/1999, 64

FR 62018, entitled Frequency of Inspection Alternate Hull Exam Program for Certain Passenger Vessels, and Underwater Surveys for Passenger, Nautical School, and Sailing School Vessels.

**URL For More Information:**<http://dms.dot.gov>**URL For Public Comments:**<http://dms.dot.gov>

**Agency Contact:** Martin Walker, Project Manager, G-MOC, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW., Washington, DC 20593-0001

Phone: 202 267-1047

**Related RIN:** Split From 2115-AF73

RIN: 2115-AF95

**1995. ALLOWING ALTERNATIVE SOURCE TO INCANDESCENT LIGHTS, AND ESTABLISHING STANDARDS FOR NEW LIGHTS, IN PRIVATE AIDS TO NAVIGATION (USCG-2000-7466)****Priority:** Substantive, Nonsignificant**Legal Authority:** 14 USC 83; 14 USC 85; 43 USC 1333**CFR Citation:** 33 CFR 66**Legal Deadline:** None

**Abstract:** The Coast Guard is seeking to let the lighting industry and owners of private aids to navigation take advantage of a recent improvement in technology—one that enables the use of lanterns based on Light-Emitting Diodes (LEDs), which would reduce the consumption of power and simplify the maintenance of the aids. The use of these lanterns should stimulate competition in the industry, reduce maintenance and therefore operating costs, and allow the marking of the aids in a desirable manner. This rule supports the Coast Guard's strategic goals of maritime safety and maritime mobility.

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	10/04/00	65 FR 59124
Direct Final Rule Withdrawn	01/02/01	66 FR 8
NPRM	06/24/02	67 FR 42512
NPRM Comment Period End	08/23/02	
Final Rule	11/00/02	

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

**Additional Information:** The Coast Guard withdrew the direct final rule because it received an adverse comment. The Coast Guard published an NPRM to solicit additional comments from the public.

**URL For More Information:**<http://dms.dot.gov>**URL For Public Comments:**<http://dms.dot.gov>

**Agency Contact:** Daniel Andrusiak, Project Manager, G-OPN-2, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001

Phone: 202 267-0327

RIN: 2115-AF98

**1996. WEARING OF PERSONAL FLOTATION DEVICES (PFDs) BY CERTAIN CHILDREN ABOARD RECREATIONAL VESSELS (USCG-2000-8589)****Priority:** Substantive, Nonsignificant**Legal Authority:** 46 USC 4302**CFR Citation:** 33 CFR 175, subpart B**Legal Deadline:** None

**Abstract:** This rule requires every child under the age of 13 to wear a personal flotation device (PFD)—also called a lifejacket—while aboard a recreational vessel under way and while not below decks or in an enclosed cabin. It adopts, on waters subject to the jurisdiction of the United States within any State, any requirement for the wearing of a PFD established by that State for a child under an age specified by that State. The rule also sets, on waters subject to the jurisdiction of the United States within any State lacking any such requirement, its own, comparable requirements. This project supports the Coast Guard's strategic goal of maritime safety.

**Timetable:**

Action	Date	FR Cite
NPRM	05/01/01	66 FR 21717
NPRM Comment Period End	08/29/01	
Final Rule	02/27/02	67 FR 8881
Notice of Withdrawal of Final Rule	03/27/02	67 FR 19643
Withdrawal of Final Rule Effective	03/27/02	
Interim Final Rule	06/24/02	67 FR 42488
Interim Final Rule Comment Period End	08/23/02	

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Action	Date	FR Cite
Interim Final Rule Effective	12/23/02	
Final Rule	12/00/02	

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

**Additional Information:** After publication of the final rule, the State Boating Law Administrator (BLA) of Ohio raised a concern about possible adverse impacts due to Federal enforcement of PFD-wearing requirements on vessels not subject to State requirements because of vessels' lengths. The Coast Guard withdrew the Final Rule before its effective date and later published an Interim Rule that allows public comment on a new alternative, which removes the potential differences between Federal and State requirements.

**URL For More Information:** <http://dms.dot.gov>**URL For Public Comments:** <http://dms.dot.gov>

**Agency Contact:** Carlton Perry, Project Manager, G-OPB-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001  
Phone: 202 267-0979

**RIN:** 2115-AG04**1997. FEDERAL REQUIREMENTS FOR PROPELLER INJURY AVOIDANCE MEASURES (USCG 2001-10163)****Priority:** Substantive, Nonsignificant**Legal Authority:** 46 USC 4302**CFR Citation:** 33 CFR 175**Legal Deadline:** None

**Abstract:** This rule would establish Federal requirements for non-planing recreational houseboats equipped with propeller driven propulsion located aft of the transom. This rule would require owners of these non-planing recreational houseboats to install either one or two propulsion unit measures (a propeller guard or a jet pump drive) or employ three combined measures (use of an ignition cut-off switch, where installed, and install a swim ladder interlock device and an aft-visibility device). Owners of rental houseboats would have to also install an ignition cut-off switch, if not already installed.

These requirements would reduce the number of boaters who are seriously or fatally injured when struck by the propeller of a non-planing recreational houseboat. This rulemaking would implement recommendations made by the National Boating Safety Advisory Council. It supports the Coast Guard's strategic goal of marine safety.

**Timetable:**

Action	Date	FR Cite
NPRM	12/10/01	66 FR 63645
NPRM Comment Period End	03/11/02	
NPRM Comment Period Extended	03/26/02	67 FR 13738
NPRM Comment Period End	05/11/02	
Final Rule	12/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**URL For More Information:** <http://dms.dot.gov>**URL For Public Comments:** <http://dms.dot.gov>

**Agency Contact:** Carlton Perry, Project Manager, G-OPB-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001  
Phone: 202 267-0979

**Related RIN:** Related To 2115-AF28**RIN:** 2115-AG18**1998. SAFETY ZONES FOR OUTER CONTINENTAL SHELF FACILITIES IN THE GULF OF MEXICO (CGD08-01-025)****Priority:** Substantive, Nonsignificant**Legal Authority:** 14 USC 85; 33 USC 2071**CFR Citation:** 33 CFR 147**Legal Deadline:** None

**Abstract:** The Coast Guard proposes to establish safety zones around five petroleum and gas production facilities in the Outer Continental Shelf in the Gulf of Mexico. The four platforms and one moored spar buoy need to be protected from vessels operating outside the normal shipping channels and fairways. Placing safety zones around these facilities will significantly reduce the threat of allisions, oil spills and releases of natural gas. The proposed regulation would prevent all

vessels from entering or remaining in specified areas around the platforms except for the following: an attending vessel; a vessel under 100 feet in length overall not engaged in towing; or a vessel authorized by the Eighth Coast Guard District Commander. The proposed safety zones are necessary to protect the safety of life, property and the environment and support the Coast Guard's strategic goals of marine safety and protection of natural resources.

**Timetable:**

Action	Date	FR Cite
NPRM	12/10/01	66 FR 63642
NPRM Comment Period End	02/08/02	
Final Rule	11/00/02	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**URL For More Information:** <http://dms.dot.gov>**URL For Public Comments:** <http://dms.dot.gov>

**Agency Contact:** LT Karrie Trebbe, Department of Transportation, U.S. Coast Guard, Eighth Coast Guard District Commander, Hale Boggs Federal Bldg., 501 Magazine Street, New Orleans, LA 70130  
Phone: 504 589-6271

**RIN:** 2115-AG22**1999. SAFETY ZONE FOR OUTER CONTINENTAL SHELF FACILITY IN THE GULF OF MEXICO (CGD08-01-043)****Priority:** Substantive, Nonsignificant**Legal Authority:** 14 USC 85; 43 USC 1333**CFR Citation:** 33 CFR 147**Legal Deadline:** None

**Abstract:** The Coast Guard proposes to establish a safety zone around a high-production, manned oil and natural gas facility in the Outer Continental Shelf in the Gulf of Mexico in Green Canyon 205A. The facility needs to be protected from vessels operating outside the normal shipping channels and fairways. Placing a safety zone around the facility will significantly reduce the threat of allisions, oil spills, and releases of natural gas. The proposed regulation would prevent all vessels from entering or remaining in specified areas around the facility except for the following: An attending vessel; a vessel under 100

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feet in length overall not engaged in towing; or a vessel authorized by the Eighth Coast Guard District Commander. The proposed safety zone is necessary to protect life, property, and the environment and supports the Coast Guard's strategic goals of marine safety and protection of natural resources.

**Timetable:**

Action	Date	FR Cite
NPRM	04/02/02	67 FR 15505
NPRM Comment Period End	06/03/02	
Final Rule	11/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

<http://dms.dot.gov>

**URL For Public Comments:**

<http://dms.dot.gov>

**Agency Contact:** LT Karrie Trebbe, Department of Transportation, U.S. Coast Guard, Eighth Coast Guard District Commander, Hale Boggs Federal Bldg., 501 Magazine Street, New Orleans, LA 70130  
Phone: 504 589-6271

**RIN:** 2115-AG31

**2000. NOTIFICATIONS OF ARRIVAL AND DEPARTURE IN PORTS OR PLACES IN THE UNITED STATES (USCG-2001-11865)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1223(a)(5); 33 USC 1226; 33 USC 1231

**CFR Citation:** 33 CFR 160

**Legal Deadline:** None

**Abstract:** The Coast Guard needs to permanently amend its regulations relating to the Notifications of Arrival (NOA) and Departure (NOD) requirements in 33 CFR part 160 to ensure port safety, security, and environmental protection as well as maintain the uninterrupted flow of commerce. Subsequent to the terrorist attacks of September 2001, we published an emergency temporary final rule (96-hour rule) amending the NOA and NOD requirements for commercial vessels bound for or departing from ports or places in the United States. The temporary final rule terminates on June 15, 2002. In this

rulemaking we propose to make permanent most of the changes introduced by the temporary final rule.

**Timetable:**

Action	Date	FR Cite
NPRM	06/19/02	67 FR 41659
NPRM Comment Period End	08/19/02	
Final Rule	03/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

<http://dms.dot.gov>

**URL For Public Comments:**

<http://dms.dot.gov>

**Agency Contact:** LT(Jg) Marcus Lines, Project Manager, G-MP, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001  
Phone: 202 267-6854

**Related RIN:** Related To 2115-AG47

**RIN:** 2115-AG35

**2001. • GREAT LAKES MARITIME ACADEMY — ELIGIBILITY OF CERTAIN GRADUATES FOR UNRESTRICTED THIRD-MATE LICENSES (USCG-2002-13213)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 14 USC 633; 31 USC 9701; 46 USC 2101; 46 USC 2103; 46 USC 2110; ...

**CFR Citation:** 46 CFR 10

**Legal Deadline:** None

**Abstract:** This rulemaking removes a restriction on the eligibility of some Great Lakes Maritime Academy graduates for ocean vessel third mate licensing. It furthers the Coast Guard's strategic goals of maritime safety, protection of natural resources, and maritime mobility.

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	11/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Mr. Donald Kerlin, Department of Transportation, U.S. Coast Guard, National Maritime Center

(NMCd), 4200 Wilson Blvd., Suite 600, Arlington, VA 22203-1804  
Phone: 202 493-1006

**RIN:** 2115-AG43

**2002. • TRAFFIC SEPARATION SCHEMES: IN THE STRAIT OF JUAN DE FUCA AND ITS APPROACHES; IN PUGET SOUND AND ITS APPROACHES; IN HARO STRAIT, BOUNDARY PASS, AND IN THE STRAIT OF GEORGIA (USCG-2002-12702)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1223

**CFR Citation:** 33 CFR 167

**Legal Deadline:** None

**Abstract:** This rulemaking will propose amendments to the existing traffic separation schemes: In the Strait of Juan de Fuca and its approaches; In Puget Sound and its approaches; in Haro Strait, Boundary Pass, and in the Strait of Georgia. These amendments are approved by the International Maritime Organization and have been validated by several recent vessel routing studies. With the amendments in place, commercial vessels would be routed farther offshore when entering or departing the TSS, providing an extra margin of safety and environmental protection in the Olympic Coast National Marine Sanctuary and adjacent waters. This rulemaking will incorporate the modified TSS into the Code of Federal Regulations. This project supports the Coast Guard's strategic goals of safety and protecting the marine environment.

**Timetable:**

Action	Date	FR Cite
NPRM	08/27/02	67 FR 54981
NPRM Comment Period End	10/28/02	
Final Rule	02/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** George Detweiler, Project Manager G-MWV, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001  
Phone: 202 267-0574

**RIN:** 2115-AG45

## DOT—USCG

## Final Rule Stage

**2003. • TEMPORARY REQUIREMENTS FOR NOTIFICATION OF ARRIVAL IN U.S. PORTS (USCG-2001-10689)****Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 1223; 33 USC 1226; 33 USC 1231; 49 CFR 1.46**CFR Citation:** 33 CFR 160**Legal Deadline:** None

**Abstract:** To ensure public safety and security and to ensure the uninterrupted flow of commerce, the Coast Guard is extending its temporary rule changing notification requirements for vessels bound for or departing from U.S. ports. This rulemaking will lengthen the usual notification period from 24 to 96 hours prior to port entry, require submission of reports to a central national clearinghouse, suspend exemptions for vessels operating in compliance with the Automated Mutual Assistance Vessel Rescue System, for some vessels operating on the Great Lakes, and vessels on scheduled routes, and require information about persons onboard these vessels. This rulemaking is necessary to ensure receipt of

comprehensive and timely information on vessels entering U.S. ports. The extension of the temporary rule will allow the Coast Guard to complete its rulemaking to permanently revise the notice of arrival requirement. This rulemaking supports the Coast Guard's strategic goal of maritime security.

**Timetable:**

Action	Date	FR Cite
NPRM--Change of Effective Period of Temporary Rule	07/23/02	67 FR 48073
NPRM Comment Period End	08/22/02	
Temporary Rule; Extending Effective Period to 03/31/2003	08/28/02	67 FR 55115
Final Rule	11/00/02	

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

**Additional Information:** The temporary rule this rulemaking proposed to extend is assigned RIN 2115-AG24. The

following four documents have been published in the Federal Register under RIN 2115-AG24: A temporary final rule (TFR) effective from October 4, 2001 to June 15, 2002 (67 FR 37682, May 30, 2002), two TFR corrections (66 FR 57877, November 19, 2001; and 67 FR 2571, January 18, 2002)), and a TFR that extended the effective period through September 30, 2002 (67 FR 37682, May 30, 2002). Because the first TFR was treated as a completed action, RIN 2115-AG24 did not appear in the Agenda.

**URL For More Information:**<http://dms.dot.gov>**URL For Public Comments:**<http://dms.dot.gov>

**Agency Contact:** LT(Jg) Marcus Lines, Project Manager, G-MP, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001

Phone: 202 267-6854

**Related RIN:** Related To 2115-AG35, Related To 2115-AG24

**RIN:** 2115-AG47**Department of Transportation (DOT)  
U.S. Coast Guard (USCG)**

## Long-Term Actions

**2004. SAFETY AND SECURITY ZONE REGULATIONS****Priority:** Routine and Frequent**Legal Authority:** 33 USC 1225; 33 USC 1226; 33 USC 1231; 33 USC 1233; 50 USC 191**CFR Citation:** 33 CFR 100; 33 CFR 165**Legal Deadline:** None

**Abstract:** The Coast Guard uses these routine and frequent regulations to establish control of access to areas to ensure the safety or security of events, vessels, waterfront facilities, or individuals. Many of these zones are of short duration, ranging from a few hours to a few days, and all are geographically limited in area. Safety zones are established for events such as fireworks displays, high speed races, or the transit of dangerous cargoes such as explosives or liquefied petroleum gas. Security zones are established for Presidential or Vice Presidential visits, high profile events such as the Olympics, controversial events such as transport of spent nuclear fuel, and in response to the threat of terrorist attacks. Safety and security zones are

promulgated by Captains of the Port or District Commanders. These routine and frequent rulemakings support the Coast Guard's strategic goals of marine safety, mobility, maritime security, and national defense. Total actions expected 10/01/2002 to 10/01/2003: 300.

**Timetable:**

Action	Date	FR Cite
Actions Will Continue Through	10/00/03	

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

**Additional Information:** Routine and frequent rulemakings issued under this RIN will have individual docket numbers.

**Agency Contact:** Ed LaRue, Project Manager, G-MWV, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001

Phone: 202 267-0416

**RIN:** 2115-AA97**2005. SPECIAL ANCHORAGE AREAS/ANCHORAGE GROUNDS REGULATIONS****Priority:** Routine and Frequent**Legal Authority:** 33 USC 471; 33 USC 2030; 33 USC 2035; 33 USC 2071**CFR Citation:** 33 CFR 110**Legal Deadline:** None

**Abstract:** These routine and frequent regulations are established where maritime and commercial interests require them for safety of navigation. Special anchorage areas are areas in which vessels of not more than 65 feet may anchor without displaying the required lights or sound signals. These special anchorage areas are limited geographically, and depending upon the purpose, establish both long- and short-term anchorages. Anchorage grounds are limited geographically, delineate the types and size of vessel which may use the anchorage, and may place time and other restrictions on its use. Special anchorage areas and anchorage grounds are promulgated by District Commanders in response to requests from appropriate officials.

## DOT—USCG

## Long-Term Actions

These routine and frequent rulemakings support the Coast Guard's strategic goal of marine safety. Total actions expected 10/01/2002 to 10/01/2003: 10.

**Timetable:**

Action	Date	FR Cite
Actions Will Continue Through	10/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Routine and frequent rulemakings issued under this RIN will have individual docket numbers.

**Agency Contact:** Ed LaRue, Project Manager, G-MWV, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001  
Phone: 202 267-0416

**RIN:** 2115-AA98

**2006. +DISCHARGE-REMOVAL EQUIPMENT FOR VESSELS CARRYING OIL (CGD 90-068)**

**Priority:** Other Significant

**Legal Authority:** 33 USC 1321

**CFR Citation:** 33 CFR 155

**Legal Deadline:** Final, Statutory, August 18, 1992.

**Abstract:** The Oil Pollution Act of 1990 directed the President by August 18, 1992, to require periodic inspection of discharge-removal equipment to ensure that it is available in an emergency, and to require carriage of discharge-removal equipment by vessels operating in the navigable waters of the United States and carrying oil or hazardous substances. This action implemented those provisions. This project supports the Coast Guard's strategic goal of protection of natural resources. This project is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
ANPRM	08/30/91	56 FR 43534
ANPRM Comment Period End	10/16/91	
NPRM	09/29/92	57 FR 44912
NPRM Comment Period Extended	10/26/92	57 FR 48489
NPRM Comment Period End	10/29/92	

Action	Date	FR Cite
NPRM Comment Period Extended	11/16/92	
Interim Final Rule	12/22/93	58 FR 67988
Interim Final Rule Effective	01/21/94	
Correction	01/26/94	59 FR 3749
Interim Final Rule Comment Period End	02/22/94	
Next Action Undetermined		

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**URL For More Information:**

<http://dms.dot.gov>

**URL For Public Comments:**

<http://dms.dot.gov>

**Agency Contact:** David A. DuPont, Project Manager, G-MSR-2, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-0971

**RIN:** 2115-AD66

**2007. +ESCORT VESSELS FOR CERTAIN TANKERS (CGD 91-202)**

**Priority:** Other Significant

**Legal Authority:** 46 USC 3703

**CFR Citation:** 33 CFR 168

**Legal Deadline:** None

**Abstract:** This rulemaking developed standards which implement section 4116(c) of the Oil Pollution Act of 1990. It addressed the areas of Prince William and Puget Sounds and requires a two-vessel escort for single-hull tankers greater than 5,000 gross tons. On November 1, 1994, the crash stop criteria were suspended because of industry concerns about meeting the criteria. On February 1, 1995, a notice of availability of a two-part study assessing the capability of escort tugs to control disabled tankers in Prince William Sound was published. This project supports the Coast Guard's Marine Safety and Environmental Protection program's goal to reduce the amount of oil discharged into the marine environment and the Coast Guard's strategic goal of protecting natural resources. This project is considered significant because of substantial public and State government interest.

**Timetable:**

Action	Date	FR Cite
NPRM	07/07/92	57 FR 30058
NPRM Comment Period End	09/08/92	
NPRM Comment Period Reopened	03/26/93	58 FR 16391
Notice of Public Hearings	04/29/93	58 FR 25959
Correction	05/19/93	58 FR 29157
NPRM Comment Period End	06/24/93	
Notice of Availability-- Part 1 of Study	01/10/94	59 FR 1411
Final Rule	08/19/94	59 FR 42962
Final Rule-- Suspension of Crash-Stop Provision	11/01/94	59 FR 54519
Final Rule Effective	11/17/94	
Final Rule--Partial Suspension Effective	11/17/94	
Notice of Availability-- Part II of Study	02/01/95	60 FR 6345
Next Action Undetermined		

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** We are in the process of deciding how to respond to the comments we have received. The Coast Guard, in cooperation with the Prince William Sound Regional Citizens Advisory Council, PWS Tanker Association, and Alaska Pipeline, conducted a disabled-tanker towing study. The results of the study were considered in this rulemaking. Tug escort requirements in areas other than Prince William Sound and Puget Sound are addressed in the project listed under RIN 2115-AE56.

ANALYSIS: Regulatory Evaluation, 08/19/94, 59 FR 42962

**URL For More Information:**

<http://dms.dot.gov>

**URL For Public Comments:**

<http://dms.dot.gov>

**Agency Contact:** LT Sam Stevens, Project Manager, G-MSE-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-0173

**Related RIN:** Related To 2115-AE10

**RIN:** 2115-AE10



## DOT—USCG

## Long-Term Actions

**2008. STATE ACCESS TO THE OIL SPILL LIABILITY TRUST FUND (CGD 92-014)****Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 2712**CFR Citation:** 33 CFR 133**Legal Deadline:** NPRM, Statutory, February 18, 1991.

**Abstract:** Pursuant to the Oil Pollution Act of 1990 (OPA 90), this action specifies how the authority to obligate the pollution trust fund for oil spill response and cleanup efforts and to enter into agreements with the States will be exercised. The Coast Guard is evaluating the performance of the interim rule. This rulemaking supports the Coast Guard's strategic goal of the protection of natural resources.

**Timetable:**

Action	Date	FR Cite
Interim Rule	11/13/92	57 FR 53968
Interim Final Rule Comment Period End	02/11/93	
Next Action	Undetermined	

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

**Additional Information:** Rulemaking was downgraded from Other Significant to Substantive Nonsignificant in the 11/14/94 Agenda; however, due to administrative error, the document erroneously reflected Other Significant in subsequent Agenda entries.

**URL For More Information:**<http://dms.dot.gov>**URL For Public Comments:**<http://dms.dot.gov>

**Agency Contact:** Allen R. Thuring, Project Manager, National Pollution Funds Center, Department of Transportation, U.S. Coast Guard, Suite 1000, 4200 Wilson Boulevard, Arlington, VA 22203-1804  
Phone: 202 493-6801

**RIN:** 2115-AE19**2009. REGATTA AND MARINE PARADE REGULATIONS****Priority:** Routine and Frequent**Legal Authority:** 33 USC 1233**CFR Citation:** 33 CFR 100**Legal Deadline:** None

**Abstract:** These routine and frequent special local regulations ensure the safety of participants and spectators during regattas and marine parades. The regulations or rules specify such controls as separate participant and spectator areas, separation schemes for watercraft in the area of the event, and temporary restrictions on waterways to accommodate the event. These rules are short term in nature, usually applying to a single event not exceeding 8 hours in duration, and usually encompassing only a small portion of a navigable waterway. These rules are promulgated by District Commanders in response to a request from an event-sponsoring organization. These routine and frequent rulemakings support the Coast Guard's strategic goals of maritime safety and maritime mobility of commercial and recreational vessel traffic. Total actions expected 10/01/2002 to 10/01/2003: 75.

**Timetable:**

Action	Date	FR Cite
Action Will Continue Through	10/00/03	

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

**Additional Information:** Routine and frequent rulemakings issued under this RIN will have individual docket numbers.

**Agency Contact:** Carlton Perry, Project Manager, G-OPB-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001  
Phone: 202 267-0979

**RIN:** 2115-AE46**2010. DRAWBRIDGE REGULATIONS****Priority:** Routine and Frequent**Legal Authority:** 33 USC 499**CFR Citation:** 33 CFR 117**Legal Deadline:** None

**Abstract:** These routine and frequent regulations establish operating schedules, and notice requirements, for drawbridges across navigable waterways. Drawbridge regulations establish the permanent draw operation schedules for bridges and specify what

notice mariners must give to request an opening. Short-term deviations from the permanent schedule may be issued for bridge repairs or to test the effectiveness of a proposed new opening schedule. Drawbridge regulations are promulgated by District Commanders usually at the request of the bridge owner or operator, or of local officials or local Coast Guard bridge administration officials. These routine and frequent rulemakings support the Coast Guard's strategic goals of maritime safety and maritime mobility of commercial and recreational vessel traffic. Total actions expected 10/01/2002 to 10/01/2003: 150.

**Timetable:**

Action	Date	FR Cite
Action Will Continue Through	10/00/03	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** None

**Additional Information:** Routine and frequent rulemakings issued under this RIN will have individual docket numbers.

**Agency Contact:** Alesia Steinberger, Project Manager, G-OPT-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001  
Phone: 202 267-6215

**RIN:** 2115-AE47**2011. +ESCORT VESSELS IN CERTAIN U.S. WATERS (CGD 91-202A)****Priority:** Other Significant**Legal Authority:** 46 USC 3703**CFR Citation:** 33 CFR 168**Legal Deadline:** None

**Abstract:** This regulation would designate those U.S. waters, other than Prince William Sound and Puget Sound, where tankers and other vessels must be escorted by a towing vessel or other appropriate vessel. This project supports the Coast Guard's Marine Safety and Environmental Protection program's goal to reduce the amount of oil discharged into the marine environment and the Coast Guard's strategic goal of protecting natural resources. This action is considered significant because of substantial public and State government interest.

## DOT—USCG

## Long-Term Actions

**Timetable:**

Action	Date	FR Cite
ANPRM	04/27/93	58 FR 25766
Comment Period End	06/28/93	
Request for Comments	12/21/94	59 FR 65741
Comment Period End	02/13/95	
Next Action	Undetermined	

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

**Additional Information:** We are in the process of deciding how to respond to the comments we have received. This rulemaking is a companion to 2115-AE10, which concerns Prince William Sound and Puget Sound.

**URL For More Information:**<http://dms.dot.gov>**URL For Public Comments:**<http://dms.dot.gov>

**Agency Contact:** LT Sam Stevens, Project Manager, G-MSE-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001

Phone: 202 267-0173

**Related RIN:** Related To 2115-AE10**RIN:** 2115-AE56**2012. REGULATED NAVIGATION AREAS****Priority:** Routine and Frequent**Legal Authority:** 33 USC 1231; 50 USC 191**CFR Citation:** 33 CFR 165**Legal Deadline:** None

**Abstract:** These routine and frequent regulations establish operating requirements for vessels within specified geographic areas to ensure safety on the navigable waters where some special or unusual circumstance exists. Regulated navigation areas are limited areas in which the Coast Guard specifies operational or vessel restrictions such as vessel entry, movement or departure; and vessel size, speed, horsepower, or draft limitations. Regulated navigation areas are promulgated by District Commanders, usually at the request of Coast Guard marine safety or local maritime safety officials. These routine and frequent rulemakings support the

Coast Guard's strategic goals of waterways management, marine safety, and maritime mobility. Total actions expected 10/01/2002 to 10/01/2003: 10.

**Timetable:**

Action	Date	FR Cite
Actions Will Continue Through	10/00/03	

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

**Additional Information:** Routine and frequent rulemakings issued under this RIN will have individual docket numbers.

**Agency Contact:** Ed LaRue, Project Manager, G-MWV, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001

Phone: 202 267-0416

**RIN:** 2115-AE84**2013. +MARINE TRANSPORTATION-RELATED FACILITY RESPONSE PLANS FOR HAZARDOUS SUBSTANCES (USCG-1999-5705)****Priority:** Other Significant**Legal Authority:** 33 USC 1321(j); PL 101-380**CFR Citation:** 33 CFR 154**Legal Deadline:** None

**Abstract:** This project would implement provisions of the Oil Pollution Act of 1990 that require an owner or operator of a marine transportation-related facility transferring bulk hazardous substances to develop and operate in accordance with an approved response plan. The regulations would apply to marine transportation-related facilities that, because of their location, could cause harm to the environment by discharging a hazardous substance into or on the navigable waters or adjoining shoreline. A separate rulemaking, under RIN 2115-AE88, was developed in tandem with this rulemaking and addresses hazardous substances response plan requirements for tank vessels. This project supports the Coast Guard's strategic goals of maritime safety and protection of natural resources by reducing the amount of chemicals entering the environment, as well as reducing the consequence of pollution incidents. This action is

considered significant because of substantial public and industry interest.

**Timetable:**

Action	Date	FR Cite
ANPRM	05/03/96	61 FR 20084
Notice of Public Hearings	07/03/96	61 FR 34775
ANPRM Comment Period End	09/03/96	
NPRM	03/31/00	65 FR 17416
NPRM Comment Period End	06/29/00	
Interim Final Rule	06/00/04	

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

**Additional Information:** Old Docket Number CGD 94-048. Public hearings regarding this rulemaking were held in Washington, DC, on July 30, 1996; Houston, TX, on August 5, 1996; and Houston, TX, on February 26 and 27, 1997. Public meetings for the NPRM were held in New Orleans, LA, on May 10 and 11, 2000.

**URL For More Information:**<http://dms.dot.gov>**URL For Public Comments:**<http://dms.dot.gov>

**Agency Contact:** LCDR Susan Klein, Project Manager, G-MOR, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001

Phone: 202 267-1983

**Related RIN:** Related To 2115-AE88**RIN:** 2115-AE87**2014. +TANK VESSEL RESPONSE PLANS FOR HAZARDOUS SUBSTANCES (USCG-1998-4354)****Priority:** Other Significant**Legal Authority:** 33 USC 1231; 33 USC 1321(j); PL 101-380**CFR Citation:** 33 CFR 155**Legal Deadline:** None

**Abstract:** This project would implement provisions of the Oil Pollution Act of 1990 that require an owner or operator of a tank vessel carrying bulk hazardous substances to develop and operate in accordance with an approved response plan. The regulations would apply to vessels operating on the navigable waters or within the Exclusive Economic Zone (EEZ) of the United States that carry

## DOT—USCG

## Long-Term Actions

bulk hazardous substances. A separate rulemaking under RIN 2115-AE87 would address hazardous substances response plan requirements for marine transportation-related facilities. This project supports the Coast Guard's strategic goals of maritime safety and protection of natural resources by reducing the amount of chemicals entering the environment, as well as reducing the consequences of pollution incidents. This project is considered significant because of substantial public and industry interest.

**Timetable:**

Action	Date	FR Cite
ANPRM	05/03/96	61 FR 20084
Notice of Public Hearings	07/03/96	61 FR 34775
ANPRM Comment Period End	09/03/96	
NPRM	03/22/99	64 FR 13734
Notice of Public Hearing	06/15/99	64 FR 31994
NPRM Comment Period Extended	06/15/99	
NPRM Comment Period End	06/21/99	
NPRM Extended Comment Period End	08/30/99	
Interim Final Rule	02/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Old Docket Number CGD 94-032.

Public meetings regarding this rulemaking were held in Washington, DC, on July 30, 1996; Houston, TX, on August 5, 1996; and Houston, TX, on February 26 and 27, 1997. Public meetings for the NPRM were held in Houston, TX on August 12 and 13, 1999.

**URL For More Information:**

<http://dms.dot.gov>

**URL For Public Comments:**

<http://dms.dot.gov>

**Agency Contact:** LCDR Susan Klein, Project Manager, G-MOR, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001  
Phone: 202 267-1983

**Related RIN:** Related To 2115-AE87

**RIN:** 2115-AE88

**2015. NUMBERING OF UNDOCUMENTED BARGES (USCG-1998-3798)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 46 USC 12301

**CFR Citation:** 33 CFR 189

**Legal Deadline:** None

**Abstract:** Title 46 U.S.C. 12301, as amended by the Abandoned Barge Act of 1992, requires that all undocumented barges more than 100 gross tons operating on the navigable waters of the United States be numbered. This rulemaking would establish a numbering system for these barges. The numbering of undocumented barges will allow identification of owners of barges found abandoned and help prevent future marine pollution. This rulemaking supports the Coast Guard's strategic goal of protection of natural resources.

**Timetable:**

Action	Date	FR Cite
Request for Comments	10/18/94	59 FR 52646
Comment Period End	01/17/95	
ANPRM	07/06/98	63 FR 36384
ANPRM Comment Period End	11/03/98	
NPRM	01/11/01	66 FR 2385
NPRM Comment Period End	04/11/01	
Next Action	Undetermined	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Additional Information:** Old Docket Number CGD 93-091. In the 2002 Spring Agenda we announced that we would be withdrawing this rulemaking but we are currently reevaluating that decision. We are in the process of deciding how to respond to the comments we have received.

**URL For More Information:**

<http://dms.dot.gov>

**URL For Public Comments:**

<http://dms.dot.gov>

**Agency Contact:** Thomas Willis, Project Manager, National Vessel Documentation Center, Department of Transportation, U.S. Coast Guard, 792 T. J. Jackson Dr, Falling Waters, WV 25419-9502

Phone: 304 271-2506

**RIN:** 2115-AF13

**2016. +IMPLEMENTATION OF THE 1995 AMENDMENTS TO THE INTERNATIONAL CONVENTION ON STANDARDS OF TRAINING, CERTIFICATION, AND WATCHKEEPING FOR SEAFARERS, 1978 (STCW) (CGD 95-062)**

**Priority:** Other Significant

**Legal Authority:** 44 USC 3507; 46 USC 2103; 46 USC 7101; 46 USC 7107

**CFR Citation:** 46 CFR 10; 46 CFR 12; 46 CFR 15

**Legal Deadline:** None

**Abstract:** The International Maritime Organization (IMO) comprehensively amended the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW), in 1995. The amendments came into force on February 1, 1997. This project implements them by revising current regulations to ensure that the United States complies with their requirements on: the training of merchant mariners, the documenting of their qualifications, and watch-standing and other arrangements aboard seagoing merchant ships of the United States. This project supports the Coast Guard's strategic goal of maritime safety. It also supports the goal of our directorate for Marine Safety and Environmental Protection for reducing deaths and injuries of crewmembers on domestic merchant vessels and eliminating substandard vessels from the navigable waters of the United States. This rulemaking is significant due to the potential impact on industry and the potential effect on international interests.

**Timetable:**

Action	Date	FR Cite
Notice of Meeting	08/02/95	60 FR 39306
Comment Period End	09/29/95	
Notice of Inquiry	11/13/95	60 FR 56970
Comment Period End	01/12/96	
NPRM	03/26/96	61 FR 13284
Notice of Public Meetings	04/08/96	61 FR 15438
Comment Period End	07/24/96	
Notice of Intent	02/04/97	62 FR 5197
Interim Rule	06/26/97	62 FR 34505
Interim Rule Effective	07/28/97	
Final Rule	To Be Determined	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

## DOT—USCG

## Long-Term Actions

**Additional Information:** Old Docket Number CGD 95-062.

**URL For More Information:**  
<http://dms.dot.gov>

**URL For Public Comments:**  
<http://dms.dot.gov>

**Agency Contact:** Mark Gould, Project Manager, G-MSO-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001

Phone: 202 267-6890

**RIN:** 2115-AF26

### 2017. RULES OF PRACTICE, PROCEDURE, AND EVIDENCE FOR ADMINISTRATIVE PROCEEDINGS OF THE COAST GUARD (USCG 1998-3472)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 46 USC 7701; 46 USC 7702; 33 USC 1321; 42 USC 9609

**CFR Citation:** 33 CFR 20; 46 CFR 5

**Legal Deadline:** None

**Abstract:** The Coast Guard maintains two separate sets of procedural rules: for administrative adjudication against merchant mariners' licenses, certificates of registry, and documents, and for the adjudication of class II civil penalties. The rules for suspension and revocation, contained in part 5 of title 46 of the Code of Federal Regulations (CFR), date from 1948 and are based on criminal procedure. The rules for class II civil penalties, contained in part 20 of title 33 of the CFR, date from 1994 and are based on the Model Rules of Administrative Procedure and on other modern rules for civil procedure. Neither set implements the authority of the Oil Pollution Act of 1990 (OPA 90), which provides for the temporary suspension of a license, certificate of registry, or document for up to 45 days without a hearing, in certain circumstances, and a hearing within 30 days of any such suspension. This rulemaking would consolidate all procedural rules for administrative adjudications for class II civil penalties, and allow the Coast Guard to promulgate regulations implementing the OPA 90 authority. This project supports the strategic goal of the Coast Guard to promote marine safety. We are in the process of deciding how to respond to comments.

#### Timetable:

Action	Date	FR Cite
NPRM	04/06/98	63 FR 16731
NPRM Comment Period End	05/06/98	
NPRM Comment Period Reopened	05/20/98	63 FR 27700
NPRM Comment Period End	06/19/98	
Interim Final Rule Effective	05/24/99	64 FR 28054
Interim Final Rule Effective	06/23/99	
Interim Final Rule Correction	06/28/99	64 FR 34540
Interim Final Rule Comment Period End	07/23/99	
Interim Final Rule Comment Period Reopened	10/05/99	64 FR 53970
Interim Final Rule Comment Period End	04/03/00	
Final Rule	To Be Determined	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** This rulemaking revises in part the previous docket of CGD 94-101 (RIN 2115-AD94), which was terminated on December 20, 1995.

**URL For More Information:**  
<http://dms.dot.gov>

**URL For Public Comments:**  
<http://dms.dot.gov>

**Agency Contact:** George Jordan, Project Manager, G-CJ, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001  
Phone: 202 267-2940

**Related RIN:** Related To 2115-AD94

**RIN:** 2115-AF59

### 2018. COMMERCIAL DIVING OPERATIONS (USCG-1998-3786)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1509; 43 USC 1333; 46 USC 3306; 46 USC 3703; 46 USC 6101

**CFR Citation:** 46 CFR 197; 49 CFR 1.46

**Legal Deadline:** None

**Abstract:** This project involves reviewing and updating the commercial diving regulations, which are over 20 years old. A review of the commercial diving regulations is needed to

determine what parts should be updated or changed based on the current standards of safety, technology, and industry practices and to evaluate and minimize any significant economic impact of the rules upon small entities. The project supports the Coast Guard Marine Safety, Security and Environmental Protection Program's goal to reduce deaths and injuries on U.S. commercial vessels and the Coast Guard's strategic goal of maritime safety.

#### Timetable:

Action	Date	FR Cite
ANPRM	06/26/98	63 FR 34840
ANPRM Comment Period Extended	09/23/98	63 FR 50848
ANPRM Comment Period End	11/09/98	
Next Action	Undetermined	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**  
<http://dms.dot.gov>

**URL For Public Comments:**  
<http://dms.dot.gov>

**Agency Contact:** Michael A. Jendrossek, Project Manager, G-MSO-2, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-0836

**RIN:** 2115-AF64

### 2019. +IMPROVEMENTS TO MARITIME SAFETY IN PUGET SOUND-AREA WATERS (USCG-1998-4501)

**Priority:** Other Significant

**Legal Authority:** 33 USC 1223 to 1224

**CFR Citation:** 33 CFR 1

**Legal Deadline:** None

**Abstract:** This rulemaking would promulgate measures to improve maritime safety in Puget Sound-Area waters including Puget Sound, the Strait of Juan de Fuca, passages around and through the San Juan Islands, and the Olympic Coast National Marine Sanctuary. Based on a determination by the Secretary of Transportation regarding the status of maritime safety in the Puget Sound area, the Coast Guard has initiated a comprehensive cost-benefit analysis to study the feasibility of implementing new safety

## DOT—USCG

## Long-Term Actions

measures, including extended tug escort requirements and a dedicated response vessel. Public input will help focus this cost-benefit analysis and develop any future proposed rules, if deemed necessary. This rulemaking supports the Coast Guard Marine Safety and Environmental Protection Program's goal to reduce the amount of oil discharged into the marine environment and the Coast Guard's strategic goal of protection of natural resources. This is a significant action due to substantial public interest.

**Timetable:**

Action	Date	FR Cite
ANPRM	11/24/98	63 FR 64937
ANPRM Comment	05/24/99	
Period End		
Next Action	Undetermined	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Federalism:** Undetermined

**URL For More Information:**

<http://dms.dot.gov>

**URL For Public Comments:**

<http://dms.dot.gov>

**Agency Contact:** LT Sam Stevens, Project Manager, G-MSE-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-0173

**RIN:** 2115-AF68

**2020. VESSEL TRAFFIC SERVICE LOWER MISSISSIPPI RIVER (USCG-1998-4399)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1223(a)

**CFR Citation:** 33 CFR 26; 33 CFR 161; 33 CFR 165

**Legal Deadline:** None

**Abstract:** This project proposes to establish a new Vessel Traffic Service (VTS) area in the Lower Mississippi River region. This Vessel Traffic Service Area (VTSA) will span from 20 miles north of Baton Rouge (mile 255 AHP) out to sea, including the South and Southwest Pass. As part of the VTSA, a VTS Special Area will be designated between mile 93.5 and 95 AHP. Unlike traditional VTSs, which are based on radar and video surveillance and rely on voice

communications by VHF-FM radio, when fully operational VTS Lower Mississippi River will use Automatic Identification System transponder technology to perform the majority of both surveillance and information exchange. This rulemaking supports the Coast Guard's strategic goals of maritime safety and protection of natural resources.

**Timetable:**

Action	Date	FR Cite
NPRM	04/26/00	65 FR 24616
NPRM Comment	07/25/00	
Period End		
NPRM Comment	08/18/00	65 FR 50479
Period Reopened		
NPRM Comment	12/01/00	
Period End		
Final Rule	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** This project was originally entitled "Vessel Traffic Service Lower Mississippi/Automatic Identification System Carriage Requirement." The VTS LMR will retain RIN 2115-AF75. The AIS carriage requirement will be developed in a separate rulemaking.

**URL For More Information:**

<http://dms.dot.gov>

**URL For Public Comments:**

<http://dms.dot.gov>

**Agency Contact:** Jorge Arroyo, Project Manager, G-MWV, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001  
Phone: 202 267-6277

**Related RIN:** Split From 2115-AG36

**RIN:** 2115-AF75

**2021. CARGO SECURING ON VESSELS OPERATING IN U.S. WATERS (USCG-2000-7080)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 46 USC 3306

**CFR Citation:** 33 CFR 97

**Legal Deadline:** None

**Abstract:** This rulemaking would amend the cargo stowage and securing rules for U.S. vessels operating in U.S. waters. In addition, it would amend rules to require cargo-securing manuals for U.S. or foreign vessels of 500 gross

tons or more on international voyages. Its goal is to reduce hazardous material cargo losses from vessels in U.S. waters. It supports the Coast Guard's strategic goals of maritime safety and protection of natural resources.

**Timetable:**

Action	Date	FR Cite
NPRM	12/01/00	65 FR 75201
NPRM Comment	03/01/01	
Period End		
Next Action	Undetermined	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** This rulemaking is being returned to a long-term schedule. In the 2002 Spring agenda we announced we would be withdrawing this rulemaking but we are currently reevaluating that decision.

**URL For More Information:**

<http://dms.dot.gov>

**URL For Public Comments:**

<http://dms.dot.gov>

**Agency Contact:** Michael A. Jendrossek, Project Manager, G-MSO-2, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-0836

**RIN:** 2115-AF97

**2022. ELECTRONIC CHART DISPLAY AND INFORMATION SYSTEM (ECDIS) (USCG-2001-8826)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1223; 33 USC 1231; 46 USC 2103; 46 USC 3703; 46 USC 6101; 46 USC 8502

**CFR Citation:** 33 CFR 164

**Legal Deadline:** None

**Abstract:** This rulemaking would allow commercial vessels the option of using an IMO-approved Electronic Charting Display and Information System (ECDIS) as a primary means of navigation in U.S. waters instead of paper charts. Compliance with this rule would be optional; any vessel choosing not to use such an ECDIS must continue to navigate using corrected and updated printed charts and publications. This regulation supports the Coast Guard's strategic goal of maritime safety.

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## Long-Term Actions

**Timetable:**

Action	Date	FR Cite
ANPRM	05/02/01	66 FR 21899
ANPRM Comment Period End	07/02/01	

Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** This rulemaking is being shifted onto a long-term schedule. In the 2002 Spring Agenda we announced that we would be withdrawing this rulemaking but we are currently reevaluating that decision.

**URL For More Information:**

<http://dms.dot.gov>

**URL For Public Comments:**

<http://dms.dot.gov>

**Agency Contact:** LT Alan Blume, Project Manager, G-MWV-2, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001

Phone: 202 267-0550

**RIN:** 2115-AG09

**2023. +STANDARDS FOR LIVING ORGANISMS IN SHIPS' BALLAST WATER DISCHARGED IN U.S. WATERS (USCG-2001-10486)**

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

**Legal Authority:** 16 USC 4711

**CFR Citation:** 33 CFR 151

**Legal Deadline:** None

**Abstract:** This rulemaking would add a performance standard (to 33 CFR part 151, subpart D) for all ballast water treatment methods being used as alternatives to midocean ballast water exchange. It supports the Coast Guard's strategic goals of marine safety and protection of natural resources. This project is significant due to high interest among several Federal and State agencies.

**Timetable:**

Action	Date	FR Cite
ANPRM	03/04/02	67 FR 9632
ANPRM Comment Period End	06/03/02	
NPRM	09/00/04	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**URL For More Information:**

<http://dms.dot.gov>

**URL For Public Comments:**

<http://dms.dot.gov>

**Agency Contact:** Dr. Richard Everett, Project Manager, Department of Transportation, U.S. Coast Guard, Office of Operating & Env'tl. Stds. (G-MSO), 2100 Second Street SW, Washington, DC 20593

Phone: 202 267-2243

**RIN:** 2115-AG21

**2024. +ALTERNATE TONNAGE CONVENTION: SMALL PASSENGER VESSELS**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 14 USC 14104

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** The referenced initiative is not a current rulemaking project and therefore we have not yet determined the USCG strategic goals that regulatory action would serve. We are considering whether to exercise the Coast Guard's discretionary authority to undertake rulemaking. Rulemaking would amend small passenger vessel regulations, retaining the tonnage thresholds based on measurement under 46 U.S.C. 14502, but adding alternate tonnage thresholds based on measurement under 46 U.S.C. 14302.

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:**

Undetermined

**Federalism:** Undetermined

**Agency Contact:** Peter D. Earekson, Project Manager, Marine Safety Center, Department of Transportation, U.S. Coast Guard, 400 7th Street SW, Washington, DC 20590-0001

Phone: 202 366-6502

**RIN:** 2115-AG29

**2025. PORT SECURITY PLANS**

**Priority:** Substantive, Nonsignificant

**Unfunded Mandates:** Undetermined

**Legal Authority:** Not Yet Determined

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** The Coast Guard is considering a project to update plans for port security. We are currently reviewing comments from the public workshop of January 2002 on maritime security (notice of meeting published December 17, 2001 (66 FR 65020) and notice of availability of workshop agenda published January 16, 2002 (67 FR 2271)). This project would support the Coast Guard's strategic goals of maritime security, maritime safety, protection of natural resources, and mobility.

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:**

Undetermined

**Federalism:** Undetermined

**Agency Contact:** CDR David Scott, Project Manager, G-MP, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001

Phone: 202 267-0971

**RIN:** 2115-AG37

**2026. FACILITY SECURITY PLAN**

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

**Legal Authority:** Not Yet Determined

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** The Coast Guard is considering a project to establish security plans for facilities other than passenger facilities. We are currently reviewing comments from the January 2002 public workshop on maritime security (notice of meeting published December 17, 2001 (66 FR 65020) and notice of workshop agenda published January 16, 2002 (67 FR 2271)). This project would be expected to support the Coast Guard strategic goals of maritime security, maritime safety, protection of natural resources, and mobility.

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:**

Undetermined

**Federalism:** Undetermined

## DOT—USCG

## Long-Term Actions

**Agency Contact:** LCDR John Farthing, G-MP, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001  
Phone: 202 267-2420

**RIN:** 2115-AG38

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### 2027. PASSENGER FACILITY SECURITY PLAN

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** Not Yet Determined

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** The Coast Guard is considering a project to update passenger facility security plans. We are currently reviewing comments from the January 2002 public workshop on maritime security (notice of meeting published December 17, 2001 (66 FR 65020) and notice of workshop agenda published January 16, 2002 (67 FR 2271)). This project would be expected to support the Coast Guard strategic goals of maritime security, maritime safety, protection of natural resources, and mobility.

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:**

Undetermined

**Federalism:** Undetermined

**Agency Contact:** LCDR John Farthing, G-MP, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001  
Phone: 202 267-2420

**RIN:** 2115-AG39

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### 2028. MARITIME SECURITY: PASSENGER VESSEL SECURITY

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 33 USC 1231

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** The Coast Guard is considering a project to establish security plans for passenger vessels. We are currently reviewing comments from the January 2002 public workshop on maritime security (notice of meeting published December 17, 2001 (66 FR 65020) and notice of workshop agenda published January 16, 2002 (67 FR 2271)). This project would be expected to support the Coast Guard strategic goals of maritime security, maritime safety, protection of natural resources, and mobility.

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:**

Undetermined

**Federalism:** Undetermined

**Agency Contact:** LCDR Stephen Shapiro, G-MPV, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001  
Phone: 202 267-1005

**RIN:** 2115-AG40

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### 2029. MARITIME SECURITY: HIGH CONSEQUENCE VESSELS

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 33 USC 1231

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** The Coast Guard is considering a project to establish security plans for high consequence and other vessels. We are currently reviewing comments from the January 2002 public workshop on maritime security (notice of meeting published December 17, 2001 (66 FR 65020) and notice of workshop agenda published January 16, 2002 (67 FR 2271)). This project would be expected to support the Coast Guard strategic goals of maritime security, maritime safety, protection of natural resources, and mobility.

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:**

Undetermined

**Federalism:** Undetermined

**Agency Contact:** LCDR Stephen Shapiro, G-MPV, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001  
Phone: 202 267-1005

**RIN:** 2115-AG41

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### 2030. IDENTIFICATION CREDENTIALS FOR MARITIME SECURITY

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 46 USC 2103

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** The Coast Guard is considering a project to update standards and procedures for identifying people aboard vessels, and at ports and facilities on waterfronts. These standards and procedures might include checks of backgrounds for people in security-sensitive positions, but would take account of (and as far as possible be compatible with) efforts to the same effect from international bodies, other Federal agencies, and States.

The purpose of the project would be to deter terrorism. The project would support the Coast Guard's strategic goals of maritime security, maritime safety, protection of natural resources, and mobility.

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:**

Undetermined

**Federalism:** Undetermined

**Agency Contact:** Gerald P. Miente, Project Manager, G-MSE-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001  
Phone: 202 267-2206

**RIN:** 2115-AG42

**Department of Transportation (DOT)**  
**U.S. Coast Guard (USCG)**
**Completed Actions**
**2031. +EMERGENCY RESPONSE  
PLANS FOR PASSENGER VESSELS  
(USCG-1998-3473)**

**Priority:** Other Significant

**Legal Authority:** 14 USC 633; 33 USC 1221; 33 USC 1223; 33 USC 1224; 33 USC 1231; 33 USC 1232; 46 USC 3306

**CFR Citation:** 46 CFR 1; 46 CFR 7 to 10; 46 CFR 199

**Legal Deadline:** None

**Abstract:** This rulemaking would require owners or operators of high-capacity passenger vessels in domestic service to develop, maintain, and exercise emergency response plans. Such plans would establish a process that prevents injury and loss of life during collisions, allisions, groundings, fires, and other emergencies. They would address issues such as passenger egress, crew training, and available emergency resources both on a vessel and in a vessel's operating area. This rulemaking supports the Coast Guard's strategic goals of maritime safety and protection of natural resources. It is significant because of substantial public interest in passenger safety. This rule is being withdrawn so the Coast Guard can focus on new security projects.

**Timetable:**

Action	Date	FR Cite
ANPRM	02/26/98	63 FR 9916
ANPRM Comment Period End	06/28/98	
Withdrawn	08/26/02	67 FR 54759

**Regulatory Flexibility Analysis**

**Required:** No

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

**Government Levels Affected:** Undetermined

**URL For More Information:** <http://dms.dot.gov>

**URL For Public Comments:** <http://dms.dot.gov>

**Agency Contact:** CDR Linda Fagan, Project Manager, G-MOC, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001  
Phone: 202 267-2978

**RIN:** 2115-AF61

**2032. SAFETY OF UNINSPECTED  
PASSENGER VESSELS UNDER THE  
PASSENGER VESSEL SAFETY ACT  
OF 1993 (USCG-1999-5040)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 46 USC 2101; 46 USC 2113; 46 USC 3306; 46 USC 4105

**CFR Citation:** 46 CFR 15; 46 CFR 24 to 28; 46 CFR 70; 46 CFR 169; 46 CFR 175; 33 CFR 175; 33 CFR 177; 33 CFR 179; 33 CFR 181; 33 CFR 183; 46 CFR 10; 46 CFR 2; 46 CFR 30; 46 CFR 90; 46 CFR 114; 46 CFR 188; 46 CFR 199; ...

**Legal Deadline:** None

**Abstract:** This rulemaking implements the Passenger Vessel Safety Act (PVSA) (Pub. L. 103-206) by amending the rules for Uninspected Passenger Vessels (UPVs). Specifically, the Coast Guard is considering amending existing UPV definitions to create a new class of UPV of at least 100 gross tons carrying not more than 12 passengers. The Coast Guard is considering operating, equipment, licensing and special permit application requirements appropriate for the new class of vessel. The Coast Guard is also considering adding definitions of "passenger," "passenger for hire," and "consideration" to bring its rules into conformity with the PVSA. This project supports the Coast Guard's strategic goal of marine safety.

**Timetable:**

Action	Date	FR Cite
ANPRM	04/01/99	64 FR 15709
ANPRM Comment Period End	06/30/99	
NPRM	03/02/00	65 FR 11410
Interim Final Rule	04/28/00	65 FR 24878
NPRM Comment Period End	05/31/00	
Final Rule	05/15/02	67 FR 34756
Final Rule Effective	06/14/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**URL For More Information:** <http://dms.dot.gov>

**URL For Public Comments:** <http://dms.dot.gov>

**Agency Contact:** Michael A. Jendrossek, Project Manager, G-MSO-2, Department of Transportation, U.S.

Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-0836

**RIN:** 2115-AF69

**2033. BARGES CARRYING BULK  
LIQUID HAZARDOUS MATERIAL  
(USCG-1999-5117)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 46 USC 3703

**CFR Citation:** 46 CFR 151

**Legal Deadline:** None

**Abstract:** This rulemaking project will update the regulations for barges carrying bulk hazardous material to account for modernization of the industry. The current regulations for barges carrying bulk liquid hazardous materials were originally published in 1970. Over the past three decades, technology has advanced and industry practices have changed. This project will first ask for public comment to identify the rules which need to be updated. Once those rules are identified, the project will propose appropriate revisions to the Code of Federal Regulations. This project supports the Coast Guard's strategic goal of marine safety. This rule has been withdrawn so the Coast Guard can focus on new security projects.

**Timetable:**

Action	Date	FR Cite
ANPRM	09/09/99	64 FR 48976
ANPRM Comment Period End	03/07/00	
Withdrawn	04/23/02	67 FR 19730

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:** <http://dms.dot.gov>

**URL For Public Comments:** <http://dms.dot.gov>

**Agency Contact:** Thomas J. Felleisen, Project Manager, G-MSO, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-0085

**RIN:** 2115-AF77



## DOT—USCG

## Completed Actions

**2034. NOTIFICATION OF ARRIVAL: ADDITION OF CHARTERER TO REQUIRED INFORMATION (USCG-2001-8659)****Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 1231**CFR Citation:** 33 CFR 160**Legal Deadline:** None

**Abstract:** This rulemaking will require an owner, master, operator, or person in charge of a vessel to provide the identification of a vessel's charterer in addition to the already required information when making an advance notice of arrival for vessels bound for ports or places in the United States. This project supports the Coast Guard's strategic goals of maritime safety and protection of natural resources.

**Timetable:**

Action	Date	FR Cite
Request for Comments	08/18/00	65 FR 50481
Comment Period End	10/02/00	
NPRM	05/01/01	66 FR 21710
Correction Notice	05/16/01	66 FR 27216
Correction Notice	05/24/01	66 FR 28774
NPRM Comment Period End	07/02/01	
Final Rule	08/19/02	67 FR 53735
Final Rule Effective	09/18/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For More Information:**<http://dms.dot.gov>**URL For Public Comments:**<http://dms.dot.gov>

**Agency Contact:** Michael A. Jendrossek, Project Manager, G-MSO-2, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-0836

**RIN:** 2115-AG06**2035. +TANK LEVEL OR PRESSURE MONITORING DEVICES (USCG-2001-9046)****Priority:** Other Significant**Legal Authority:** 46 USC 3703**CFR Citation:** 46 CFR 32; 33 CFR 157

**Legal Deadline:** Final, Statutory, August 1991, Section 4110 of the Oil Pollution Act of 1990 (OPA 90).  
Final, Judicial, May 2002.

**Abstract:** The U.S. Court of Appeals for the District of Columbia issued a writ of mandamus requiring the Coast Guard to promulgate regulations for tank level or pressure monitoring (TLPM) devices as mandated by OPA 90. This regulatory project will establish performance standards for TLPM devices and require tank vessels to install such devices. This project is considered significant because of substantial public and industry interest and the considerable economic impact of the rulemaking. This rulemaking falls under the Coast Guard's strategic goal of protection of natural resources.

**Timetable:**

Action	Date	FR Cite
NPRM	10/01/01	66 FR 49877
NPRM Comment Period End	11/30/01	
Final Rule	09/17/02	67 FR 58515
Final Action Effective	10/17/02	

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

**Additional Information:** In March 2001, this project was reopened with a new RIN and DMS docket number. The Coast Guard reopened this project per writ of mandamus by the D.C. Circuit Court directing the Coast Guard to implement certain provisions of the Oil Pollution Act of 1990. It was previously captioned with docket number 90-071, and RIN 2115-AD69.

**URL For More Information:**<http://dms.dot.gov>**URL For Public Comments:**<http://dms.dot.gov>

**Agency Contact:** Martin L. Jackson, Project Manager, G-MSR-2, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001  
Phone: 202 267-1140

**Related RIN:** Related To 2115-AD69**RIN:** 2115-AG10**2036. INSPECTION AND ENFORCEMENT OF COAST GUARD REGULATIONS FOR FIXED FACILITIES BY MINERALS MANAGEMENT SERVICE (USCG-2001-9045)****Priority:** Substantive, Nonsignificant**Legal Authority:** 43 USC 1348**CFR Citation:** 33 CFR 140**Legal Deadline:** None

**Abstract:** The Coast Guard proposes to authorize the Mineral Management Service (MMS) to perform inspections, on behalf of the Coast Guard, on fixed facilities engaged in Outer Continental Shelf activities and to enforce Coast Guard regulations applicable to those facilities. MMS already performs inspections on these facilities to determine whether they comply with MMS regulations. By authorizing MMS to also check for compliance with Coast Guard regulations, we avoid duplicating functions, reduce Federal costs, and increase the frequency of inspections. This project supports the Coast Guard's strategic goals of maritime safety and environmental protection.

**Timetable:**

Action	Date	FR Cite
NPRM	05/10/01	66 FR 23871
NPRM Comment Period End	07/09/01	
Final Rule	02/07/02	67 FR 5912
Final Rule; Announcement of Effective Date (See Addl Info)	04/16/02	67 FR 18493
Final Rule Effective	06/07/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal

**Additional Information:** Section 140.103(c) contains a collection-of-information requirement that had not been approved by the Office of Management and Budget when the final rule was published. After OMB approval, we published an announcement of the effective date of that section in the Federal Register.

**URL For More Information:**<http://dms.dot.gov>**URL For Public Comments:**<http://dms.dot.gov>

**Agency Contact:** James Magill, Project Manager, G-MSO-2, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001  
Phone: 202 267-1082

**RIN:** 2115-AG14

## DOT—USCG

## Completed Actions

**2037. REVISE OPTIONS FOR RESPONDING TO NOTICES OF VIOLATIONS (USCG-2001-9175)****Priority:** Substantive, Nonsignificant**Legal Authority:** 14 USC 633; PL 100-690**CFR Citation:** 33 CFR 1.07; 49 CFR 1.46**Legal Deadline:** None

**Abstract:** This project would revise 33 CFR 1.07, Notice of violation, to change the process for a “no action” option. This change would preserve the existing options of paying the “ticket” and closing the case, or requesting a hearing; it would replace the current default of the “no action resulting in referral to a hearing officer” to “no action resulting in a finding of proved and assessment of a penalty.” This project supports the Commandant’s workload reduction initiative by increasing the efficiency of Coast Guard resources by removing a time-consuming, unnecessary step in the processing of notices of violations for which no response was received.

**Timetable:**

Action	Date	FR Cite
NPRM	12/10/01	66 FR 63640
NPRM Comment Period End	02/08/02	
Final Rule	06/04/02	67 FR 38386
Final Rule Effective	07/05/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For More Information:**<http://dms.dot.gov>**URL For Public Comments:**<http://dms.dot.gov>

**Agency Contact:** Doug Rabe, Project Manager, G-MOA, Department of Transportation, U.S. Coast Guard, Room 2407, 2100 Second Street SW., Washington, DC 20593  
Phone: 202 267-1428

**RIN:** 2115-AG15**2038. TRAFFIC SEPARATION SCHEME: IN PRINCE WILLIAM SOUND, ALASKA (USCG-2001-10254)****Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 1223**CFR Citation:** 33 CFR 167; 33 CFR 161**Legal Deadline:** None

**Abstract:** This rulemaking would implement amendments to the existing Prince William Sound Traffic Separation Scheme (TSS). The amendments to the TSS have been approved by the International Maritime Organization, and have been validated by a recent Port Access Route Study (PARS). Implementing these amendments into the Code of Federal Regulations would provide straight traffic lanes between the Bligh Reef Pilot Station and Cape Hinchinbrook, and should reduce the risk for vessels operating within the area. The length of transit in Prince William Sound would also be reduced. With the course change removed from the original TSS, the minimum distance from the center of the southbound traffic lane to Naked Island would increase from six (6) to nine (9) nautical miles, reducing the risk of drift groundings. This project supports the Coast Guard’s strategic goals of increasing maritime mobility, protecting natural resources and improving marine safety.

**Timetable:**

Action	Date	FR Cite
NPRM	02/06/02	67 FR 5538
NPRM Comment Period End	03/08/02	
Final Rule	08/19/02	67 FR 53740
Final Rule Effective	09/18/02	

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

**Additional Information:** In the 2002 spring agenda the Coast Guard indicated it was going to withdraw this rulemaking, but since then we have determined that we will be able to complete it without disrupting work on new security projects.

**URL For More Information:**<http://dms.dot.gov>**URL For Public Comments:**<http://dms.dot.gov>

**Agency Contact:** George Detweiler, Project Manager G-MWV, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001  
Phone: 202 267-0574

**RIN:** 2115-AG20**2039. PROTECTION OF NAVAL VESSELS (LANT AREA-01-001 AND PAC AREA-01-001)****Priority:** Substantive, Nonsignificant**Legal Authority:** 14 USC 91**CFR Citation:** 33 CFR 165**Legal Deadline:** None

**Abstract:** Following terrorist attacks in New York and Washington, D.C., the Coast Guard is establishing temporary regulations for the safety or security of U.S. naval vessels in the navigable waters of the United States. The regulations are issued under the authority contained in 14 U.S.C. 91. Naval Vessel Protection Zones will provide for the regulation of vessel traffic in the vicinity of U.S. naval vessels in the navigable waters of the United States. This rule supports the strategic goal of maritime safety and maritime security.

**Timetable:**

Action	Date	FR Cite
Temporary Final Rule Effective	09/14/01	
Temporary Final Rule (Atlantic Area)	09/21/01	66 FR 48780
Temporary Final Rule (Pacific Area)	09/21/01	66 FR 48782
Temporary Final Rule Ends	06/15/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For More Information:**<http://dms.dot.gov>**URL For Public Comments:**<http://dms.dot.gov>

**Agency Contact:** Joe Billy, Commander (Poft), Department of Transportation, U.S. Coast Guard, Coast Guard Pacific Area, Coast Guard Island, Alameda, CA 94501  
Phone: 510 437-3505

CDR Chris Doane, Project Manager, Department of Transportation, U.S. Coast Guard, Atlantic Area Marine Safety Div. Response Branch (Amr), 431 Crawford Street, Portsmouth, VA 23704-5004  
Phone: 757 398-6372

**Related RIN:** Related To 2115-AG33**RIN:** 2115-AG23

## DOT—USCG

## Completed Actions

**2040. LIFERAFT SERVICING INTERVALS (USCG-2001-11118)****Priority:** Substantive, Nonsignificant**Legal Authority:** 46 USC 2103; 46 USC 3306; 46 USC 3307; 46 USC 3703; 46 USC 3316**CFR Citation:** 46 CFR 28.140; 46 CFR 109.301; 46 CFR 122.730; 46 CFR 131.580; 46 CFR 185.730; ...**Legal Deadline:** None

**Abstract:** This rulemaking would eliminate inconsistencies in the requirements for the first servicing of inflatable liferafts in 46 CFR, chapter I, subchapters C, I-A, K, L, Q, R, T, and W. The equipment regulations in subchapter Q, and vessel regulations in subchapters C and L, allow the first servicing of a new inflatable liferaft on a non-SOLAS vessel to be deferred to 2 years from initial packing. Subchapters I-A, K, R, T, and W do not incorporate this allowance. This inconsistency results in an unnecessary burden on operators of vessels, as well as confusion among both the public and Coast Guard field personnel. This project supports the Coast Guard's strategic goals of maritime safety and mobility.

**Timetable:**

Action	Date	FR Cite
NPRM	03/05/02	67 FR 9939
Correction to NPRM	03/14/02	67 FR 11549
NPRM Comment Period End	05/06/02	
Final Rule	09/17/02	67 FR 58537
Final Rule Effective	09/30/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For More Information:**<http://dms.dot.gov>**URL For Public Comments:**<http://dms.dot.gov>

**Agency Contact:** Kurt Heinz, Project Manager, G-MSE-4, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-1444

**RIN:** 2115-AG28**2041. PROTECTION OF NAVAL VESSELS (LANT AREA-02-001 AND PAC AREA-02-001)****Priority:** Substantive, Nonsignificant**Legal Authority:** 14 USC 91; 14 USC 633**CFR Citation:** 33 CFR 165**Legal Deadline:** None

**Abstract:** The Coast Guard is establishing regulations for the safety and security of U.S. naval vessels in the navigable waters of the United States. The regulations are issued under the authority contained in 14 U.S.C. 91. Naval Vessel Protection Zones will provide for the regulation of vessel traffic in the vicinity of U.S. naval vessels in the navigable waters of the United States. This rule supports the Coast Guard's strategic goals of maritime safety and maritime security.

**Timetable:**

Action	Date	FR Cite
NPRM (Atlantic Area)	02/21/02	67 FR 7992
NPRM (Pacific Area)	03/20/02	67 FR 12940
NPRM (Pacific Area) Correction	04/08/02	67 FR 16668
Atlantic Area NPRM Comment Period End	04/22/02	
Pacific Area NPRM Comment Period End	05/06/02	
Final Rule (Atlantic Area)	05/13/02	67 FR 31958
Final Rule (Pacific Area)	06/04/02	67 FR 38391
Final Rule Effective (Atlantic and Pacific Areas)	06/15/02	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**URL For More Information:**<http://dms.dot.gov>**URL For Public Comments:**<http://dms.dot.gov>

**Agency Contact:** CDR Chris Doane, Project Manager, Department of Transportation, U.S. Coast Guard, Atlantic Area Marine Safety Div. Response Branch (Amr), 431 Crawford Street, Portsmouth, VA 23704-5004  
Phone: 757 398-6372

CDR Steve Danscuk, Project Manager, Department of Transportation, U.S. Coast Guard, Pacific Area Marine Transportation Branch (Pmt), Coast Guard Island, Alameda, CA 94501

Phone: 510 437-5839

**Related RIN:** Related To 2115-AG23**RIN:** 2115-AG33**2042. • NAVIGATION AND NAVIGABLE WATERS — TECHNICAL AMENDMENTS, ORGANIZATIONAL CHANGES, MISCELLANEOUS EDITORIAL CHANGES AND CONFORMING AMENDMENTS (USCG-2002-12471)****Priority:** Info./Admin./Other**Legal Authority:** 5 USC 553; 14 USC 633**CFR Citation:** 33 CFR 1.01-70; 33 CFR 1.01-80; 33 CFR 1.05-1; 33 CFR 1.07-15; 33 CFR 1.07-35; 33 CFR 1.07-50; 33 CFR 1.07-60; 33 CFR 3.25-10; 33 CFR 3.25-10; 33 CFR 3.25-20; ...**Legal Deadline:** None

**Abstract:** This rule makes editorial and technical changes throughout title 33 of the Code of Federal Regulations to update the title before it is recodified on July 1, 2002. It updates organization names and addresses, and makes conforming amendments and technical corrections. This rule, which will have no substantive effect on the regulated public, supports the Coast Guard strategic goals of maritime safety and maritime mobility by clarifying and insuring the accuracy of navigation and navigable waters regulations.

**Timetable:**

Action	Date	FR Cite
Final Rule	06/18/02	67 FR 41329
Final Rule; Delay of Effective Date of 2 Amendments	06/27/02	67 FR 43252
Final Rule Effective	06/28/02	
Amendments to 2 Sections Effective (See Addl Info)	10/01/02	

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

**Additional Information:** The effective date for the revisions to 33 CFR 3.25-10(b) and 3.25-20(b) in the final rule published June 18, 2002, was delayed from June 28, 2002, until October 1, 2002, to reflect the date of an organizational change in boundaries between Hampton Roads Marine Inspection/Captain of the Port Zone and the Wilmington Marine Inspection/Captain of the Port Zone.

**URL For More Information:**

DOT—USCG

Completed Actions

http://dms.dot.gov

**URL For Public Comments:**

http://dms.dot.gov

**Agency Contact:** Robert S. Spears, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-1099

**RIN:** 2115-AG44

**2043. • BASIC RATES AND CHARGES ON LAKE ERIE AND THE NAVIGABLE WATERS FROM SOUTHEAST SHOAL TO PORT HURON, MI (USCG-2002-12840)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 46 USC 9303(f)

**CFR Citation:** 46 CFR 401.407

**Legal Deadline:** Final, Judicial, July 21, 2002.

**Abstract:** This temporary final rule amends the rates charged for Great Lakes pilotage on the Designated Waters of Area 5 in District Two and restores them to those effective until August 13, 2001. The Lake Pilots Association, representing pilots in District Two, challenged the ratemaking effective on and after that date, and sued. The Coast Guard, while not agreeing with the allegations in the complaint, did learn during the course of litigation that it had inadvertently accounted for hours of delay and detention in District Two differently from in Districts One and Three. The Coast Guard is currently working on an updated ratemaking (2115-AG30) that will, among other things, correct this error. In the interim, it considers it in

the best interest of the public to temporarily return the rates (in District Two, Area 5) to those effective until August 13, 2001. This temporary final rule will not be retroactive, and future rates will not depend on this action. This rulemaking supports the Coast Guard's strategic goal of maritime mobility.

**Timetable:**

Action	Date	FR Cite
Temporary Final Rule	07/19/02	67 FR 47464
Temporary Final Rule Effective (to 07/21/03)	07/19/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** In addition to RIN 2115-AF91, Great Lakes Pilotage Rates, RIN 2115-AG30, Rates for Pilotage on the Great Lakes, is also a related rulemaking.

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

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

**Agency Contact:** Paul Wasserman, Project Manager, Department of Transportation, U.S. Coast Guard, Office of Maritime and International Law (G-LMI), 2100 Second Street SW., Washington, DC 20593  
Phone: 202 267-0093

**Related RIN:** Related To 2115-AF91, Related To 2115-AG30

**RIN:** 2115-AG46

**2044. • SHIPPING — TECHNICAL AND CONFORMING AMENDMENTS (USCG-2002-13058)**

**Priority:** Info./Admin./Other

**Legal Authority:** 14 USC 633; 46 USC 2103

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** This rule will make editorial and technical changes throughout title 46 of the Code of Federal Regulations to update the title before it is recodified on October 1, 2002. We plan to update organization names and addresses, and make conforming amendments and technical corrections. This rule, which will have no substantive effect on the regulated public, supports the Coast Guard strategic goals of maritime safety and maritime mobility by clarifying and insuring the accuracy of shipping waters regulations.

**Timetable:**

Action	Date	FR Cite
Final Rule	09/30/02	67 FR 61276
Final Rule Effective	09/30/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Robert S. Spears, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-1099

**RIN:** 2115-AG48

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

**Proposed Rule Stage**

**2045. OBJECTS AFFECTING 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; 49 USC 46101 to 46102; 49 USC 46104

**CFR Citation:** 14 CFR 77

**Legal Deadline:** None

**Abstract:** This action would amend the standards, aeronautical studies, scope, and notice provisions concerning

objects affecting navigable airspace. The notice consisted primarily of changes required by recent legislation or recommended by a government/industry task group of the National Airspace Review Advisory Committee. This action would also cover electromagnetic interference phenomena that could create a hazard to air navigation.

**Timetable:**

Action	Date	FR Cite
Notice of Review	06/19/78	43 FR 26322

Action	Date	FR Cite
Review Conference	12/08/80	
NPRM	08/03/90	55 FR 31722
NPRM Correction	08/13/90	55 FR 32999
NPRM Correction	08/16/90	55 FR 33577
NPRM Correction	08/28/90	55 FR 35152
NPRM Correction	09/10/90	55 FR 37287
NPRM Comment Period End	12/31/90	
SNPRM	10/16/95	60 FR 53680
SNPRM Comment Period End	11/30/95	
NPRM	12/00/02	

## DOT—FAA

## Proposed Rule Stage

Action	Date	FR Cite
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SNPRM To Be Withdrawn	12/00/02	
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**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** Project Number: ATO-85-015R.

ANALYSIS: Regulatory Evaluation, 08/03/90, 55 FR 31722

**Agency Contact:** Ellen Crum, Air Traffic Rules Procedures Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591  
Phone: 202 267-3155**RIN:** 2120-AA09**2046. +IMPROVED WATER SURVIVAL EQUIPMENT****Priority:** Other Significant**Legal Authority:** 49 USC 44705; 49 USC 44709 to 44711; 49 USC 44712; 49 USC 44713; 49 USC 44715; 49 USC 44716 to 44717; 49 USC 44722; 49 USC 44901; 49 USC 44903 to 44904; 49 USC 44912; 49 USC 106(g); 49 USC 40113; 49 USC 40119; 49 USC 44101; 49 USC 44701 to 44702**CFR Citation:** 14 CFR 121; 14 CFR 135**Legal Deadline:** None**Abstract:** This action would add new requirements for water survival equipment carried aboard airplanes and rotorcraft. The requirements would apply, after specified dates, to U.S.-certificate holders that conduct common-carriage operations with airplanes and rotorcraft. This action is in response to the Airport and Airway Safety and Capacity Enhancement Act of 1987 (PL 100-223) and relates to safety recommendations by the National Transportation Safety Board. The requirements are intended to increase the likelihood of aircraft passengers surviving a crash landing in water and, thus, this rulemaking is significant because of the safety implications.**Timetable:**

Action	Date	FR Cite
NPRM	06/30/88	53 FR 24890
NPRM Comment Period End	11/28/88	
SNPRM	12/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** Project Number: AIR-85-265R.

ANALYSIS: Regulatory Evaluation, 06/30/88, 53 FR 24890

**Agency Contact:** Hal Jensen, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591  
Phone: 202 267-9574**RIN:** 2120-AC72**2047. +RETROFIT OF IMPROVED SEATS IN AIR CARRIER TRANSPORT CATEGORY AIRPLANES****Priority:** Other Significant**Legal Authority:** 49 USC 44713; 49 USC 44715; 49 USC 44716 to 44717; 49 USC 44722; 49 USC 44901; 49 USC 44903 to 44904; 49 USC 44912; 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 44712**CFR Citation:** 14 CFR 121; 14 CFR 135**Legal Deadline:** NPRM, Statutory, April 28, 1988.**Abstract:** This action would require that all seats of transport category airplanes used in air carrier operations and transport category airplanes used in scheduled intrastate service comply with improved crashworthiness standards. The Airport and Airways Safety and Capacity Expansion Act of 1987 directs the Secretary of Transportation to initiate a rulemaking proceeding to consider requiring all seats on board all air carrier aircraft to meet improved crashworthiness standards based upon the best available testing standards. The intended effect of this action is to increase passenger protection and survivability in survivable impact accidents. This rulemaking is considered significant because of its safety implications and statutory requirements.**Timetable:**

Action	Date	FR Cite
NPRM	05/17/88	53 FR 17650
NPRM Comment Period End	10/14/88	
NPRM Comment Period Reopened	10/30/98	63 FR 58331

Action	Date	FR Cite
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NPRM Comment Period End	01/08/99	
SNPRM	10/04/02	67 FR 62294
SNPRM Comment Period End	12/03/02	
NPRM	02/00/03	

**Regulatory Flexibility Analysis Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** Docket 25611. Project Number: AIR-88-136R.

ANALYSIS: Regulatory Evaluation, 05/17/88, 53 FR 17650

**Agency Contact:** Hal Jensen, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591  
Phone: 202 267-9574**RIN:** 2120-AC84**2048. +CORROSION CONTROL PROGRAM****Priority:** Other Significant**Legal Authority:** 49 USC 106(g); 49 USC 40104 to 40105; 49 USC 40113; 49 USC 40119; 49 USC 44101; 49 USC 44701 to 44702; 49 USC 44705; 49 USC 44709 to 44711; 49 USC 44712; 49 USC 44713; 49 USC 44715; 49 USC 44716 to 44717; 49 USC 44722; 49 USC 44901; 49 USC 44902**CFR Citation:** 14 CFR 121; 14 CFR 125; 14 CFR 129; 14 CFR 135**Legal Deadline:** None**Abstract:** This project would ensure that airplanes used or not used in common carriage in air transportation have a comprehensive corrosion prevention program within their maintenance or inspection programs. In April 1988, a commercial transport airplane experienced an in-flight decompression and separation of approximately 18 feet of the fuselage skin and structure at the top of the airplane. The airplane had been in service for 19 years and had flown almost 90,000 flights. The National Transportation Safety Board concluded that the failure of the airline to detect skin disbonding resulted in corrosion and metal fatigue leading to separation of the airplane's skin structure. This rulemaking is considered significant because of substantial public interest.

## DOT—FAA

## Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** Project Number: AFS-93-382R

**Agency Contact:** Frederick Sobeck, Aircraft Maintenance Division, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591  
Phone: 202 267-7355

**RIN:** 2120—AE92**2049. +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**Legal Deadline:** None

**Abstract:** FAA will propose 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. Over the past decade the number of these operations and the number of accidents and incidents associated with these operations have increased. Hot air balloons and gliders would not be included in this amendment. This rulemaking is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	

**Regulatory Flexibility Analysis****Required:** No**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, 04/00/01

**Agency Contact:** Katherine Hakala Perfetti, Flight Standards Service, Department of Transportation, Federal Aviation Administration  
Phone: 202 267-3760

**RIN:** 2120—AF07**2050. +FLIGHT CREWMEMBER DUTY PERIOD LIMITATIONS, FLIGHT TIME LIMITATIONS, AND REST REQUIREMENTS**

**Regulatory Plan:** This entry is Seq. No. 104 in part II of this issue of the Federal Register.

**RIN:** 2120—AF63**2051. +FALSE AND MISLEADING STATEMENTS REGARDING AIRCRAFT PARTS****Priority:** Other Significant**Legal Authority:** 49 USC 44913**CFR Citation:** Not Yet Determined**Legal Deadline:** None

**Abstract:** This action proposes additional rules that would prohibit certain false or misleading statements regarding civil aircraft, airframes, aircraft engines, propellers, appliances, component parts, and materials, including standard parts, that are used, or may be used, on civil aircraft. The proposals would also permit increased inspection by the FAA of records regarding the quality of aircraft parts. The additional rules are needed to help prevent persons from representing parts as suitable for use on civil aircraft when in fact they may not be. The proposals are intended to provide assurance that aircraft owners and operators, and persons who maintain aircraft, have truthful information on which to determine whether a part may be used in a given civil aircraft application. This action is significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	

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

**Additional Information:** Project Number: AVR-94-549R.

**ANALYSIS:** Regulatory Evaluation 08/00/01

**Agency Contact:** Mardi Ruth Thompson, Regulations Division, Office of the Chief Counsel, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591  
Phone: 202 267-3073

**RIN:** 2120—AG08**2052. +NOISE LIMITATIONS FOR AIRCRAFT OPERATIONS IN THE VICINITY OF GRAND CANYON NATIONAL PARK****Priority:** Other Significant

**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 establish noise limitations for certain aircraft operated in the vicinity of Grand Canyon National Park. This action is one part of an overall strategy to reduce further the impact of aircraft noise on the park environment and to assist the National Park Service (NPS) in achieving its statutory mandate imposed by Public Law 100-91 to provide for the substantial restoration of natural quiet and experience in Grand Canyon National Park. The supplemental amendment removes two sections from the December 31, 1996, notice of proposed rulemaking (NPRM) that proposed to establish a corridor through the National Canyon area as an incentive route for quiet technology aircraft. The FAA and NPS have determined not to proceed with an air tour route in the vicinity of National Canyon and are presently considering alternatives to this route. This rulemaking is significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	12/31/96	61 FR 69334
NPRM Comment	03/31/97	
SNPRM	11/00/02	

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

## DOT—FAA

## Proposed Rule Stage

**Small Entities Affected:** Businesses

**Government Levels Affected:**  
Undetermined

**Additional Information:** A final rule, which was published on 12/31/96 (61 FR 69302), establishes new operating restrictions at Grand Canyon National Park. See RIN 2120-AF93 published elsewhere in this Agenda.

**ANALYSIS:** Regulatory Evaluation, 12/31/96, 61 FR 69334

**Agency Contact:** Tom Connor, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-8933

**RIN:** 2120—AG34

### 2053. LICENSING AND SAFETY REQUIREMENTS FOR LAUNCH

**Priority:** Substantive, Nonsignificant

**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 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. Licensing requirements for those launches are being developed in a related licensing rulemaking (RIN 2120-AF99). In this action, DOT proposes to implement rules regarding obtaining a license to conduct a launch from a commercial launch site, where DOT, rather than NASA or the military, has primary responsibility.

**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
NPRM	11/00/02	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:**  
Undetermined

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

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

**Agency Contact:** Michael Dook, Licensing and Safety Division, Office of Commercial Space, Department of Transportation, Federal Aviation Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-9305

**RIN:** 2120—AG37

### 2054. +CHILD RESTRAINT SYSTEMS

**Priority:** Other Significant

**Legal Authority:** 49 USC 106(g); 49 USC 40103; 49 USC 40113; 49 USC 40120; 49 USC 44101; 49 USC 44111; 49 USC 44701; 49 USC 44709; 49 USC 44711; 49 USC 44712; 49 USC 44715 to 44718; 49 USC 44722; 49 USC 46306; 49 USC 46315; 49 USC 46502

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

**Legal Deadline:** None

**Abstract:** This action sought public comment on issues relating to the use of child restraint systems in aircraft during all phases of flight (i.e., taxi, takeoff, landing, or any other time the seat belt sign is illuminated). Specifically, the agency sought information about existing child restraint systems, the development of new and improved child restraint systems, the ease with which existing or new child restraint systems can be used, and the effectiveness of changing the current child restraint system regulations. The advance notice gathered information in response to a recommendation made by the White House Commission on Aviation Safety and Security. Approximately 130 comments were received on the ANPRM. This information is needed so that the FAA can determine the best way to ensure the safety of children while on board aircraft. After such a determination is made, the FAA may issue a Notice of Proposed Rulemaking with specific regulatory proposals that respond to the Commission's recommendations regarding the use of child restraint systems. This action is

considered significant because of safety implications.

**Timetable:**

Action	Date	FR Cite
ANPRM	02/18/98	63 FR 8324
ANPRM Comment Period End	06/18/98	
NPRM	12/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:**  
Undetermined

**Additional Information:** Project Number: AFS-97-261R

**Agency Contact:** Cindy Nordlie, Office of Rulemaking, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-7627

**RIN:** 2120—AG43

### 2055. REVISION OF AIR CARRIER CREWMEMBER AND TRAINING REGULATIONS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 106(g); 49 USC 40113; 49 USC 40119; 49 USC 44101; 49 USC 44701; 49 USC 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

**CFR Citation:** 14 CFR 60; 14 CFR 121

**Legal Deadline:** None

**Abstract:** This action proposes to revise title 14 of the Code of Federal Regulations part 121 subparts N, O, and P. The proposed revision and creation will address Advanced Qualification Programs and additional training programs. The rulemaking is needed to enhance crew resource management training, to permit rapid changes to training and checking requirements for emerging technologies, to improve safety, and to respond to numerous recommendations from various sources.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	

**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

## DOT—FAA

## Proposed Rule Stage

**Additional Information:** Project Number: AFS-97-335R.

**Agency Contact:** Jan Demuth, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591  
Phone: 202 267-8166

**RIN:** 2120—AG57

### 2056. TRAINING IN THE RECOGNITION OF HAZARDOUS MATERIAL

**Priority:** Substantive, Nonsignificant

**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 4711; 49 USC 44713; 49 USC 44715 to 44717; 49 USC 44722; 49 USC 44901; 49 USC 44903; 49 USC 44912; 49 USC 46105

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

**Legal Deadline:** None

**Abstract:** The FAA is proposing to amend its hazardous materials (hazmat) training requirements for air carriers and commercial operators certificated to operate under part 121 or part 135. This action also proposes that repair stations certificated under part 145 document for the FAA that persons handling hazmat for transportation have been trained as required by DOT's Hazardous Materials Regulations. The FAA is updating its regulations because hazmat transport and the aviation industry have changed significantly since the FAA promulgated its Hazmat training regulations over 25 years ago. This action proposes to set clear training standards and ensure uniform compliance with training requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	

**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** William Wilkening, Office of Security, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-5885

Jan Demuth, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800

Independence Avenue SW, Washington, DC 20591  
Phone: 202 267-8166

**RIN:** 2120—AG75

### 2057. +AIR TOUR OPERATIONS IN STATE OF HAWAII

**Priority:** Other Significant

**Legal Authority:** 49 USC 106(g); 49 USC 40103; 49 USC 40113; 49 USC 40120; 49 USC 44101; 49 USC 44701; 49 USC 44711; 49 USC 44712; 49 USC 44715; 49 USC 44717; 49 USC 44722; 49 USC 46306; 49 USC 46315; 49 USC 46316; 49 USC 46502; 49 USC 46504; 49 USC 46504; 49 USC 46506; 49 USC 47122; 49 USC 47508; 49 USC 47528 to 47530

**CFR Citation:** 14 CFR 91

**Legal Deadline:** None

**Abstract:** This action proposes to extend SFAR 71, which established certain procedural, operational, and equipment requirements for air tour operators in the State of Hawaii. The FAA intends to issue a national air tour safety proposal in the near future, but until this rulemaking becomes final, there is a need to extend SFAR 71 to ensure the continuing safe environment for conducting air tours in Hawaii. During the 9-year period between 1982 and 1991, there were 11 air tour accidents with 24 fatalities in Hawaii. The apparent causes of the accidents ranged from engine power loss to encounters with adverse weather. On September 26, 1994, the FAA published an emergency final rule as SFAR 71. The rule established additional operating procedures, including minimum safe altitudes (and associated increases in visual flight rules weather minimums), minimum equipment requirements, and operational limitations for air tour aircraft in the State of Hawaii. SFAR 71 was subsequently extended until October 26, 2003. This rulemaking is significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Gary Davis, Flight Standards Service, Department of

Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-8166

**RIN:** 2120—AH02

### 2058. +FLIGHT SIMULATION DEVICE QUALIFICATION

**Priority:** Other Significant

**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

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

**Legal Deadline:** None

**Abstract:** The FAA proposes to amend the regulations to establish flight simulation device qualification requirements for all certificate holders in a new part. The basis of these requirements currently exists in different parts of the FAA's regulations and in advisory circulars. The proposed changes would consolidate and update flight simulation device requirements. This action is significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	09/25/02	67 FR 20284
NPRM Comment Period End	12/24/02	
Final Action	02/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**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

### 2059. REFUSAL TO SUBMIT TO AN AUTHORIZED DRUG TEST

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 106(g); 49 USC 40113; 49 USC 44701 to 44703; 49 USC 44707; 49 USC 44709 to 44711; 49 SUC 45102 to 45103; 49 USC 45301 to 45303

**CFR Citation:** 14 CFR 67



## DOT—FAA

## Proposed Rule Stage

**Legal Deadline:** None

**Abstract:** This action proposes to amend airman medical standards to add as a medical disqualification the refusal to submit to an authorized drug test. Refusal to submit to a drug test includes adulteration or substitution of a urine sample. The intended effect is to ensure that airmen who may have substance abuse problems are not allowed to gain flight status until they have been examined and found fit by the Federal Air Surgeon.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 2120-AH23

**2060. PUBLIC ADDRESS SYSTEM**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 14 CFR 25

**Legal Deadline:** None

**Abstract:** The FAA proposes to shorten the time for passenger announcements in an emergency in transport category airplanes. This proposal would shorten the time for passenger announcements in an emergency from 10- to 3-seconds between the removal of the microphone from its stowage by a flight crewmember and its operation. Adopting this proposal would eliminate regulatory differences between the airworthiness standards for the U.S. and the Joint Aviation Requirements of Europe, without affecting current industry design practices.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Project Number: ANM-00-227.

**Agency Contact:** Kirk Baker, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 3960 Paramount Boulevard, Lakewood, CA 90712  
Phone: 562 627-5345

**RIN:** 2120-AH30

**2061. SAFE, EFFICIENT USE AND PRESERVATION OF THE NAVIGABLE AIRSPACE**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 14 CFR 77

**Legal Deadline:** None

**Abstract:** This notice of proposed rulemaking proposes to add and amend definitions for terms commonly used during the aeronautical evaluation process. This action proposes amendments to obstruction standards for civil airport imaginary surfaces in order to promote and facilitate harmonization with other FAA directives. This proposal also proposes to simplify and clarify the rule language in accordance with the plain language initiative.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**Agency Contact:** Ellen Crum, Air Traffic Rules Procedures Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591  
Phone: 202 267-3155

**RIN:** 2120-AH31

**2062. DESIGN REQUIREMENTS FOR PRESSURIZATION AND PNEUMATIC SYSTEMS INSTALLED ON TRANSPORT CATEGORY AIRPLANES**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 14 CFR 25

**Legal Deadline:** None

**Abstract:** This proposal would revise the airworthiness standards for transport category airplanes by incorporating the more defined design and compliance criteria currently contained in the counterpart European standards. Adopting this proposal would eliminate regulatory differences between the airworthiness standards of the U.S. and the Joint Aviation Requirements of Europe, without affecting current industry design practices.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Kenneth Frey, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, WA 98055-4056  
Phone: 425 227-2673

**RIN:** 2120-AH33

**2063. DESIGN STANDARDS FOR FUSELAGE DOORS ON TRANSPORT CATEGORY AIRPLANES**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 14 CFR 25

**Legal Deadline:** None

**Abstract:** This action would amend the design standards for fuselage doors, hatches, and exits on transport category airplanes. This proposal would relieve a certification burden on industry by eliminating regulatory differences between the air standards of the United States and Joint Aviation Requirements of Europe without affecting current industry design practices.

DOT—FAA

Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Project Number: ANM-96-398.**Agency Contact:** Jeff Gardlin, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue SW, Renton, WA 98055-4056  
Phone: 425 227-2136**RIN:** 2120-AH34**2064. REVERSE THRUST AND PROPELLER PITCH SETTINGS BELOW THE FLIGHT REGIME****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 106(g); 49 USC 40113**CFR Citation:** 14 CFR 25**Legal Deadline:** None

**Abstract:** This action proposes to require a means to prevent the flightcrew on turbo-propeller-powered airplanes from inadvertently or intentionally placing the power lever below flight idle while in flight, unless the airplane has been certified for in-flight operation. This action proposes to eliminate regulatory differences between the airworthiness standards of the U.S. and the Joint Aviation Requirements of Europe, without affecting current industry design practices.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Project Number: ANM-00-700.**Agency Contact:** Jennifer Abdul-Wali, Transportation Specialist, Department of Transportation, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-6322  
Fax: 202 366-9313  
Email: jennifer.abdul-wali@ost.dot.govMike Kaszycki, Transport Airplane Directorate, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, WA 98055-4056  
Phone: 425 227-2137**RIN:** 2120-AH35**2065. TRIM SYSTEMS AND PROTECTIVE BREATHING EQUIPMENT****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 106(g); 49 USC 40113**CFR Citation:** 14 CFR 25**Legal Deadline:** None

**Abstract:** This proposed action would amend airworthiness standards for transport category airplanes concerning trim systems and protective breathing equipment. The proposed action would add language that would require a clearly marked range on the trim indication system where take-off is safe for all center-of-gravity positions. Adopting this proposal would eliminate regulatory differences between the airworthiness standards of the United States and the Joint Aviation Requirements of Europe without affecting current industry design practices.

**Timetable:**

Action	Date	FR Cite
NPRM	10/02/02	67 FR 61836
NPRM Comment Period End	12/02/02	
Final Action	02/00/03	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Project Number: ANM-00-567.**Agency Contact:** Kenneth Frey, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, WA 98055-4056  
Phone: 425 227-2673**RIN:** 2120-AH40**2066. REVISIONS TO PASSENGER FACILITY CHARGE RULE FOR COMPENSATION TO AIR CARRIERS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 106(g); 49 USC 40116 to 40117; 49 USC 47111; 49 USC 47114 to 47116; PL 106-181**CFR Citation:** 14 CFR 158**Legal Deadline:** None

**Abstract:** FAA proposes to amend the passenger facility charge (PFC) rules by changing the amount and basis of compensation an air carrier may receive for collecting, handling, and remitting PFC revenue. This action is necessary because statute mandates that air carriers receive fair and reasonable compensation for their expenses.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Project Number: APP-00-672R.**Agency Contact:** Eric Gabler, Passenger Facility Charge Branch, Department of Transportation, Federal Aviation Administration  
Phone: 202 267-3845**RIN:** 2120-AH43**2067. NOISE STRINGENCY INCREASE FOR SINGLE-ENGINE PROPELLER-DRIVEN SMALL AIRPLANES****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 4321; 49 USC 106(g); 49 USC 40113; 49 USC 44701; 49 USC 44702; 49 USC 44704; 49 USC 44715**CFR Citation:** 14 CFR 36**Legal Deadline:** None

**Abstract:** The FAA is proposing a change to the noise limits for propeller-driven small airplanes. The FAA, the European Joint Aviation Authorities (JAA), and representatives from the United States and European propeller-driven small airplane industries developed the ICAO Annex 16 noise limit change in a joint effort. The proposed change would provide nearly uniform noise certification standards for airplanes certificated in the United States and in the JAA countries.

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**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Project Number: AEE-01-133R.

**Agency Contact:** Mehmet Marsan, Office of Environment and Energy, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591  
Phone: 202 267-7703

**RIN:** 2120-AH44**2068. AIRWORTHINESS STANDARDS FOR CLASSES B AND F CARGO COMPARTMENT FOR TRANSPORT CATEGORY AIRPLANES****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 106(g); 49 USC 40113**CFR Citation:** 14 CFR 25**Legal Deadline:** None

**Abstract:** The FAA proposes to amend the airworthiness standards for transport category airplanes to incorporate revised standards for Class B cargo compartments and establish standards for a new Class F cargo compartment, and to harmonize those requirements with standards proposed for the European Joint Aviation Requirements 25.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Project Number: ANM-93-725-A.

**Agency Contact:** Mahinder K. Wahi, Transport Airplane Directorate, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, WA 98055  
Phone: 425 227-2142

**RIN:** 2120-AH47**2069. MODIFICATION OF THE DIMENSIONS OF THE GRAND CANYON NATIONAL PARK SPECIAL FLIGHT RULES AREA AND FLIGHT-FREE ZONES****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 106(g); 14 USC 40103; 49 USC 40113**CFR Citation:** 14 CFR 91; 14 CFR 93**Legal Deadline:** None

**Abstract:** This action proposes to modify the Grand Canyon National Park Special Flight Rules Area and two-associated Flight-Free Zones in the east end of the Park. In addition this action proposes minor modifications to the Bright Angel and Desert View Flight-Free Zone. The FAA is proposing these actions to assist the National Park Service in fulfilling its statutory mandate to substantially restore the natural quiet and experience in Grand Canyon National Park.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	

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

**Agency Contact:** Howard Nesbitt, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591  
Phone: 202 493-4981

**RIN:** 2120-AH48**2070. • +SECURITY PROGRAMS FOR CHARTER OPERATIONS USING AIRCRAFT 12,500 POUNDS AND OVER****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; 49 USC 44709 to 44711; 49 USC 44713; 49 USC 44716 to 44717; 49 USC 44722; 49 USC 46105

**CFR Citation:** Not Yet Determined**Legal Deadline:** None

**Abstract:** This rule will set forth security requirements for charter operators using aircraft over 12,500 pounds take-off weight. The FAA is issuing this final rule with comment to promulgate regulations that will assist

in establishing a secure environment for the traveling public. This action is significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	

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

**Agency Contact:** Linda Valencia, Office of Civil Aviation Security Policy and Planning, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591  
Phone: 202 267-3413

**RIN:** 2120-AH66**2071. • +TRANSPONDER CONTINUOUS OPERATION****Priority:** Other Significant

**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

**CFR Citation:** 14 CFR 21**Legal Deadline:** None

**Abstract:** This proposal would amend the instrument and equipment requirements for airplanes operated in domestic, flag, and supplemental operations. Specifically, the FAA proposes to require affected airplanes to be equipped with provisions that would help assure immediate activation of the designated air traffic control (ATC) hijack alert code, and continuous transmission of that code to ATC during the hijack situation. The FAA is proposing this action in response to the heightened threat to U.S. civil action. This action is significant because of substantial public safety interest.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	

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

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**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

### 2072. ● REVISED CHECKED PITCHING MANEUVER FOR TRANSPORT AIRPLANES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 106(g); 14 USC 40113

**CFR Citation:** 14 CFR 25

**Legal Deadline:** None

**Abstract:** The FAA proposes to revise the checked pitching maneuver design load requirement for transport category airplanes by incorporating changes developed in cooperation with the Joint Aviation Authorities of Europe, Transport Canada, and the U.S., Europeans, and Canadian aviation industries. These proposals are intended to benefit the public interest by standardizing certain requirements, concepts, and procedures without reducing the current level of safety.

#### Timetable:

Action	Date	FR Cite
NPRM	11/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Todd Martin, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue, SW., Renton, WA 98055-4056  
Phone: 425 227-1179

**RIN:** 2120-AH71

### 2073. ● REVISED REQUIREMENTS FOR GUST AND CONTINUOUS TURBULENCE DESIGN LOADS

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 14 CFR 25

**Legal Deadline:** None

**Abstract:** The FAA proposes to revise the airworthiness standards for transport category airplanes by

incorporating changes to the continuous turbulence design loads requirements developed in cooperation with the Joint Aviation Authorities of Europe and the U.S. Canadian and European aviation industries. This proposal is intended to improve the requirements for continuous turbulence by revising the turbulence intensity criteria, eliminating the mission analysis method, providing a multi-axis discrete gust criterion, and reorganizing and clarifying the rule.

#### Timetable:

Action	Date	FR Cite
NPRM	11/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Todd Martin, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue, SW., Renton, WA 98055-4056  
Phone: 425 227-1179

**RIN:** 2120-AH73

### 2074. ● HARMONIZATION OF AIRWORTHINESS STANDARDS FLIGHT RULES, STATIC LATERAL-DIRECTIONAL STABILITY, AND SPEED INCREASE AND RECOVERY CHARACTERISTICS

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 14 CFR 25

**Legal Deadline:** None

**Abstract:** The FAA proposes to amend the airworthiness standards for transport category airplanes to allow a reduction in the minimum speed margin between the minimum safe flyaway speed and the liftoff speed during takeoff for geometry-limited airplanes. Adopting this proposal would eliminate regulatory differences between the airworthiness standards of the U.S. and the Joint Aviation Requirements of Europe, without affecting current industry design practices.

#### Timetable:

Action	Date	FR Cite
NPRM	11/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Don Stimson, Flight Test and Systems Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue SW., Renton, WA 98055-4056  
Phone: 425 227-4056

**RIN:** 2120-AH74

### 2075. ● +PICTURE IDENTIFICATION REQUIREMENTS

**Priority:** Other Significant

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

**CFR Citation:** 14 CFR 61

**Legal Deadline:** None

**Abstract:** The FAA is proposing to revise the pilot certificate requirements to require a person to carry a photo identification acceptable to the Administrator when exercising the privileges of a pilot certificate. These measures are intended to address security concerns regarding the identification of pilots. This rulemaking is significant because of safety and substantial public interest.

#### Timetable:

Action	Date	FR Cite
NPRM	11/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**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-AH76

### 2076. ● 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

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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 71; 14 CFR 91; 14 CFR 95; 14 CFR 97; 14 CFR 121; 14 CFR 129; 14 CFR 135

**Legal Deadline:** None

**Abstract:** The FAA is proposing to amend its regulations to reflect technological advances that support area navigation (RNAV) and ensure that certain terms are consistent with those of the International Civil Aviation Organization. The proposed changes are intended to promote the transition from ground-based navigation and to increase efficiency of the National Airspace System.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Lawrence Buehler, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-8452

**RIN:** 2120-AH77

**2077. • FLIGHT VISIBILITY; VISION ENHANCING EQUIPMENT**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 106(g); 49 USC 40103; 49 USC 40113; 49 USC 40120; 49 USC 44101; 49 USC 44111; 49 USC 44701; 49 USC 44709; 49 USC 44711; 49 USC 44712; 49 USC 44715; 49 USC 44716; 49 USC 44717; 49 USC 44722; 49 USC 46306; 49 USC 46317; 49 USC 44722; 49 USC 46306; 49 USC 46315

**CFR Citation:** 14 CFR 91

**Legal Deadline:** None

**Abstract:** This proposed rule would allow persons who voluntarily equip their airplanes with certain vision enhancing devices to descend below decision height or minimum descent altitude when flight visibility is below

minimums, subject to certain training and other requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Robert J. O'Haver, General Aviation and Commercial Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591  
Phone: 202 267-7031

**RIN:** 2120-AH78

**2078. • ESTABLISHMENT OF ORGANIZATION DESIGNATION AUTHORIZATION PROCEDURES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 106(g); 49 USC 40105; 49 USC 40113; 49 USC 44701 to 44702; 49 USC 44707; 49 USC 44709; 49 USC 44711; 49 USC 44715; 49 USC 45303; 49 USC 46105

**CFR Citation:** 14 CFR 21; 14 CFR 121; 14 CFR 135; 14 CFR 145; 14 CFR 183

**Legal Deadline:** None

**Abstract:** This proposed rulemaking would create an Organization Designation Authorization (ODA) Program that would incorporate all organization designee rules within 14 CFR 183. It will expand the approval functions of FAA organization designees, standardize these functions to increase efficiency, and expand eligibility for organization designees, including organizations not eligible under the current rules. These actions would provide the FAA with amore efficient process to delegate certain tasks to external organizations while preserving and increasing aviation safety in an environment where the government is committed to reducing its workforce.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Ralph Meyer, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 6500 S. MacArthur Blvd, ARB Room 304A, Oklahoma City, OK 73169

Phone: 405 954-7072

**RIN:** 2120-AH79

**2079. • AIRWORTHINESS STANDARDS; FIRE PROTECTION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 106(g); 49 USC 40113; 49 USC 448701; 49 USC 44701 to 44702; 49 USC 44704

**CFR Citation:** 14 CFR 33

**Legal Deadline:** None

**Abstract:** The FAA proposes to change the fire protection standards for the issuance of original and appropriate amended type certificates for aircraft engines. This proposal resulted from an effort to harmonize the Federal aviation regulations with European requirements being proposed by the Joint Aviation Authorities.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Marc Bouthillier, Engine & Propeller Standards Staff, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 12 New England Executive Park, Burlington, MA 01803  
Phone: 617 238-7111

**RIN:** 2120-AH80

**2080. • REFUSAL TO TAKE A DOT-REQUIRED DRUG OR ALCOHOL TEST**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 14 CFR 61

**Legal Deadline:** None

**Abstract:** The FAA proposes to amend the airman medical standards to disqualify an airman based on a refusal

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to take a DOT-required drug or alcohol test and to report pre-employment and return-to-duty test refusals to the FA. 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	11/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**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

**2081. • 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	11/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 2120-AH87

**2082. • +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

**Legal Deadline:** None

**Abstract:** This action proposes to amend the cockpit voice recorder and digital flight data recorder regulations for certain air carriers, operators, and aircraft manufacturers. This proposal is based on recommendations issued by the National Transportation Safety Board following the investigations of several accidents and incidents, and includes other revisions that the FAA has determined are necessary. This proposal would require that all newly manufactured airplanes have CVR installed that “receives its electrical power from the bus that provides the maximum reliability for operation of the cockpit voice recorder without jeopardizing service to essential or emergency loads”. This same language is in the proposed certification rules for the CVR and DFDR installations.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Gary Davis, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-8166

**RIN:** 2120-AH88

Department of Transportation (DOT)

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Federal Aviation Administration (FAA)

**2083. +FUEL SYSTEM VENT FIRE PROTECTION**

**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 44704; 49 USC 44705; 49 USC 44709 to 44711; 49 USC 44712; 49 USC 44713; 49 USC 44715; 49 USC 44716 to 44717; 49 USC 44721; 49 USC 44722; 49 USC 44901

**CFR Citation:** 14 CFR 25; 14 CFR 121; 14 CFR 135

**Legal Deadline:** None

**Abstract:** This action would have amended the airworthiness standards

for transport category airplanes to require fuel vent system protection during post-crash ground fires. This proposed rule would have applied to air carriers, air taxi operators, and commercial operators of transport category airplanes, as well as the manufacturers of such airplanes. This action was considered significant because of substantial public interest and the safety implications. This rulemaking will be withdrawn from the agenda.

**Timetable:**

Action	Date	FR Cite
ANPRM	09/26/84	49 FR 38078

Action	Date	FR Cite
ANPRM Comment Period End	01/25/85	
NPRM	02/02/95	60 FR 6632
NPRM Comment Period End	06/02/95	
To Be Withdrawn	11/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** Docket 24251. Formerly entitled Implementation of SAFER Propulsion System

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Recommendations. Project Number: ANM-82-050R.

ANALYSIS: Regulatory Evaluation, 02/02/95, 60 FR 6632

**Agency Contact:** Mike McRae, Airframe and Propulsion Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue SW, Renton, WA 98055-4056  
Phone: 425 227-2133

**RIN:** 2120-AA49

#### 2084. MISCELLANEOUS AMENDMENTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7572; 49 USC 106(g); 49 USC 5103; 49 USC 40105; 49 USC 40113; 49 USC 40119; 49 USC 44101; 49 USC 44701 to 44703; 49 USC 44705; 49 USC 44706; 49 USC 44707; 49 USC 44709; 49 USC 44710; 49 USC 44711; 49 USC 44712

**CFR Citation:** 14 CFR 21; 14 CFR 65; 14 CFR 107; 14 CFR 121; 14 CFR 135; 14 CFR 145

**Legal Deadline:** None

**Abstract:** The FAA is withdrawing a previously published notice of proposed rulemaking (NPRM) that proposed to amend various sections of the regulations. The proposal was to clarify language, correct improper or obsolete references, and to relax certain existing requirements. Since publication of the NPRM, many other completed, in-process, or planned actions have addressed or will address many of the issues involved. The FAA has determined that all unresolved issues have been included in more recent actions dealing with the specific sections of the regulations.

##### Timetable:

Action	Date	FR Cite
NPRM	10/03/83	48 FR 45214
NPRM Comment Period End	12/02/83	
To Be Withdrawn	11/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Docket No. 23781. Project Number: ARM-81-128R.

ANALYSIS: Regulatory Evaluation, 10/03/83, 48 FR 45214

**Agency Contact:** Linda L. Williams, Office of Rulemaking, ARM-100, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591  
Phone: 202 267-9685

**RIN:** 2120-AA50

#### 2085. 1-G STALLING SPEED AS A BASIS FOR AIRCRAFT PARTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 4321; 49 USC 106(g); 49 USC 40113; 49 USC 44701 to 44702; 49 USC 44704; 49 USC 44715

**CFR Citation:** 14 CFR 25; 14 CFR 36

**Legal Deadline:** None

**Abstract:** This action would amend the Federal Aviation Regulations to redefine the airplane reference stalling speed as the 1-g stalling speed in lieu of the minimum stalling speed. It would: (1) provide for a consistent, repeatable reference stalling speed; (2) ensure consistent and dependable maneuvering margins; (3) clarify the requirement for the use of 1-g stalling speeds in determining structural design speeds; (4) increase the head-on gust structural design requirement; and (5) provide for adjusted multiplying factors to maintain essentially equivalent requirements in areas where the use of minimum stalling speed has proven adequate. These changes are needed since the stalling characteristics of modern jet transports as determined by current methods can result in inconsistent reference stalling speeds. These changes may result in a higher level of safety where current methods have resulted in artificially low reference stalling speeds.

##### Timetable:

Action	Date	FR Cite
NPRM	01/18/96	61 FR 1260
Correction	02/26/96	61 FR 7157
NPRM Comment Period End	05/17/96	
Final Action	11/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Project Number: ANM-86-041R.

ANALYSIS: Regulatory Evaluation, 01/18/96, 61 FR 1260

**Agency Contact:** Don Stimson, Flight Test and Systems Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue SW., Renton, WA 98055-4056  
Phone: 425 227-4056

**RIN:** 2120-AD40

#### 2086. +REVISION OF PART 108, AIRCRAFT OPERATOR SECURITY

**Priority:** Other Significant

**Legal Authority:** 40 USC 106(g); 49 USC 5103; 49 USC 40113; 49 USC 40119; 49 USC 44701 to 44702; 49 USC 44705; 49 USC 44901 to 44905; 49 USC 44907; 49 USC 44913 to 44914; 49 USC 44932; 49 USC 44935 to 44936; 49 USC 46105

**CFR Citation:** 14 CFR 108

**Legal Deadline:** None

**Abstract:** This action amends part 108 of the Federal Aviation Regulations to incorporate new requirements in response to worldwide terrorist activity. This final rule contains changes that are intended to enhance security for the traveling public and aircraft operators. A final rule establishing a compliance program is forthcoming, which would require compliance programs for aircraft operators. This rulemaking is considered significant because of its safety implications and substantial public interest.

##### Timetable:

Action	Date	FR Cite
NPRM	08/01/97	62 FR 41730
Notice of Public Meeting	09/15/97	62 FR 48190
NPRM Comment Period End	12/01/97	
Notice of Public Meeting	04/21/98	63 FR 19691
NPRM Comment Period Reopened	08/10/99	64 FR 43322
Comment Period End	09/24/99	
Final Action	07/17/01	66 FR 37330
Final Action Effective	11/14/01	
Final Action; Compliance Program	11/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** Project Number: ACS-87-107R.

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ANALYSIS: Regulatory Evaluation, 08/01/97, 62 FR 41730

**Agency Contact:** Linda Valencia, Office of Civil Aviation Security Policy and Planning, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591  
Phone: 202 267-3413

**RIN:** 2120—AD45

### 2087. +REVISION OF PART 107, AIRPORT SECURITY

**Priority:** Other Significant

**Legal Authority:** 49 USC 106(g); 49 USC 5103; 49 USC 40113; 49 USC 40119; 49 USC 44701 to 44702; 49 USC 44706; 49 USC 44901 to 44905; 49 USC 44907; 49 USC 44913 to 44914; 49 USC 44932; 49 USC 44935 to 44936; 49 USC 46105

**CFR Citation:** 14 CFR 107

**Legal Deadline:** None

**Abstract:** This action will amend part 107 of the Federal Aviation Regulations to incorporate new requirements in response to the worldwide terrorist activity. The intent of this final rule is to enhance security for the traveling public, aircraft operators, and persons employed by or conducting business at public airports by increasing awareness of and compliance with civil aviation security measures. A final rule is forthcoming on compliance, which would require compliance program for airport security. This rulemaking is considered significant because of its safety implications and substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	08/01/97	62 FR 41760
Notice of Public Meeting	09/15/97	62 FR 48190
NPRM Comment Period End	12/01/97	
Comment Period End	04/21/98	63 FR 19691
6/26/98		
Notice of Public Meeting	04/21/98	63 FR 19691
NPRM Comment Period Reopened	08/10/99	64 FR 43321
Final Action	07/17/01	66 FR 37274
Final Action Effective	11/14/01	
Final Action; Compliance Program	11/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** Project Number: ACS-87-106R.

ANALYSIS: Regulatory Evaluation, 08/01/97, 62 FR 41760

**Agency Contact:** Bob Cammaroto, Office of Civil Aviation Security, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591  
Phone: 202 267-7723

**RIN:** 2120—AD46

### 2088. +AGING AIRCRAFT SAFETY

**Priority:** Other Significant

**Legal Authority:** 49 USC 106(g); 49 USC 40104 to 40105; 49 USC 40113; 49 USC 40119; 49 USC 44101; 49 USC 44701 to 44702; 49 USC 44705; 49 USC 44709 to 44711; 49 USC 44712; 49 USC 44713; 49 USC 44715 to 44717; 49 USC 44722; 49 USC 44901 to 44904; 49 USC 44906

**CFR Citation:** 14 CFR 121; 14 CFR 125; 14 CFR 129; 14 CFR 135; 14 CFR 183

**Legal Deadline:** Other, Statutory, April 24, 1992, Action must be initiated by 04/24/92 per Aging Aircraft Safety Act of 1991.

**Abstract:** On October 5, 1993, the FAA published an NPRM that proposed to require air carriers of certain aircraft used in air transportation to demonstrate that the aircraft's maintenance has been adequate to ensure the highest degree of safety. After further review, and taking into consideration public comments to the NPRM, the FAA withdrew that NPRM. On March 19, 1999, the FAA issued a new NPRM that would ensure the continuing airworthiness of the most significant aging airplanes operating in air transportation by mandating aging aircraft records reviews and inspections for certain air carriers and certain aircraft and also by applying modern damage-tolerance analyses and inspection techniques to older airplane structures that were certificated before such techniques were available. The comment period closed on October 18, 1999. This rulemaking is significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	10/05/93	58 FR 51944

Action	Date	FR Cite
NPRM Comment Period End	02/02/94	
Comment Period End	02/08/94	59 FR 5741
3/4/94		
NPRM	04/02/99	64 FR 16298
NPRM Comment Period End	08/02/99	
NPRM Comment Period Reopened	08/18/99	64 FR 45090
Comment Period End	10/08/99	
Final Action	11/00/02	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** Project Number AFS-92-029R.

ANALYSIS: Regulatory Evaluation, 04/02/99, 64 FR 16298

**Agency Contact:** Frederick Sobeck, Aircraft Maintenance Division, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591  
Phone: 202 267-7355

**RIN:** 2120—AE42

### 2089. AIR TRAFFIC CONTROL RADAR BEACON SYSTEM AND MODE S TRANSPONDER REQUIREMENTS IN THE NATIONAL AIRSPACE SYSTEM

**Priority:** Substantive, Nonsignificant

**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 44712; 49 USC 44713; 49 USC 44715; 49 USC 44716 to 44717; 49 USC 44722; 49 USC 44901; 49 USC 44903 to 44904; 49 USC 44912

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

**Legal Deadline:** None

**Abstract:** This action would revise the Mode S transponder requirement for all aircraft operating under part 135 and certain aircraft operating under part 121 based on the expected availability of operational capabilities of Mode S ground sensors. For part 121 operators, the action would affect only those aircraft not required to have Traffic Alert and Collision Avoidance System II. An aviation rulemaking advisory committee has recommended that the FAA conduct a study of the installed Mode S ground sensor to determine the extent of the benefits derived and the



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costs involved in equipage. This action is a relieving action made necessary by the fact that ground sensors are not in place to support the requirement. Further, FAA is studying the need for Mode S transponders in part 135 and certain part 121 operations in light of the fact that transponders may not substantially increase ATC ability to view air traffic.

**Timetable:**

Action	Date	FR Cite
NPRM	05/23/96	61 FR 26036
NPRM Correction	06/17/96	61 FR 30551
NPRM Comment Period End	07/22/96	
Final Action	11/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** Project Number: AFS-92-297R.

ANALYSIS: Regulatory Evaluation, 05/23/96, 61 FR 26036

**Agency Contact:** Daniel V. Meier, Jr., Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-3749

**RIN:** 2120—AE81**2090. +REVISED ACCESS TO TYPE III EXITS****Priority:** Other Significant

**Legal Authority:** 49 USC 106(g); 49 USC 40113; 49 USC 44701 to 44702; 49 USC 44704; 49 USC 44705; 49 USC 44709 to 44711; 49 USC 44722; 49 USC 44901; 49 USC 44903 to 44904; 49 USC 44912; 49 USC 46105

**CFR Citation:** 14 CFR 25; 14 CFR 121**Legal Deadline:** None

**Abstract:** This action proposed to adjust requirements for access to type III emergency exits in transport category airplanes with 60 or more passenger seats. The adjustments would reflect new data from tests conducted at the FAA's Civil Aeromedical Institute (CAMI) and intended to improve the ability of occupants to evacuate an airplane under emergency conditions. The FAA is withdrawing this proposed rulemaking as some of the information is outdated. The CAMI research is still ongoing. The FAA may

issue a new rulemaking in the future. This rulemaking is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	01/30/95	60 FR 5794
NPRM Comment Period End	05/01/95	
To Be Withdrawn	11/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Project Number: ANM-93-005R.

**Agency Contact:** Mahinder K. Wahi, Transport Airplane Directorate, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, WA 98055  
Phone: 425 227-2142

**RIN:** 2120—AF01**2091. +REVISION OF EMERGENCY EVACUATION DEMONSTRATION PROCEDURES TO IMPROVE PARTICIPANT SAFETY****Priority:** Other Significant

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

**CFR Citation:** 14 CFR 25; 49 CFR 1.47**Legal Deadline:** None

**Abstract:** This action would amend part 25 of the FAR by revising appendix J, Emergency Evacuation, to allow certain alternative procedures in conducting full-scale emergency evacuation demonstrations for transport category airplanes. This is in response to recommendations from the Aviation Rulemaking Advisory Committee. The changes, which are intended to make full-scale emergency evacuation demonstrations safer for participants and to codify existing practices, would also affect manufacturers and operators of transport category airplanes. This action is considered significant because of substantial public interest and safety implications.

**Timetable:**

Action	Date	FR Cite
NPRM	07/18/95	60 FR 36932
Correction	08/25/95	60 FR 44387

Action	Date	FR Cite
NPRM Comment Period End	10/16/95	
Final Action	12/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Project Number: ANM-94-124A

ANALYSIS: Regulatory Evaluation, 07/18/95, 60 FR 36932

**Agency Contact:** Franklin Tiangsing, Regulations Branch, ANM-114, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue SW, Renton, WA 98055-4056  
Phone: 425 227-2121

**RIN:** 2120—AF21**2092. +OVERFLIGHTS OF UNITS OF THE NATIONAL PARK SYSTEM****Priority:** Other Significant

**Legal Authority:** 49 USC 106(g); 49 USC 40103; 49 USC 40113; 49 USC 40120; 49 USC 44101; 49 USC 44701; 49 USC 44702; 49 USC 44705; 49 USC 44709; 49 USC 44711 to 44713; 49 USC 44715; 49 USC 44716; 49 USC 44717; 49 USC 44722; 49 USC 46306

**CFR Citation:** 14 CFR 91; 14 CFR 93; 14 CFR 121; 15 CFR 135**Legal Deadline:** None

**Abstract:** The FAA and National Park Service (NPS) established a joint working group which is tasked with developing a notice of proposed rulemaking to reduce or prevent adverse effects of aircraft noise over our national park system. At the same time, the working group is charged with affording those persons who wish to visit our national parks from the air the opportunity to do so. The working group met from May to November 1997, and developed a concept paper that was approved by the Aviation Rulemaking Advisory Committee and the NPS Advisory Board in December 1997. A notice of proposed rulemaking has been developed and is now being reviewed by the FAA and NPS. In April 1999, the FAA issued a disposition of comments to the ANPRM. That document summarizes those comments to the ANPRM and provides an update to the public on matters concerning air tours over units of the national park

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system. In response to Public Law 106-181, April 5, 2000, the FAA and NPRS developed an NPRM that proposes to codify the language of the legislation and to adopt an altitude that would define a commercial air tour operation. This rulemaking is significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
ANPRM	03/17/94	59 FR 12740
ANPRM Correction	04/01/94	59 FR 15350
ANPRM Comment Period End	06/15/94	
Comment Period End	06/20/94	59 FR 31883
07/15/94		
Notice of Public Meeting	06/06/97	62 FR 31187
Notice of Public Meeting	04/07/98	63 FR 17040
Disposition of Comments	04/09/99	64 FR 17293
NPRM	04/27/01	66 FR 21264
NPRM Comment Period End	06/11/01	
Final Action	11/00/02	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** Refer to 1999 Regulatory Plan entry RIN 2120-AF93, Airspace Management: Special Flight Rules in the Vicinity of the Grand Canyon and also RIN 2120-AG11, Special Flight Rules in the Vicinity of the Rocky Mountain National Park. Project Number: ARM-97-318A

**Agency Contact:** Howard Nesbitt, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591 Phone: 202 493-4981

**RIN:** 2120-AF46

### 2093. REVISED PRECISION APPROACH LANDING SYSTEMS POLICY

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Not Yet Determined

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** This statement announces the FAA's proposed policy for acquisition, installation, maintenance, and decommissioning of the instrument landing system (ILS) and the microwave landing system (MLS)

during the transition to the global positioning system (GPS). The policy statement of December 1989 announced the transition from the ILS to the MLS for precision approach service in the National Airspace System. Since that time, advancement of GPS-based landing system technology has provided a more economical means of providing approach services.

**Timetable:**

Action	Date	FR Cite
Policy Statement	12/27/89	54 FR 53231
Policy Statement	11/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Michael Wedge, Airway Facilities Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591 Phone: 202 267-7848

**RIN:** 2120-AG16

### 2094. +PROHIBITION OF THE TRANSPORTATION OF DEVICES DESIGNED AS CHEMICAL GENERATORS AS CARGO IN AIRCRAFT

**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; 49 USC 44722; 49 USC 46301

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

**Legal Deadline:** None

**Abstract:** The FAA is withdrawing proposed amendments regarding the transportation of devices designed as oxygen generators, including ones that have been discharged and ones that are newly manufactured but not yet charged. After the NPRM was issued, the FAA's concerns were addressed in other regulations or found to be unnecessary. In addition, the FAA is announcing that a proposed amendment to require that unexpired chemical oxygen generators be placed in a central location in an accessible compartment and separated from other cargo in all-cargo operations is being withdrawn because the Research and Special Programs Administration

(RSPA) is considering requiring outer packaging, which would satisfy the intent of the FAA's NPRM.

This rulemaking is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	08/27/98	63 FR 45912
Correction	09/24/98	63 FR 51048
NPRM Comment Period End	10/26/98	
Correction	11/10/98	63 FR 69276
To Be Withdrawn	11/00/02	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** Project Number: AFS-97-065R

**ANALYSIS:** Regulatory Evaluation, 08/27/98, 63 FR 45912

**Agency Contact:** David L. Catey, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591 Phone: 202 267-8166

**RIN:** 2120-AG35

### 2095. +REVISED STANDARDS FOR CARGO OR BAGGAGE COMPARTMENTS IN TRANSPORT CATEGORY AIRPLANES

**Priority:** Other Significant

**Legal Authority:** 49 USC 44715 to 44717; 49 USC 106(g); 49 USC 40113; 49 USC 44701 to 44702; 49 USC 44704; 49 USC 44705; 49 USC 44711 to 44713

**CFR Citation:** 14 CFR 25; 14 CFR 121; 14 CFR 135

**Legal Deadline:** None

**Abstract:** This action upgrades the fire safety standards for cargo or baggage compartments in certain transport category airplanes by eliminating Class D compartments altogether. Compartments that could no longer be designated as Class D would have to meet the standards for Class C or Class E compartments, as applicable. Certain other transport category airplanes that would not have to meet these new standards for type certification would have to meet them for use in air carrier, commuter, on-demand, or commercial service. These improved standards are needed to increase protection from

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possible in-flight fires. This rulemaking is considered significant because of the safety implications.

**Timetable:**

Action	Date	FR Cite
NPRM	06/13/97	62 FR 32412
NPRM Comment Period End	09/11/97	
Final Rule Request for Comments	02/17/98	63 FR 8032
Final Rule Effective	03/19/98	
Final Rule Comment Period End	06/17/98	
To Be Withdrawn	11/00/02	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** Project Number: ANM-97-009R

ANALYSIS: Regulatory Evaluation, 06/13/97, 62 FR 32412

Regulatory Evaluation, 02/17/98, 63 FR 8032

**Agency Contact:** Mahinder K. Wahi, Transport Airplane Directorate, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, WA 98055  
Phone: 425 227-2142

**RIN:** 2120-AG42

**2096. +SCREENING OF CHECKED BAGGAGE ON FLIGHTS WITHIN THE UNITED STATES**

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

**Unfunded Mandates:** This action may affect the private sector under PL 104-4.

**Legal Authority:** 49 USC 106(g); 49 USC 5103; 49 USC 40113; 49 USC 40119; 49 USC 44701 to 44702; 49 USC 44705; 49 USC 44901 to 44905; 49 USC 44907; 49 USC 44913 to 44914; 49 USC 44932; 49 USC 44935 to 44936; 49 USC 46105

**CFR Citation:** 14 CFR 108

**Legal Deadline:** None

**Abstract:** The FAA is proposing the screening or bag matching of passenger-checked baggage on domestic flights by utilizing an FAA-approved Computer Assisted Passenger Screening (CAPS) system. This is in response to a recommendation from the White House Commission on Aviation Safety and Security (the Commission) "Final

Report to President Clinton." The Commission recommended that one of the steps that should be taken to improve airline passenger security is the implementation by the FAA of a computerized system for profiling airline passengers flying out of airports located in the United States. This rulemaking is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	04/19/99	64 FR 19220
Correction	05/03/99	64 FR 23554
Correction	05/28/99	64 FR 28945
Comment Period Extended	06/11/99	64 FR 31686
NPRM Comment Period End	06/18/99	
Comment Period End	08/17/99	
Final Action	11/00/02	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Lon M Siro, Aviation Security Operations Specialist, Department of Transportation, Transportation Security Administration, TSA-7-500, Air Carrier Operations Division, Building 10A, Room 325, 800 Independence Avenue SW, Washington, DC 20591  
Phone: 202 267-9661  
Fax: 202 267-5359  
Email: lon.siro@faa.gov

**RIN:** 2120-AG51

**2097. +POLICY REGARDING AIRPORT RATES AND CHARGES**

**Priority:** Other Significant

**Legal Authority:** 49 USC 47129

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** A statement of policy, Policy Regarding Airport Rates and Charges (Policy Statement), which was required by Congress as part of the DOT Authorization Act of 1994, was published in the Federal Register (61 FR 31994) on June 21, 1996. That Policy Statement announced DOT and FAA policy on the fees charged by federally assisted airports to air carriers and other aeronautical users. This proposed action requests comments on replacement provisions for the portions of the Policy Statement vacated by the United States Court of Appeals for the

District of Columbia Circuit. The Court disallowed a portion of the policy that had to do with historic cost valuation of airport property. DOT and FAA are beginning this proceeding in order to carry out their responsibility to establish reasonableness guidelines for airport fees. This policy is significant due to substantial industry interest. This proposed policy is being withdrawn because the issues are being considered as part of a preliminary Department of Transportation study of congestion pricing at airports.

**Timetable:**

Action	Date	FR Cite
Advance Notice of Proposed Policy	08/12/98	63 FR 43228
Comment Period End	10/13/98	
Comment Period Extended	12/22/98	63 FR 70834
Comment Period End	01/31/99	
To Be Withdrawn	11/00/02	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:** None

**Additional Information:** Citation per reference in abstract paragraph, United States Court of Appeals for the District of Columbia Circuit in *Air Transport Association of America v. Department of Transportation*, 119 F.3d 38 (D.C. Cir. 1997), as modified on rehearing, Order of Oct. 15, 1997. Previous RIN for the Policy Statement published in the Federal Register is 2120-AF90.

**Agency Contact:** Barry Molar, Manager, Airport Compliance Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591  
Phone: 202 267-3446

**RIN:** 2120-AG58

**2098. +CERTIFICATION OF SCREENING COMPANIES**

**Priority:** Other Significant

**Legal Authority:** 49 USC 106(g); 49 USC 5103; 49 USC 40104 to 40105; 49 USC 40113; 49 USC 40119; 49 USC 44701 to 44702; 49 USC 44705; 49 USC 44707; 49 USC 44712; 49 USC 44716 to 44717; 49 USC 44722; 49 USC 44901 to 44905; 49 USC 44906; 49 USC 44907; 49 USC 44913 to 44914

**CFR Citation:** 14 CFR 108; 14 CFR 109; 14 CFR 111; 14 CFR 129

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**Legal Deadline:** None

**Abstract:** This action will require that all companies that perform aviation security screening be certificated by the FAA and meet enhanced requirements. This action is in response to a recommendation by the White House Commission on Aviation Safety and Security and to a congressional mandate in the Federal Aviation Reauthorization Act of 1996. The action is intended to improve the screening of passengers, accessible property, checked baggage, and cargo, and to provide standards for consistent high performance and increased accountability of screening companies. This rulemaking is significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	01/05/00	65 FR 560
NPRM Comment Period End	04/04/00	
Final Action	11/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Project Number: ACP-98-299R.

ANALYSIS: Regulatory Evaluation, 01/05/2000, 65 FR 560

**Agency Contact:** Scott Cummings, Office of Civil Aviation Security, Policy, and Planning, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20951  
Phone: 202 267-3413

**RIN:** 2120-AG84

### 2099. +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

**CFR Citation:** 14 CFR 121; 14 CFR 125**Legal Deadline:** None

**Abstract:** The FAA proposes to amend the digital flight data recorder rules for transport category airplanes to add a requirement for all Boeing 737 (B-737) series airplanes to record additional flight data parameters. This amendment is based on safety recommendations issued by the National Transportation Safety Board following the investigation of the 1994 USAir Flight 427 accident. This rulemaking is significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	11/18/99	64 FR 63139
NPRM Comment Period End	12/20/99	
Final Action	12/00/02	

**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

**Agency Contact:** George Kaseote, Policy and Procedures Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591  
Phone: 202 267-8541

**RIN:** 2120-AG87

### 2100. +TRAFFIC ALERT AND COLLISION AVOIDANCE SYSTEMS

**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

**CFR Citation:** 14 CFR 121; 14 CFR 129**Legal Deadline:** None

**Abstract:** This action proposes to require the installation and use of a traffic alert and collision system (TCAS) on certain cargo airplanes. Current regulations do not require TCAS installation on all-cargo airplanes. However, because the air cargo industry has experienced rapid growth and is increasingly sharing air space with other air carriers, the FAA is proposing this action to minimize the

possibility of midair collisions involving cargo airplanes. This rulemaking proposes that affected airplanes be equipped with TCAS II, or another approved traffic alert and collision avoidance system, as appropriate, no later than October 31, 2003. This action is significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	11/01/01	66 FR 55506
NPRM Comment Period End	12/31/01	
Final Action	12/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Project No. AFS-98-314R

**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-AG90

### 2101. +IMPROVED FLAMMABILITY STANDARDS FOR THERMAL/ACOUSTIC INSULATION MATERIALS USED IN TRANSPORT CATEGORY AIRPLANES

**Regulatory Plan:** This entry is Seq. No. 105 in part II of this issue of the Federal Register.

**RIN:** 2120-AG91

### 2102. FIRE PROTECTION OF ELECTRICAL SYSTEM COMPONENTS ON TRANSPORT CATEGORY AIRPLANES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 106(g); 49 USC 40113; 49 USC 44701; 49 USC 44702; 40 USC 44704

**CFR Citation:** 14 CFR 25**Legal Deadline:** None

**Abstract:** This rulemaking will amend the airworthiness standards for transport category airplanes concerning the protection of electrical system components. This action will eliminate regulatory differences between the airworthiness standards of the U.S. and the Joint Aviation Requirements of

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Europe, without affecting current industry design practices

**Timetable:**

Action	Date	FR Cite
NPRM	05/15/01	66 FR 26964
NPRM Comment Period End	07/16/01	
Final Action	12/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Mahinder K. Wahi, Transport Airplane Directorate, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, WA 98055  
Phone: 425 227-2142

Massoud Sadeghi, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue SW, Renton, WA 98055-4056  
Phone: 425 227-2117

**RIN:** 2120-AG92

### 2103. +CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS (SECTION 610 REVIEW)

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

**Legal Authority:** 42 USC 7572; 49 USC 106(g); 49 USC 40101; 49 USC 40103; 49 USC 40109; 49 USC 40113; 49 USC 44110; 49 USC 44502; 49 USC 44701; 49 USC 44702; 49 USC 44709; 49 USC 44711; 49 USC 44713; 49 USC 44715

**CFR Citation:** 14 CFR 21

**Legal Deadline:** None

**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
Review To Be Completed	11/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Undetermined

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

**RIN:** 2120-AG93

### 2104. +CERTIFICATION OF AIRPORTS

**Regulatory Plan:** This entry is Seq. No. 106 in part II of this issue of the **Federal Register**.

**RIN:** 2120-AG96

### 2105. SPECIAL FLIGHT RULES IN THE VICINITY OF GRAND CANYON NATIONAL PARK

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 106(g); 49 USC 40103; 49 USC 40113; 49 USC 40120; 49 USC 44101; 49 USC 44111; 49 USC 44701; 49 USC 44709; 49 USC 44704; 49 USC 44711; 49 USC 44712; 49 USC 44715; 49 USC 44722; 49 USC 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 48528 to 47531

**CFR Citation:** 14 CFR 91; 14 CFR 93; 14 CFR 121; 14 CFR 135

**Legal Deadline:** None

**Abstract:** This action will further postpone the effective date for the

flight-free zones, Special Flight Rules Area, and corridors portions of the December 31, 1996, Grand Canyon final rule until January 31, 2001. The FAA finds that this rule is needed so that it may issue new regulations that will substantially restore natural quiet to the Grand Canyon National Park.

**Timetable:**

Action	Date	FR Cite
Final Rule Effective	01/31/00	
Final Rule; Request for Comments	02/03/00	65 FR 5396
Comment Period End	03/06/00	
Final Action	11/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Reginald C. Matthews, Office of Air Traffic Airspace Management, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591  
Phone: 202 267-8783

**RIN:** 2120-AG97

### 2106. +FRACTIONAL OWNERSHIP

**Priority:** Other Significant

**Legal Authority:** 49 USC 106(g); 49 USC 1155; 49 USC 40103; 49 USC 40119; 49 USC 40120; 49 USC 44101; 49 USC 44111; 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 to 44904; 49 USC 44912; 49 USC 46105; 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

**CFR Citation:** 14 CFR 61; 14 CFR 91; 14 CFR 125; 14 CFR 135

**Legal Deadline:** None

**Abstract:** The FAA proposes to update and revise the regulations governing operations by aircraft in fractional ownership programs. Current regulations do not adequately define fractional ownership programs nor clearly allocate responsibility and authority for safety and compliance with the regulations. This proposal will define fractional ownership programs and their participants, allocate responsibility and authority for safety of flight operations for purposes of compliance with the regulations, and

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ensure that fractional ownership program aircraft operations maintain a high level of safety. This action is significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	07/18/01	66 FR 37520
NPRM Comment Period End	10/16/01	
Final Action	11/00/02	

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

**Agency Contact:** Katherine Hakala Perfetti, Flight Standards Service, Department of Transportation, Federal Aviation Administration  
Phone: 202 267-3760

**RIN:** 2120-AH06**2107. NOISE CERTIFICATION REGULATIONS FOR HELICOPTERS****Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 4321; 49 USC 106(g); 49 USC 40113; 49 USC 44701 to 44702; 49 USC 44704; 49 USC 44715; PL 96-193; EO 11514

**CFR Citation:** 14 CFR 36**Legal Deadline:** None

**Abstract:** This proposal is based on a joint effort by the FAA, the European Joint Aviation Authorities (JAA), and the Aviation Rulemaking Advisory Committee (ARAC) to harmonize the U.S. noise certification regulations and the European Joint Aviation Requirements (JAR) for helicopters. The proposed changes would provide nearly uniform noise certification standards for helicopters certificated in the U.S., the JAA countries, and other countries that have adopted as their national regulation either the U.S. regulations, the JAA regulations, or the International Civil Aviation Organization standards. The harmonization of the noise certification standards would simplify airworthiness approvals for import and export purposes.

**Timetable:**

Action	Date	FR Cite
NPRM	10/05/00	65 FR 59634
NPRM Comment Period End	01/04/01	
Final Action	11/00/02	

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

**Additional Information:** Project Number: AEE-94-367A.

**Agency Contact:** Sandy Liu, Office of Environment and Energy, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591  
Phone: 202 493-4864

**RIN:** 2120-AH10**2108. ANTIDRUG AND ALCOHOL MISUSE PREVENTION PROGRAMS FOR PERSONNEL ENGAGED IN SPECIFIED AVIATION ACTIVITIES****Priority:** Substantive, Nonsignificant

**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 46301

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

**Abstract:** This action proposes to revise the FAA's Antidrug and Alcohol Misuse Prevention Programs in accordance with changes the Department of Transportation is making to 49 CFR 40. In addition, the FAA proposes some minor revisions to its Antidrug and Alcohol Misuse Prevention Program so that the requirements conform to 14 CFR 67.

**Timetable:**

Action	Date	FR Cite
NPRM	02/28/02	67 FR 9366
NPRM Comment Period End	05/29/02	
NPRM Comment Period Extended	05/29/02	67 FR 37361
NPRM Comment Period End	07/29/02	
Final Action	11/00/02	

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

**Agency Contact:** Diane Wood, Acting Manager, Drug Abatement Branch, Office of Aviation Medicine, Department of Transportation, Federal Aviation Administration, 800

Independence Avenue SW,  
Washington, DC 20591  
Phone: 202 366-6710

**RIN:** 2120-AH14**2109. +CERTIFICATION OF PILOTS, AIRCRAFT, AND REPAIRMEN FOR THE OPERATION OF LIGHT SPORT AIRCRAFT****Priority:** Other Significant

**Legal Authority:** 49 USC 106(g); 49 USC 40103; 49 USC 40105; 49 USC 44101; 49 USC 44111; 49 USC 44701 to 44703; 49 USC 44707; 49 USC 44709 to 44711; 49 USC 44712; 49 USC 44713; 49 USC 44715 to 44717; 49 USC 44722; 49 USC 45102 to 45103; 49 USC 45301 to 45303; 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

**CFR Citation:** 14 CFR 1; 14 CFR 21; 14 CFR 61; 14 CFR 65; 14 CFR 91

**Legal Deadline:** None

**Abstract:** The FAA is proposing to establish the certification and training requirements for pilots and repairmen to operate and maintain light-sport aircraft. The FAA is proposing a new sport pilot certificate and a flight instructor certificate with a sport pilot rating. The FAA also is proposing two new light-sport aircraft airworthiness certificates for existing and newly manufactured light-sport aircraft. In addition, this action proposes a new type of repairman certificate for individuals who would inspect and maintain light-sport aircraft. This action is significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	02/05/02	67 FR 5268
NPRM Comment Period End	05/06/02	
Final Action	12/00/02	

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

**Agency Contact:** Susan Gardner, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591  
Phone: 202 267-3735

**RIN:** 2120-AH19

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**2110. REVISION TO AIRSPEED INDICATING SYSTEM REQUIREMENTS FOR 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 action amends the airworthiness standards for transport category airplanes concerning the airspeed indicating system. This rule adds airspeed indication requirements for speeds greater than and less than the speed range for which airspeed indication accuracy requirements currently apply, would add a requirement that airspeed indications not cause the pilot undue difficulty between the initiation of rotation and the achievement of a steady climbing condition during takeoff, and would also add a requirement to limit the effects of airspeed lag. Adopting this rulemaking eliminates a regulatory difference between the airworthiness standards of the U.S. and the Joint Aviation Requirements of Europe, without affecting current industry design practices.

**Timetable:**

Action	Date	FR Cite
NPRM	05/15/01	66 FR 26948
NPRM Comment Period End	07/16/01	
Final Action	12/00/02	

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

**Agency Contact:** Don Stimson, Flight Test and Systems Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue SW., Renton, WA 98055-4056  
Phone: 425 227-4056

**RIN:** 2120-AH26**2111. ELECTRICAL INSTALLATION, NICKEL CADMIUM BATTERY INSTALLATION, AND NICKEL CADMIUM BATTERY STORAGE****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 action amends the airworthiness standards for transport category airplanes concerning electrical equipment and nickel cadmium battery installations, and nickel cadmium battery storage. This rulemaking eliminates regulatory differences between the airworthiness standards of the U.S. and the Joint Aviation Requirements of Europe, without affecting current industry design practices.

**Timetable:**

Action	Date	FR Cite
NPRM	05/17/01	66 FR 27582
NPRM Comment Period End	07/16/01	
Final Action	12/00/02	

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

**Agency Contact:** Massoud Sadeghi, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue SW, Renton, WA 98055-4056  
Phone: 425 227-2117

**RIN:** 2120-AH27**2112. DESIGN AND INSTALLATION OF ELECTRONIC EQUIPMENT ON 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 action amends the airworthiness standards for transport category airplanes concerning the design and installation of electronic equipment. The rule requires that such equipment be designed and installed so that it does not cause essential loads to become inoperative as a result of

electrical power supply transients or transients from other causes. Adopting this rulemaking would eliminate regulatory differences between the airworthiness standards of the United States and the Joint Aviation Requirements of Europe, without affecting current industry design practices

**Timetable:**

Action	Date	FR Cite
NPRM	05/15/01	66 FR 26956
NPRM Comment Period End	07/16/01	
Final Action	12/00/02	

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

**Agency Contact:** Massoud Sadeghi, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue SW, Renton, WA 98055-4056  
Phone: 425 227-2117

**RIN:** 2120-AH28**2113. ELECTRICAL CABLES****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 amends the airworthiness standards for transport category airplanes concerning electrical cables. This action harmonizes part 25 and JAR-25 requirements concerning cable installations and clarifies the cable design requirements ensuring that the designer considers the critical conditions, routings, and markings of a proper installation. This rulemaking eliminates regulatory differences between the airworthiness standards of the United States and the Joint Aviation Requirements of Europe, without affecting current industry design practices.

**Timetable:**

Action	Date	FR Cite
NPRM	05/15/01	66 FR 26942
NPRM Comment Period End	07/16/01	
Final Action	11/00/02	

**Regulatory Flexibility Analysis Required:** No

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**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Massoud Sadeghi, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue SW, Renton, WA 98055-4056  
Phone: 425 227-2117

**RIN:** 2120—AH29**2114. MATERIAL STRENGTH PROPERTIES AND DESIGN VALUES****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 106(g); 49 USC 40113**CFR Citation:** 14 CFR 25**Legal Deadline:** None

**Abstract:** The FAA proposes to revise the material strength properties and material design values requirement for transport category airplanes by incorporating changes developed in cooperation with the Joint Aviation Authorities of Europe and the U.S. and European aviation industry through the Aviation Rulemaking Advisory Committee. This proposal is intended to achieve common requirements and language between the requirements of the U.S. regulations and the Joint Aviation Requirements of Europe, while maintaining at least the level of safety provided by the current regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	01/29/02	67 FR 4318
NPRM Comment Period End	04/01/02	
Final Action	11/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Project Number: ANM-98-300.

**Agency Contact:** Rich Yarges, Airframe and Airworthiness Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue SW, Renton, WA 98055-4056  
Phone: 425 227-2143

**RIN:** 2120—AH36**2115. REVISIONS TO VARIOUS POWERPLANT INSTALLATION REQUIREMENTS FOR TRANSPORT CATEGORY AIRPLANES****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 106(g); 49 USC 40113**CFR Citation:** 14 CFR 25**Legal Deadline:** None

**Abstract:** This action proposes to revise the standards applicable to thrust or power augmentation systems, fuel filling points, designated fire zones, and powerplant instruments. Adopting this proposal would eliminate regulatory differences between the airworthiness standards of the U.S. and the Joint Aviation Requirements of Europe without affecting current industry design practices.

**Timetable:**

Action	Date	FR Cite
NPRM	01/31/02	67 FR 4856
NPRM Comment Period End	04/01/02	
Final Action	11/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Project Number: ANM-01-467.

**Agency Contact:** Mike McRae, Airframe and Propulsion Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue SW, Renton, WA 98055-4056  
Phone: 425 227-2133

**RIN:** 2120—AH37**2116. LOWER DECK SERVICE COMPARTMENTS ON TRANSPORT CATEGORY AIRPLANES****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 106(g); 49 USC 40113**CFR Citation:** 14 CFR 25**Legal Deadline:** None

**Abstract:** This action proposes to require that two-way voice communication systems between lower deck service compartments and the flight deck remain available following loss of the normal electrical power generating system. Adopting this

proposal would eliminate regulatory differences between the airworthiness standards of the U.S. and the Joint Aviation Requirements of Europe without affecting current industry design practices.

**Timetable:**

Action	Date	FR Cite
NPRM	01/24/02	67 FR 3456
NPRM Comment Period End	03/25/02	
Final Action	11/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Project Number: ANM-00-554.

**Agency Contact:** Jayson Claar, Transport Airplane Directorate, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, WA 98055-4056  
Phone: 425 227-2194

**RIN:** 2120—AH38**2117. MISCELLANEOUS FLIGHT REQUIREMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 106(g); 49 USC 40113**CFR Citation:** 14 CFR 25**Legal Deadline:** None

**Abstract:** The FAA proposes to amend the airworthiness standards for transport category airplanes concerning miscellaneous flight requirements. Adopting this proposal would eliminate regulatory differences between the airworthiness standards of the U.S. and the Joint Aviation Requirements of Europe, without affecting current industry design practices.

**Timetable:**

Action	Date	FR Cite
NPRM	01/14/02	67 FR 1846
NPRM Comment Period End	03/15/02	
Final Action	07/00/03	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Project Number: ANM-00-226.



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**Agency Contact:** Don Stimson, Flight Test and Systems Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue SW., Renton, WA 98055-4056  
Phone: 425 227-4056

**RIN:** 2120-AH39

### 2118. HARMONIZATION OF NOISE CERTIFICATION STANDARDS FOR PROPELLER-DRIVEN SMALL AIRPLANES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 4321; 49 USC 106(g); 49 USC 40113; 49 USC 44701; 49 USC 44702; 49 USC 44704; 49 USC 44715

**CFR Citation:** 14 CFR 36

**Legal Deadline:** None

**Abstract:** This final rule harmonizes two technical items with international regulations to provide uniform noise certification standards for airplanes certificated in the U.S. and JAA (European Joint Aviation Authorities) countries. This will help to simplify airworthiness approvals for import and export purposes. The revisions to these two items will apply only to a small number of older technology airplanes.

#### Timetable:

Action	Date	FR Cite
Final Action	12/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Project Number: AEE-01-134.

**Agency Contact:** Mehmet Marsan, Office of Environment and Energy, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591  
Phone: 202 267-7703

**RIN:** 2120-AH42

### 2119. DIGITAL FLIGHT DATA RECORDER RESOLUTIONS REQUIREMENTS

**Priority:** Substantive, Nonsignificant

**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; 49 USC 44709 to 44713; 49 USC 44715 to 44717; 49 USC 44722; 49 USC 44722; 49 USC 44901; 49 USC 44903 to 44904; 49 USC 44912; 49 USC 46105; 49 USC 44113

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

**Legal Deadline:** None

**Abstract:** This action allows operators of specified airplanes to operate those airplanes under parts 121, 125, or 135 without meeting the resolution requirements for certain parameters of information recorded by flight data recorders. This action is needed to allow operators of these airplanes to continue operating these airplanes with their current recording capabilities until the FAA is able to determine the appropriate remedy for this problem.

#### Timetable:

Action	Date	FR Cite
Final Rule Effective	08/17/01	
Final Rule; Request for Comments	08/22/01	66 FR 44270
Comment Period End	09/21/01	
Final Action	11/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Project Number: AFS-01-551-E.

**Agency Contact:** Gary Davis, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-8166

**RIN:** 2120-AH46

### 2120. +CRIMINAL HISTORY BACKGROUND CHECKS

**Priority:** Other Significant

**Legal Authority:** 49 USC 106(g); 49 USC 5103; 49 USC 40113; 49 USC 40119; 49 USC 44701 to 44702; 49 USC 44706; 49 USC 44901 to 44905; 40 USC 44907; 49 USC 44913 to 44914; 49 USC 44932; 49 USC 44935 to 44936; 49 USC 46105

**CFR Citation:** 14 CFR 107; 14 CFR 108

**Legal Deadline:** None

**Abstract:** This rule requires each airport operator and aircraft operator that has adopted a security program under part 107 and part 108,

respectively, to conduct fingerprint-based criminal history record checks for individuals if they have not already undergone criminal history record checks. This rule will ensure that individuals in these positions do not have disqualifying criminal offenses. This action is significant because of substantial public interest.

#### Timetable:

Action	Date	FR Cite
Final Rule; Request for Comments	12/06/01	66 FR 63473
Final Rule Effective	12/06/01	
Comment Period End	01/07/02	
Comment Period Reopened	01/25/02	67 FR 3810
Comment Period End	03/11/02	
Final Action	11/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Linda Valencia, Office of Civil Aviation Security Policy and Planning, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591  
Phone: 202 267-3413

**RIN:** 2120-AH53

### 2121. FLIGHT RESTRICTIONS IN THE VICINITY OF NIAGARA FALLS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 106(g); 49 USC 40103; 49 USC 40106; 49 USC 40109; 49 USC 40113; 49 USC 44502; 49 USC 444514; 49 USC 44701; 49 USC 44719; 49 USC 46301

**CFR Citation:** 14 CFR 93

**Legal Deadline:** None

**Abstract:** This action proposes to codify current flight restrictions for aircraft operating in U.S. airspace in the vicinity of Niagara Falls, NY. The FAA is proposing this action to complement flight management procedures established for Niagara Falls by Transport Canada.

#### Timetable:

Action	Date	FR Cite
NPRM	09/04/02	67 FR 56740
NPRM Comment Period End	10/21/02	
Final Action	12/00/02	

**Regulatory Flexibility Analysis Required:** No

DOT—FAA

Final Rule Stage

**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Terry Brown,  
Airspace and Rules Division,  
Department of Transportation, Federal  
Aviation Administration, 800  
Independence Avenue SW,  
Washington, DC 20591  
Phone: 202 267-8783

**RIN:** 2120—AH57

### 2122. +SCREENERS, QUALIFICATIONS, TRAINING, AND TESTING

**Priority:** Other Significant

**Legal Authority:** 49 USC 106(g); 49 USC 5103; 49 USC 40104 to 40105; 49 USC 40113; 49 USC 40119; 49 USC 41706; 49 USC 44701 to 44702; 49 USC 44705 to 44706; 49 USC 44712; 49 USC 44716 to 44717; 49 USC 44722; 49 USC 44901 to 44907; 49 USC 44913 to 44914; 49 USC 44935 to 44936; 49 USC 46105

**CFR Citation:** 14 CFR 108; 14 CFR 129; 14 CFR 191

**Legal Deadline:** None

**Abstract:** This final rule provides additional qualifications, training, and testing of individuals who screen persons and property that are carried in passenger aircraft. This action is significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
Final Rule	11/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Scott Cummings,  
Office of Civil Aviation Security,  
Policy, and Planning, Department of  
Transportation, Federal Aviation  
Administration, 800 Independence  
Avenue SW., Washington, DC 20951  
Phone: 202 267-3413

**RIN:** 2120—AH59

### 2123. PROCEDURES FOR REIMBURSEMENT OF AIRPORTS, ON- AIRPORT PARKING LOTS AND VENDORS OF ON-AIRFIELD DIRECT SERVICES TO AIR CARRIERS FOR SECURITY MANDATES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 107-71; 115 Stat. 597

**CFR Citation:** 14 CFR 154**Legal Deadline:** None

**Abstract:** The FAA is proposing procedures for certain operators to apply for reimbursement of allowable costs incurred to comply with certain security requirements imposed by the FAA or Transportation Security Administration on or after September 11, 2001. These procedures are needed to inform airport operations, on-airport parking lots, and vendors of on-airfield direct services to air carriers how to apply for reimbursement of allowable costs.

**Timetable:**

Action	Date	FR Cite
NPRM	12/21/01	66 FR 66238
NPRM Comment Period End	01/22/02	
Final Action	11/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Barry Molar,  
Manager, Airport Compliance Division,  
Department of Transportation, Federal  
Aviation Administration, 800  
Independence Avenue SW,  
Washington, DC 20591  
Phone: 202 267-3446

**RIN:** 2120—AH60

### 2124. +ENHANCED SECURITY PROCEDURES FOR OPERATIONS AT CERTAIN AIRPORTS

**Priority:** Other Significant

**Legal Authority:** 49 USC 106(g); 49 USC 1155; 49 USC 40103; 49 USC 40113; 49 USC 40120; 49 USC 40101; 49 USC 44111; 49 USC 44701; 49 USC 44709; 49 USC 44711; 49 USC 44712; 49 USC 44715; 49 USC 44716; 49 USC 44717; 49 USC 44722; 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

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

**Abstract:** This rule requires any person operating an aircraft to or from College Park Airport, Potomac Airfield, and Washington Executive/Hyde Field to conduct those operations in accordance with security procedures approved by the Administrator. This action is being taken to restore aircraft operations at these airports while attempting to counter possible terrorist threats to the National Capital region. This action is significant because of substantial public interest and safety implications.

**Timetable:**

Action	Date	FR Cite
Final Rule Effective	02/13/02	
Final Rule; Request for Comments	02/19/02	67 FR 7538
Comment Period End	04/22/02	
Final Action	11/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Bruce Landry, Office  
of Civil Aviation Security, Policy, and  
Planning, Department of  
Transportation, Federal Aviation  
Administration, 800 Independence  
Avenue SW., Washington, DC 20591  
Phone: 202 267-8320

**RIN:** 2120—AH62

### 2125. POWERPLANT CONTROLS ON TRANSPORT CATEGORY AIRPLANES, GENERAL

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 14 CFR 25**Legal Deadline:** None

**Abstract:** This rulemaking proposes to amend the airworthiness standards for transport category airplanes concerning design requirements for powerplant valves controlled from the flightdeck. Adopting this proposal would eliminate regulatory differences between the airworthiness standards of the U.S. and the Joint Aviation Requirements of Europe, without affecting current industry design practices.

**Timetable:**

Action	Date	FR Cite
NPRM	05/08/02	67 FR 30820

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## Final Rule Stage

Action	Date	FR Cite
NPRM Comment Period End	07/08/02	
Final Action	11/00/02	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Jennifer Abdul-Wali, Transportation Specialist, Department of Transportation, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-6322

Fax: 202 366-9313

Email: jennifer.abdul-wali@ost.dot.gov

Mike McRae, Airframe and Propulsion Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue SW, Renton, WA 98055-4056  
Phone: 425 227-2133

**RIN:** 2120—AH65**2126. • +REDUCED VERTICAL SEPARATION MINIMUM IN UNITED STATES DOMESTIC AIRSPACE****Priority:** Other Significant**Legal Authority:** 49 USC 106(g); 49 USC 1155; 49 USC 40103; 49 USC 40120; 49 USC 44101; 49 USC 44111; 49 USC 44701; 49 USC 44709; 49 USC 44711; 49 USC 44712; 49 USC 44715; 49 USC 44715; 49 USC 44716; 49 USC 46504; 49 USC 46506 to 46507; 49 USC 47122; 49 USC 47508; 49 USC 47528 to 47531**CFR Citation:** 14 CFR 91**Legal Deadline:** None

**Abstract:** This action proposes to permit Reduced Vertical Separation Minimum flights in the airspace over the contiguous 48 States of the United States and Alaska and that portion of the Gulf of Mexico where the FAA provides air traffic services. This reduction of vertical separation minima would only be applied between those aircraft that meet stringent altimeter and auto-pilot performance requirements. The FAA is proposing this action to enhance airspace capacity and to assist aircraft operators to save fuel and time.

**Timetable:**

Action	Date	FR Cite
NPRM	05/10/02	67 FR 31920
NPRM Comment Period End	08/08/02	
Final Action	12/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Roy Grimes, Technical Programs Division, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591  
Phone: 202 267-3755**RIN:** 2120—AH68**2127. • REPORTS BY CARRIERS ON INCIDENTS INVOLVING ANIMALS DURING AIR TRANSPORT****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 106(g); 49 USC 1153; 49 USC 40101; 49 USC 40102; 49 USC 40103; 49 USC 40113; 49 USC 41721; 49 USC 44105; 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**CFR Citation:** 14 CFR 119**Legal Deadline:** None

**Abstract:** This action implements Section 710 of P.L. 106-181, the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century by requiring air carriers that provide scheduled passenger air transportation to submit monthly to the Secretary of Transportation, through the Animal & Plant Health Inspection Service of the United States Department of Agriculture, a report on any incidents involving the loss, injury, or death of an animal during air transport provided by the air carrier.

**Timetable:**

Action	Date	FR Cite
NPRM	09/27/02	67 FR 61238
NPRM Comment Period Extended to 12/27/2002	10/18/02	67 FR 64331
NPRM Comment Period End	10/28/02	
Final Action	02/00/03	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Anthony Washington, Office of the Chief Counsel, Departmentof Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-3480**RIN:** 2120—AH69**2128. • +SECURITY CONSIDERATIONS FOR THE FLIGHTDECK ON FOREIGN OPERATED TRANSPORT CATEGORY AIRPLANES****Priority:** Other Significant**Legal Authority:** 49 USC 106(g); 49 USC 40104 to 40105; 49 USC 40113; 49 USC 40119; 49 USC 44701 to 44702; 49 USC 44712; 49 USC 44716 to 44717; 49 USC 44722**CFR Citation:** 14 CFR 129**Legal Deadline:** None

**Abstract:** This amendment requires improved flightdeck security and operational procedural changes to prevent unauthorized access to the flightdeck on passenger-carrying aircraft operated by foreign carriers under the provisions of part 129. This amendment applies the same flightdeck security enhancements to foreign air carriers as were previously applied to U.S. air carriers. This action is significant because of safety and substantial public interest.

**Timetable:**

Action	Date	FR Cite
Final Rule	06/21/02	67 FR 42450
Final Rule Effective	06/21/02	
Final Rule	11/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Jeff Gardlin, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue SW, Renton, WA 98055-4056  
Phone: 425 227-2136**RIN:** 2120—AH70**2129. • AIRCRAFT REGISTRATION REQUIREMENTS; CLARIFICATION OF "COURT OF COMPETENT JURISDICTION"****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 106(g); 49 USC 40113 to 40114; 49 USC 44101 to 44108; 49 USC 44703 to 44704; 49

DOT—FAA

Final Rule Stage

USC 44713; 49 USC 45302; 49 USC 46104

**CFR Citation:** 14 CFR 47

**Legal Deadline:** None

**Abstract:** This NPRM proposes to amend language in the aircraft registration regulations governing aircraft last previously registered in a foreign country. This action is needed to clarify the term “court of competent jurisdiction”. This action intends to clearly describe what constitutes satisfactory evidence to the Administrator that foreign registration of an aircraft has ended or is invalid.

**Timetable:**

Action	Date	FR Cite
NPRM	06/17/02	67 FR 41302
NPRM Comment Period End	07/17/02	
Final Action	11/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Julie A. Stanford, Aircraft Regulation Branch, Department of Transportation, Federal Aviation Administration, P.O. Box 25504, Oklahoma City, OK 73125  
Phone: 405 954-3131

**RIN:** 2120—AH75

**2130. ● +PROHIBITION OF CONSTRUCTION OR ALTERATION IN THE VICINITY OF THE PRIVATE RESIDENCE OF THE PRESIDENT OF THE UNITED STATES**

**Priority:** Other Significant

**Legal Authority:** 49 USC 302; 49 USC 322; 49 USC 324

**CFR Citation:** 14 CFR 76

**Legal Deadline:** None

**Abstract:** This final rule will establish a new part 76 under title 14 of the Code of Federal Regulations that prohibits the construction of any new object or the alteration of any existing object that would exceed 50 feet above ground level and is within the vicinity

of the private residence of the President of the United States. The Secretary of Transportation is adopting this final rule as part of his statutory authority to ensure the National security by protecting the area of the private residence of the President of the United States. This action is significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
Final Rule	11/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Sheri Edgett-Baron, Air Traffic Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-9354

**RIN:** 2120—AH83

**2131. ● +REVOCATION OF PILOT CERTIFICATES OR DENIAL OF AN APPLICATION BASED ON SECURITY DISQUALIFICATION**

**Priority:** Other Significant

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

**CFR Citation:** 14 CFR 61

**Legal Deadline:** None

**Abstract:** This action provides the authority to revoke a pilot certificate or deny an application for a pilot certificate based on a written determination by the Under Secretary of Transportation for Security that an individual poses a security risk related to aviation. This final rule addresses the security concerns of who should hold a pilot certificate issued by the FAA and is necessary to enhance security in air transportation. This rulemaking is significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
Final Rule	11/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**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—AH84

**2132. ● FLIGHTDECK SECURITY ON FOREIGN OPERATED AIRPLANES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 106(g); 49 USC 40104 to 40105; 49 USC 40113; 49 USC 40119; 49 USC 41706; 49 USC 44701 to 44702; 49 USC 44716 to 44717; 49 USC 44722; 49 USC 44901 to 44904; 49 USC 44906

**CFR Citation:** 14 CFR 129

**Legal Deadline:** None

**Abstract:** This final rule excludes airplanes with fewer than 19 passenger seats, eliminates the term “or on overflights”, changes the compliance date for affected airplanes, and changes the term “transport category aircraft” to “transport category airplanes”.

**Timetable:**

Action	Date	FR Cite
Final Rule	11/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Brian Staurseth, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 385-4561

**RIN:** 2120—AH86

**Department of Transportation (DOT)**  
**Federal Aviation Administration (FAA)**
**Long-Term Actions**
**2133. IFR ALTITUDES;  
MISCELLANEOUS AMENDMENTS**

**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 for the operation of aircraft under instrument flight rules (IFR) on Federal airways, jet routes, area navigation low or high routes, or other direct routes for which a minimum en route IFR altitude is designated in 14 CFR part 95. In addition, mountainous areas and changeover points are designated. These regulations are an established body of technical requirements that are issued routinely and frequently to maintain operational efficiency. Total actions expected—270. 10/00/2002 - 10/00/2003.

**Timetable:**

Action	Date	FR Cite
Actions Will Continue Through	10/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Michael L. Henry, General Aviation and Commercial Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-8212

Jennifer Abdul-Wali, Transportation Specialist, Department of Transportation, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-6322  
Fax: 202 366-9313  
Email: jennifer.abdul-wali@ost.dot.gov

Don Pate, Mike Monroney Aeronautical Center, Department of Transportation, Federal Aviation Administration, 6500 South MacArthur, Oklahoma City, OK 73125  
Phone: 405 954-4161

**RIN:** 2120-AA63

**2134. 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:** The FAA issues type certificates for "products," which are aircraft, engines, propellers, and some appliances. The FAA issues a regulation called an Airworthiness Directive (AD) to address an unsafe condition in a type certificated product, if that unsafe condition is likely to exist or develop in products of the same type design. Part 39 of title 14 requires each operator of a product affected by an AD to comply with the terms of the AD, in order to operate that product; the AD may mandate operational limitations, maintenance, or alterations for the affected product. The vast majority of routine and frequent Airworthiness Directives are nonsignificant. Total actions expected—540. 10/00/2002 to 10/00/2003.

**Timetable:**

Action	Date	FR Cite
Actions Will Continue Through	10/00/03	

**Regulatory Flexibility Analysis Required:** Undetermined

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

**Government Levels Affected:** None

**Agency Contact:** Jack McGrath, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-9580

**RIN:** 2120-AA64

**2135. STANDARD INSTRUMENT APPROACH PROCEDURES;  
MISCELLANEOUS AMENDMENTS**

**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—3,200. 10/00/2002 - 10/00/2003.

**Timetable:**

Action	Date	FR Cite
Actions Will Continue Through	10/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Michael L. Henry, General Aviation and Commercial Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-8212

Don Pate, Mike Monroney Aeronautical Center, Department of Transportation, Federal Aviation Administration, 6500 South MacArthur, Oklahoma City, OK 73125  
Phone: 405 954-4161

**RIN:** 2120-AA65

**2136. 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:** This is a nonsignificant body of regulations which designates airspace areas, airways, routes, and reporting points to facilitate safe navigation. These regulations are

## DOT—FAA

## Long-Term Actions

technical in nature and are issued routinely and frequently to maintain operational efficiency. Total actions expected—450. 10/00/2002 through 10/00/2003.

**Timetable:**

Action	Date	FR Cite
Actions Will Continue Through	10/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Pat Crawford, Manager, Airspace Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-9255

**RIN:** 2120-AA66

**2137. +DRUG ENFORCEMENT ASSISTANCE**

**Priority:** Other Significant

**Legal Authority:** 49 USC 106(g); 49 USC 5121 to 5124; 49 USC 40113 to 40114; 49 USC 44101 to 44108; 49 USC 44110 to 44111; 49 USC 44702 to 44703; 49 USC 44704; 49 USC 44709 to 44710; 49 USC 44713; 49 USC 46101 to 46110; 49 USC 46301 to 46316; 49 USC 46501 to 46502; 49 USC 46504 to 46507; 49 USC 47106; 49 USC 47111

**CFR Citation:** 14 CFR 13; 14 CFR 47

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

**Abstract:** This action would revise certain requirements concerning registration of aircraft, certification of pilots, and penalties associated with registration and certification violations. This notice also announced new procedures for processing major repair and alteration forms which pertain to fuel system modifications. Actions announced in this notice respond to the FAA Drug Enforcement Assistance Act. The requirements and adopted procedures are intended to assist law enforcement agencies in their efforts to stop drug trafficking in general aviation aircraft. This rulemaking is significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	03/12/90	55 FR 9270

Action	Date	FR Cite
NPRM Comment Period End	05/11/90	
Next Action	Undetermined	

**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** Project No. AFS-89-035R.

ANALYSIS: Regulatory Evaluation, 03/12/90, 55 FR 9270

**Agency Contact:** Sharon Ashford, Registry Modernization Staff, Department of Transportation, Federal Aviation Administration, 6500 South MacArthur Boulevard, Oklahoma City, OK 73125-4939  
Phone: 405 954-7038

**RIN:** 2120-AD16

**2138. TYPE CERTIFICATES FOR SOME SURPLUS AIRCRAFT OF THE ARMED FORCES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7572; 49 USC 106(g); 49 USC 40105; 49 USC 40113; 49 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:** Following World War II, a substantial number of surplus military airplanes were offered for sale to the public in order to meet an increased demand for civilian-use aircraft not being met by the civil aircraft industry. The current regulation permits both type and airworthiness certification for surplus military aircraft based on the particular aircraft's safety record and condition. As military aircraft have become increasingly complex and sophisticated, that practice is no longer acceptable. This action would remove the regulations for issuing type certificates for these surplus aircraft and eliminate references to obsolete standards. Surplus military aircraft would still be certificated in the normal, utility, acrobatic, commuter, transport, and restricted categories upon compliance with the applicable regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	04/21/94	59 FR 19114

Action	Date	FR Cite
NPRM Comment Period End	06/20/94	
Comment Period End	07/07/94	59 FR 34779
Next Action	08/26/94	
Next Action	Undetermined	

**Regulatory Flexibility Analysis Required:** No

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

**Government Levels Affected:** None

**Additional Information:** Project Number: AIR-91-354R.

ANALYSIS: Regulatory Evaluation, 04/21/94, 59 FR 19114

**Agency Contact:** Brian A. Yanez, Policy and Procedures Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-6561

**RIN:** 2120-AE41

**2139. CIVIL PENALTY ASSESSMENT PROCEDURES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 18 USC 6002; 49 USC 106(g); 49 USC 5121 to 5124; 49 USC 40113 to 40114; 49 USC 44103 to 44106; 49 USC 44702 to 44703; 49 USC 44709 to 44710; 49 USC 44713; 49 USC 46101 to 46110; 49 USC 46301 to 46316; 49 USC 46501 to 46502; 49 USC 46504 to 46507; 49 USC 47106; 49 USC 47111; 49 USC 47122

**CFR Citation:** 14 CFR 13

**Legal Deadline:** None

**Abstract:** This action would revise the procedures for the assessment of civil penalties for violations of the Federal Aviation Regulations and other provisions. The procedures proposed would implement the requirements of the FAA Civil Penalty Administrative Assessment Act of 1992, as they modify the procedures for adjudicating a civil penalty against a person acting in the capacity of a pilot, flight engineer, mechanic, or repairman.

**Timetable:**

Action	Date	FR Cite
NPRM	08/05/94	59 FR 40192
NPRM Comment Period End	10/04/94	
Next Action	Undetermined	

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## Long-Term Actions

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

**Additional Information:** Project Number: AGC-93-076R. This rulemaking was considered significant; however, after receiving only two comments on the NPRM issued in 8/94, and the lack of controversy regarding this rule, the FAA does not consider this a significant rulemaking.

**ANALYSIS:** Regulatory Evaluation, 08/05/94, 59 FR 40192

**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-AE84**2140. MISCELLANEOUS CABIN SAFETY CHANGES****Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 46105; 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 action proposes to revise the airworthiness standards for transport category airplanes relating to flight attendant assist space, flight attendant assist handles, door hold open features, outside viewing means, interior compartment doors and portable oxygen equipment. With one exception, these proposals are not the result of any specific incident or recommendation, but are part of the FAA's continuing effort to upgrade the regulations to improve the overall level of safety in areas where the state-of-the-art and good design practice have indicated that such upgrades are warranted. These proposals would result in both new type design regulations as well as requirements applicable to existing designs implemented via the operating rules.

**Timetable:**

Action	Date	FR Cite
NPRM	07/24/96	61 FR 38552

**Action**

NPRM Comment 11/21/96  
Period End  
Next Action Undetermined

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

**Additional Information:** Project Number: ANM-90-016R.

**ANALYSIS:** Regulatory Evaluation, 07/24/96, 61 FR 38552

**Agency Contact:** Jeff Gardlin, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue SW, Renton, WA 98055-4056  
Phone: 425 227-2136

**RIN:** 2120-AF77**2141. BIRD STRIKE****Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 14 CFR 25**Legal Deadline:** None

**Abstract:** This action proposes to develop or revise requirements for the evaluation of transport category airplane structure for in-flight collision with a bird, including the size of the bird and the location of the impact on the airplane. These changes are intended to harmonize the bird strike requirements of the FAR and the Joint Aviation Requirements.

**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None

**Additional Information:** Project Number: ANM-93-762A. This is an Aviation Rulemaking Advisory Committee project.

**Agency Contact:** Bill Perrella, Transport Airplane Directorate, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue SW, Renton, WA 98055-4056  
Phone: 425 227-2116

**RIN:** 2120-AF80**2142. +SECURITY PROGRAMS OF FOREIGN AIR CARRIERS AND FOREIGN OPERATORS OF U.S.-REGISTERED AIR CARRIERS ENGAGED IN COMMON CARRIAGE****Priority:** Other Significant

**Legal Authority:** 49 USC 106(g); 49 USC 40104 to 40105; 49 USC 40113; 49 USC 40119; 49 USC 44701 to 44702; 49 USC 44712; 49 USC 44716 to 44717; 49 USC 44722; 49 USC 44901 to 44904; 49 USC 44906

**CFR Citation:** 14 CFR 129**Legal Deadline:** None

**Abstract:** As an action intended to implement the Antiterrorism and Effective Death Penalty Act of 1996 (PL 104-132, 4/14/96), the FAA is proposing to amend existing airplane operator security rules for foreign air carriers and foreign operators of U.S. registered aircraft. The proposed amendment would require the Administrator to accept a foreign air carrier's program only if the Administrator finds that the security program provides for identical security measures to those provided by U.S. air carriers serving the same airport. The proposed rule will establish the obligation to use identical security measures. The actual measures to be used will be identified through changes to the nonpublic security program of the foreign air carriers. This rule is considered significant due to substantial public interest and concern of foreign governments.

**Timetable:**

Action	Date	FR Cite
NPRM	11/23/98	63 FR 64764
Notice of Public Meeting	11/23/98	63 FR 64764
Second NPRM	03/22/99	64 FR 13880
NPRM Comment Period End	03/23/99	
Second NPRM Comment Period End	05/24/99	
Next Action Undetermined		

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

**Additional Information:** Project Number: ACP-96-363R.

**Agency Contact:** Moira Lozada, Civil Aviation Security Division, Office of Civil Aviation Security Policy, Department of Transportation, Federal

## DOT—FAA

## Long-Term Actions

Aviation Administration, 800

Independence Avenue SW,  
Washington, DC 20591

Phone: 202 267-3373

RIN: 2120-AG13

**Department of Transportation (DOT)  
Federal Aviation Administration (FAA)****Completed Actions****2143. LOW FUEL QUANTITY  
ALERTING SYSTEM****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 106(g); 49  
USC 40113; 49 USC 44701 to 44702;  
49 USC 44704**CFR Citation:** 14 CFR 25**Legal Deadline:** None

**Abstract:** This action would have amended the airworthiness standards for transport category airplanes to require a means to alert the flight crew of potentially unsafe low fuel quantities. There have been several fuel depletion incidents involving loss of power or thrust on all engines that could have resulted in forced landings and injury or loss of life. Most of these incidents resulted from improper fuel management techniques. This proposed amendment would have required new transport category airplane designs to incorporate a low fuel quantity alert system that would have allowed for correction of certain fuel management errors or provide the flight crew the opportunity to make a safe landing prior to engine fuel starvation. This proposed rulemaking is being withdrawn because of technology advances and future harmonization efforts.

**Timetable:**

Action	Date	FR Cite
NPRM	05/12/87	52 FR 17890
NPRM Comment Period End	09/09/87	
Withdrawn	08/22/02	67 FR 54380

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** Docket No.  
25213. Project Number: ANM-83-039R.ANALYSIS: Regulatory Evaluation,  
05/12/87, 52 FR 17890**Agency Contact:** Neil Schalekamp,  
Department of Transportation, Federal  
Aviation Administration, Northwest  
Mountain Region, 1601 Lind Avenue  
SW, Renton, WA 98055-4056

Phone: 425 227-2112

RIN: 2120-AB46

**2144. AIRCRAFT ENGINES: FUEL AND  
INDUCTION SYSTEMS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 106(g); 49  
USC 40113; 49 USC 44701 to 44702;  
49 USC 44704**CFR Citation:** 14 CFR 33**Legal Deadline:** None

**Abstract:** This action would have added a new section 33.35(f) to the Federal Aviation Regulations which would incorporate a requirement for the fuel mixture and throttle controls to automatically move to a position allowing continued safe flight if either control becomes disconnected. Based upon comments and after further analysis, the FAA has withdrawn this rulemaking. There are existing regulations that adequately cover the issues contained in the NPRM, and Advisory Circular No. 20-143, Installation, Inspection, and Maintenance of Controls for General Aviation Reciprocating Aircraft Engines, issued on June 6, 2000, provides additional guidance on maintenance procedures.

**Timetable:**

Action	Date	FR Cite
ANPRM	02/28/86	51 FR 7224
ANPRM Comment Period End	04/29/86	
NPRM	10/20/92	57 FR 47934
NPRM Comment Period End	02/17/93	
Withdrawn	05/02/02	67 FR 22019

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** Project  
Number: ANE-85-002R. Former title:  
Engine Fuel and Induction Systems.ANALYSIS: Regulatory Evaluation,  
10/20/92, 57 FR 47934**Agency Contact:** Locke Easton, Engine  
and Propeller Standards Staff, AircraftCertification Service, Department of  
Transportation, Federal Aviation  
Administration, New England Region,  
12 New England Executive Park,  
Burlington, MA 01803  
Phone: 617 273-7088

RIN: 2120-AB76

**2145. INSTALLATION OF  
CRASHWORTHY FUSELAGE FUEL  
TANKS AND FUEL LINES****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 106(g); 49  
USC 40113; 49 USC 44701 to 44702;  
49 USC 44704**CFR Citation:** 14 CFR 25**Legal Deadline:** NPRM, Statutory,  
February 3, 1989.

**Abstract:** This preliminary action was initiated to determine the feasibility of installing, in all air carrier aircraft, crashworthy fuselage fuel tanks and fuselage fuel lines which are rupture resistant and which disconnect and seal in the event of an accident. This notice solicited public participation in identifying and selecting a regulatory course of action by inviting interested persons to submit specific comments and arguments concerning this proposed regulatory action. Originally this rulemaking was considered significant. However, because there is no substantial public interest, this rulemaking is no longer significant. This rulemaking is withdrawn because of technology advancements.

**Timetable:**

Action	Date	FR Cite
ANPRM	05/02/89	54 FR 18824
ANPRM Comment Period End	10/30/89	
Withdrawn	08/23/02	67 FR 54591

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** Project  
Number: ANM-89-005R.**Agency Contact:** Mike Dostert,  
Transport Airplane Directorate, Aircraft



## DOT—FAA

## Completed Actions

Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue SW, Renton, WA 98055-4056  
Phone: 425 227-2132

RIN: 2120—AC87

### 2146. AIRPLANE ENGINE COWLING RETENTION

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 14 CFR 25

**Legal Deadline:** None

**Abstract:** This action would have amended the airworthiness standards for transport category airplanes to require improved cowling retention devices. A review of a number of inflight incidents where engine cowlings were lost revealed that the largest single cause of such losses was improper latching of the cowlings. If adopted, this proposal would have provided additional design standards to detect improperly latched cowlings and ensure the integrity of the latching system. This proposed rule is being withdrawn because of technology advances and future harmonization efforts.

#### Timetable:

Action	Date	FR Cite
NPRM	09/19/89	54 FR 38610
NPRM Comment Period End	03/19/90	
Withdrawn	08/22/02	67 FR 54379

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Project Number: ANM-87-004R.

**Agency Contact:** Mike McRae, Airframe and Propulsion Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue SW, Renton, WA 98055-4056  
Phone: 425 227-2133

RIN: 2120—AD34

### 2147. +AIRCRAFT GROUND DEICING AND ANTI-ICING PROGRAM

**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

**CFR Citation:** 14 CFR 121

**Legal Deadline:** None

**Abstract:** This action establishes a requirement for part 121 certificate holders to develop an FAA-approved ground deicing/anti-icing program and to comply with that program any time conditions are such that frost, ice, or snow could adhere to the aircraft's wings, control surfaces, or propellers. This action is necessary because several accidents and the recent International Conference on Airplane Ground Deicing indicate that, under present procedures, the pilot in command may be unable to effectively determine whether critical airplane components are free of all frost, ice, or snow prior to attempting a takeoff. The action provides an added level of safety to flight operations in adverse weather conditions and is considered significant because of its safety implications.

#### Timetable:

Action	Date	FR Cite
NPRM	07/23/92	57 FR 32846
NPRM Comment Period End	08/07/92	
Interim Final Rule	09/29/92	57 FR 44924
Interim Final Rule Effective	11/01/92	
Interim Final Rule Correction	11/09/92	57 FR 53385
Final Rule Effective	11/09/92	
Interim Final Rule Comment Period End	04/15/93	
Final Rule	08/27/02	67 FR 54946

**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** Project Number: AFS-92-280-R.

A proposed advisory circular providing guidance on the program elements that should be included in an air carrier's approved ground deicing and anti-icing program was published September 29,

1992, requesting comments (57 FR 44944).

Various documents of this proceeding were erroneously published under RIN 2120-AE51.

**ANALYSIS:** Regulatory Evaluation, 09/29/92, 57 FR 44924

**Agency Contact:** James Gardner, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591  
Phone: 202 267-9579

RIN: 2120—AE70

### 2148. FLIGHT ATTENDANT ENGLISH LANGUAGE PROFICIENCY

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 106(g); 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 to 44711; 49 USC 44712; 49 USC 44713; 49 USC 44715; 49 USC 44716 to 44717; 49 USC 44722

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

**Legal Deadline:** None

**Abstract:** The FAA has reviewed the Aviation Rulemaking Advisory Committee recommendation to proceed with this rulemaking. The FAA has determined that it would be most appropriate to address the flight attendant English language issue in the overall context of crew training. Therefore, because the FAA will incorporate the flight attendant English language issue into the proposed revision of part 121 subpart N and O notice of proposed rulemaking, this rulemaking entry is withdrawn.

#### Timetable:

Action	Date	FR Cite
ANPRM	04/18/94	59 FR 18456
ANPRM Comment Period End	07/18/94	
Withdrawn	05/02/02	67 FR 22020

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Project Number: AFS-93-745A

**Agency Contact:** Cindy Nordlie, Office of Rulemaking, Department of

## DOT—FAA

## Completed Actions

Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-7627

RIN: 2120—AE98

#### 2149. +TRAINING AND CHECKING IN GROUND ICING CONDITIONS

**Priority:** Other Significant

**Legal Authority:** 49 USC 106(g); 49 USC 40113; 49 USC 44701 to 44702; 49 USC 44705; 49 USC 44710 to 44711; 49 USC 44712; 49 USC 44713; 49 USC 44715; 49 USC 44716 to 44717; 49 USC 44722

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

**Legal Deadline:** None

**Abstract:** This amendment requires parts 125 and 135 certificate holders to provide pilot training or testing in ground deicing/anti-icing procedures and to check the airplane for contamination by frost, ice, or snow during ground icing conditions. The proposal is intended to provide an added level of safety to flight operations in adverse weather conditions under parts 125 and 135. This rulemaking is significant because it affects a substantial portion of the aviation industry.

#### Timetable:

Action	Date	FR Cite
NPRM	09/21/93	58 FR 49164
NPRM Comment Period End	10/06/93	
Interim Final Rule	12/30/93	58 FR 69620
Advisory Circular Published	12/30/93	58 FR 69631
Interim Final Rule Effective	01/31/94	58 FR 69620
Final Action Effective	01/31/94	
Final Action	08/27/02	67 FR 54946

#### Regulatory Flexibility Analysis

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** Project Number: AFS-93-459R

ANALYSIS: Regulatory Evaluation, 12/30/93, 58 FR 69620

**Agency Contact:** James Gardner, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591  
Phone: 202 267-9579

RIN: 2120—AF09

#### 2150. LOS ANGELES, CA, CLASS B AIRSPACE

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 14 CFR 71

**Legal Deadline:** None

**Abstract:** This final rule alters the Los Angeles, CA, Class B airspace area. This action lowers certain ceilings while raising others to provide more visual flight rules altitudes to circumnavigate the Los Angeles Class B airspace and to provide for better containment of arriving turbojets. This action will be handled as a routine airspace action.

#### Timetable:

Action	Date	FR Cite
NPRM	11/22/94	59 FR 60244
NPRM Comment Period End	01/23/95	
Final Action	12/19/96	61 FR 66902
Final Action Effective	07/17/97	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Project Number: ATP-94-035T

RIN 2120-AF38 was inadvertently used when this rulemaking was published in the Federal Register on November 22, 1994. The correct RIN is 2120-AF16.

RIN 2120-AA66 was inadvertently used when the final rule was published in the Federal Register on December 19, 1996. This error was recently discovered and the rulemaking is now completed.

**Agency Contact:** William C. Nelson, Airspace and Obstruction Evaluation Branch, Air Traffic Rules and Procedures Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-9295

RIN: 2120—AF16

#### 2151. REVISION OF BRAKING SYSTEMS AIRWORTHINESS STANDARDS TO HARMONIZE WITH EUROPEAN AIRWORTHINESS STANDARDS FOR 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 action revises the airworthiness standards for transport category airplanes to harmonize braking systems design and test requirements in cooperation with the Joint Aviation Authorities of Europe, Transport Canada, and the U.S. and European aviation industry through the Aviation Rulemaking Advisory Committee.

#### Timetable:

Action	Date	FR Cite
NPRM	08/10/99	64 FR 43570
Correction	08/20/99	64 FR 45589
NPRM Comment Period End	11/08/99	
SNPRM	12/18/00	65 FR 79278
SNPRM Comment Period End	02/16/01	
Final Action	04/24/02	67 FR 20414
Final Action Effective	05/24/02	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Project Number: ANM-98-302A.

ANALYSIS: Regulatory Evaluation, 08/10/99, 64 FR 43570

**Agency Contact:** Mahinder K. Wahi, Transport Airplane Directorate, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, WA 98055  
Phone: 425 227-2142

RIN: 2120—AG80

#### 2152. NOISE CERTIFICATION STANDARDS FOR SUBSONIC JET AIRPLANES AND SUBSONIC TRANSPORT CATEGORY LARGE AIRPLANES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 4321; 49 USC 106(g); 49 USC 40113; 49 USC 44701 to 44702; 49 USC 44704; 49 USC 44715

## DOT—FAA

## Completed Actions

**CFR Citation:** 14 CFR 36

**Legal Deadline:** None

**Abstract:** This action makes changes to the noise certification standards for subsonic jet airplanes and subsonic transport category large airplanes. These changes are based on the joint effort of the FAA, the European Joint Aviation Authorities (JAA), and Aviation Rulemaking Advisory Committee (ARAC), to harmonize the U.S. noise certification regulations and the European Joint Aviation Requirements for subsonic jet airplanes and subsonic transport category large airplanes. These changes would provide nearly uniform noise certifications standards for airplanes certificated in the U.S. and in the JAA countries. The harmonization of the noise certification standards would simplify airworthiness approvals for import and export purposes.

**Timetable:**

Action	Date	FR Cite
NPRM	07/11/00	65 FR 42796
NPRM Comment Period End	10/10/00	
Final Rule	07/08/02	67 FR 45194
Final Rule Effective	08/07/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** James Skalecky, Office of Environment and Energy, Department of Transportation, Federal Aviation Administration  
Phone: 202 267-3699

**RIN:** 2120-AH03

**2153. ALCOHOL AND DRUG MISUSE PREVENTION PROGRAMS FOR PERSONNEL ENGAGED IN SPECIFIED AVIATION ACTIVITIES**

**Priority:** Substantive, Nonsignificant

**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 46301

**CFR Citation:** 14 CFR 121

**Legal Deadline:** None

**Abstract:** This action eliminates the need for approval by FAA of antidrug

program and alcohol misuse prevention program plans and deletes periodic drug testing requirement, and changes the pre-employment testing requirements to require pre-hire rather than preemployment drug testing. This action will also make other minor or terminological changes to the regulations. The FAA believes that changing or eliminating these requirements would not compromise safety and would lessen a burden on the regulated public.

**Timetable:**

Action	Date	FR Cite
NPRM	04/30/01	66 FR 21492
NPRM Comment Period End	06/14/01	
Final Rule Effective	08/01/01	
Final Rule	08/09/01	66 FR 41959
Final Rule; Technical Amendment	11/19/01	66 FR 57865
Final Rule Effective	11/19/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Diane Wood, Acting Manager, Drug Abatement Branch, Office of Aviation Medicine, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591  
Phone: 202 366-6710

**RIN:** 2120-AH15

**2154. AIRWORTHINESS DIRECTIVES**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 14 CFR 39

**Legal Deadline:** None

**Abstract:** This final rule incorporates several standard provisions previously included in most airworthiness directive into the Code of Federal Regulations. The FAA will no longer include these provisions in individual airworthiness directives. This will shorten individual airworthiness directives, making them easier for readers to use. Also, the FAA is proposing this regulation in plain language. The regulation has been reworded and reorganized using plain language techniques.

**Timetable:**

Action	Date	FR Cite
Final Rule	07/22/02	67 FR 47998
Final Rule Effective	08/21/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Donald P. Byrne, Assistant Chief Counsel, Regulations Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591  
Phone: 202 267-3073

**RIN:** 2120-AH17

**2155. POWERED LIFT OPERATIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 106(g); 49 USC 40101; 49 USC 40102; 49 USC 40103; 49 USC 40113; 49 USC 40120; 49 USC 44106; 49 USC 44111; 49 USC 44701; 49 USC 44702; 49 USC 44705; 49 USC 44707; 49 USC 44709; 49 USC 44711; 49 USC 44712; 49 USC 44713; 49 USC 44715; 49 USC 44716; 49 USC 44717; 49 USC 44722; 49 USC 44722; 49 USC 44901; 49 USC 44903; 49 USC 44904; 49 USC 46506 to 46507; 49 USC 47122; 49 USC 47508; 49 USC 47528 to 47531

**CFR Citation:** 14 CFR 1; 14 CFR 43; 14 CFR 61; 14 CFR 91; 14 CFR 119; 14 CFR 133; 14 CFR 135; 14 CFR 145

**Legal Deadline:** None

**Abstract:** The FAA was proposing to amend its regulations to cover powered-lift aircraft, a new category of aircraft that can perform as an airplane and a helicopter. This action was necessary because, as a new category of aircraft, powered-lift aircraft cannot operate under the regulations that govern airplanes or helicopters. The intended effect of this action was to allow the operation of powered-lift aircraft under FAA regulations. The FAA is reviewing the scope and priority of this rulemaking. Therefore, this action is withdrawn.

**Timetable:**

Action	Date	FR Cite
Withdrawn	08/22/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

## DOT—FAA

## Completed Actions

**Government Levels Affected:** None

**Agency Contact:** William H. Wallace, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591  
Phone: 202 267-3771

**RIN:** 2120-AH20

**2156. TRANSITION TO AN ALL STAGE 3 FLEET OPERATING IN THE 48 CONTIGUOUS UNITED STATES AND THE DISTRICT OF COLUMBIA**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 46 USC 106(g); 49 USC 1155; 49 USC 40103; 49 USC 40113; 49 USC 40120; 49 USC 44101; 49 USC 44111; 49 USC 44701; 49 USC 44709; 49 USC 44711; 49 USC 44712; 49 USC 44715; 49 USC 44716; 49 USC 44717; 49 USC 44722; 49 USC 46306; 49 USC 46315; 49 USC 46316; 49 USC 46504; 49 USC 46506; 49 USC 46507; 49 USC 47122; z49 USC 47508; 49 USC 47528 to 487531

**CFR Citation:** 14 CFR 91

**Legal Deadline:** None

**Abstract:** This final rule removes outdated language, revises several sections, and adds one new section to the noise operating regulations. Some revisions are a result of recent statutory changes to the Airport Noise and Capacity Act. The new section defines specific filing procedures and criteria for special flight authorizations. These revisions will make the noise operating regulations consistent with recent statutory provisions.

**Timetable:**

Action	Date	FR Cite
Final Rule	07/15/02	67 FR 46568
Final Rule Effective	07/15/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Project Number: AEE-00-159.

**Agency Contact:** Laurie Fisher, Policy and Regulatory Division, Office of Environment and Energy, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591  
Phone: 202 267-3561

**RIN:** 2120-AH41

**2157. ENDURING FREEDOM SPECIAL FEDERAL AVIATION REGULATION (SFAR)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1422; 49 USC 1427

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

**Legal Deadline:** None

**Abstract:** The FAA is issuing a Special Federal Aviation Regulation (SFAR) that allows Flight Standards District Offices (FSDO) to accept expired flight instructor certificates and inspection authorizations for renewals from civilian and military personnel who serve in Operation Enduring Freedom. The effect of this action is to give these airmen extra time to meet certain eligibility requirements in the current rules.

**Timetable:**

Action	Date	FR Cite
Final Rule	05/06/02	67 FR 30524
Final Rule Effective	05/06/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**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-AH58

**2158. • REVISIONS TO DIGITAL FLIGHT DATA RECORDER REQUIREMENTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 106(g); 49 USC 40105; 49 USC 40113; 49 USC 44701 to 44702; 49 USC 44707; 49 USC 44709; 49 USC 44711 to 44713; 49 USC 44716 to 44717; 49 USC 44722; 49 USC 44901; 49 USC 44903 to 44904; 49 USC 44912; 49 USC 46105

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

**Legal Deadline:** None

**Abstract:** This action amends the digital flight data recorder (DFDR) regulations by expanding the recording ranges of two data parameters for all covered airplanes. This amendment is necessary because certain airplanes are

unable to record the two flight parameters within the regulation's resolution criteria without undergoing unintended and expensive retrofit. The changes to the rule are minor, and the affected airplanes already record flight data at a level considered satisfactory for accident investigation purposes.

**Timetable:**

Action	Date	FR Cite
Final Rule Effective	08/20/02	
Final Rule	08/21/02	67 FR 54320

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Forest Rawls, Office of Rulemaking, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20951  
Phone: 202 267-8033

Gary Davis, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-8166

**RIN:** 2120-AH81

**2159. • EQUIVALENT SAFETY PROVISIONS FOR FUEL TANK SYSTEM FAULT TOLERANCE EVALUATION REQUIREMENTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 106(g); 49 USC 40113; 49 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 action adds a provision to the existing requirements for fuel tank system fault tolerance evaluations to allow certificate holders to use equivalent safety provisions for demonstrating compliance. Current regulations do not provide such provisions. This final rule will allow current certificate holders to use the same equivalent safety provisions already available to applicants for new or changed type design approval.

**Timetable:**

Action	Date	FR Cite
Final Rule Effective	08/30/02	

## DOT—FAA

## Completed Actions

Action	Date	FR Cite
Final Rule	09/10/02	67 FR 57490
Final Rule Comment Period End	10/10/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No  
**Government Levels Affected:** None  
**Agency Contact:** Mike Dostert, Transport Airplane Directorate, Aircraft Certification Service, Department of Transportation, Federal Aviation

Administration, Northwest Mountain Region, 1601 Lind Avenue SW, Renton, WA 98055-4056  
 Phone: 425 227-2132

**RIN:** 2120-AH85

## Department of Transportation (DOT)

## Proposed Rule Stage

## Federal Highway Administration (FHWA)

## 2160. ADVANCED CONSTRUCTION OF FEDERAL AID PROJECTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 23 USC 101(a); 23 USC 104 to 106; 23 USC 109; 23 USC 110; 23 USC 113; 23 USC 115; 23 USC 118; 23 USC 120(e); 23 USC 121(c); 23 USC 125; 23 USC 134; 23 USC 315; 23 USC 320

**CFR Citation:** 23 CFR 630; 23 CFR 1.32; 49 CFR 1.48

**Legal Deadline:** None

**Abstract:** The FHWA is proposing to revise the existing regulations that prescribe policies and procedures for advancing the construction of Federal-aid highway projects without obligating Federal funds apportioned or allocated to the States. These regulations should be revised to conform to changes made to title 23, United States Code, by technical amendments in the Transportation Equity Act of the 21st Century (TEA-21), Pub. L. 105-178, and changes made by the National Highway System Designation Act of 1995 (NHS), Pub. L. 104-59.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	07/19/95	60 FR 36991
Interim Final Rule Comment Period End	09/18/95	
NPRM	12/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State

**Agency Contact:** Max Inman, Office of Budget and Finance, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590  
 Phone: 202 366-2853

**RIN:** 2125-AD59

## 2161. WORK ZONE MOBILITY AND SAFETY

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 23 USC 105; 23 USC 106; 23 USC 109; 23 USC 110; 23 USC 115; 23 USC 315; 23 USC 320; PL 102-240, sec 1051; PL 104-59, sec 358

**CFR Citation:** 23 CFR 636; 23 CFR 1.32; 49 CFR 1.48; 23 CFR 630

**Legal Deadline:** None

**Abstract:** The FHWA is proposing to amend its regulations on traffic safety and mobility in highway and street work zones. Section 1051 of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) required the Secretary of Transportation (Secretary) to develop and implement a highway work zone safety program which would improve work zone safety at highway construction sites. This provision of ISTEA was implemented through non-regulatory action.

A notice published in the Federal Register on October 24, 1995 (60 FR 54562) provided an outline of the work zone safety initiative.

The current proposed regulatory action will further enhance the work zone safety initiative by expanding its focus to include both safety and mobility. The proposed action will incorporate the use of new work zone techniques and technologies, update current policy and regulation, and emphasize issues affecting the safety and mobility of highway workers and highway users.

**Timetable:**

Action	Date	FR Cite
ANPRM	02/06/02	67 FR 5532
ANPRM Comment Period End	06/06/02	
Notice of Public Meetings	08/09/02	67 FR 51802
NPRM	06/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Scott Battles, Office of Transportation Operations, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590  
 Phone: 202 366-4372

**RIN:** 2125-AE29

## 2162. +FEDERAL LANDS HIGHWAY PROGRAM; MANAGEMENT SYSTEMS PERTAINING TO THE NATIONAL PARK SERVICE, INCLUDING THE PARK ROADS AND PARKWAYS PROGRAM

**Priority:** Other Significant

**Legal Authority:** 23 USC 134; 23 USC 135; 23 USC 204; 23 USC 315; PL 105-178

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** The FHWA was delegated the authority to serve as the lead agency to develop transportation planning procedures pertaining to the National Park Service, the Forest Service, the Fish and Wildlife Service and the Bureau of Indian Affairs that are consistent with the metropolitan and statewide transportation planning processes. The FHWA and the appropriate Federal land management agencies are also given the authority to develop safety, bridge, pavement, and congestion management systems for roads funded under the Federal lands highways program (FLHP). The roads funded under the FLHP include park roads and parkways, forest highways, refuge roads and Indian reservation roads.

The FHWA sought public comment on four related ANPRMs that were published on September 1, 1999. The comment period closed on November 1, 1999. Six organizations provided comments on the ANPRM pertaining to

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the National Park Service (NPS) and the park roads and parkways program. The comments generally supported the development of a separate rule for each agency including one for the NPS. In an NPRM, the FHWA will seek public comment on a proposed rule to implement section 1115(d) of the Transportation Equity Act for the 21st Century (TEA-21) implementing safety, bridge, pavement, and congestion management systems developed by FHWA's Federal Lands Highway program office in consultation with the NPS. The NPRM is designated as significant under E.O. 12866 and the DOT regulatory policies and procedures because of the high level of interagency interest in the notices and involved program. The transportation planning procedures will be addressed in a separate NPRM.

**Timetable:**

Action	Date	FR Cite
ANPRM	09/01/99	64 FR 47749
ANPRM Comment Period End	11/01/99	
NPRM	11/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Butch Wlaschin, Federal Lands Highway Office, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-9486

**RIN:** 2125-AE52

**2163. +FEDERAL LANDS HIGHWAY PROGRAM; MANAGEMENT SYSTEMS PERTAINING TO THE BUREAU OF INDIAN AFFAIRS, INCLUDING THE INDIAN RESERVATIONS ROAD PROGRAM**

**Priority:** Other Significant

**Legal Authority:** 23 USC 315; PL 105-178; 23 USC 134; 23 USC 135; 23 USC 204

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** The FHWA was delegated the authority to serve as the lead agency to develop transportation planning procedures pertaining to the National Park Service, the Forest Service, the Fish and Wildlife Service and the Bureau of Indian Affairs that are

consistent with the metropolitan and statewide transportation planning processes. The FHWA and the appropriate Federal land management agencies are also given the authority to develop safety, bridge, pavement, and congestion management systems for roads funded under the Federal lands highways program (FLHP). The roads funded under the FLHP include park roads and parkways, forest highways, refuge roads and Indian reservation roads.

The FHWA sought public comment on four related ANPRMs that were published on September 1, 1999. The comment period closed on November 1, 1999. Eight organizations provided comments on the ANPRM pertaining to the Bureau of Indian Affairs (BIA) and the Indian reservation roads program. The comments generally supported the development of a separate rule for each agency including one for the BIA. In an NPRM, the FHWA will seek public comment on a proposed rule to implement section 1115(d) of the Transportation Equity Act for the 21st Century (TEA-21), for the proposed safety, bridge, pavement, and congestion management systems developed by FHWA's Federal Lands Highway program office in consultation with the BIA. The NPRM is designated as significant under E.O. 12866 and the DOT regulatory policies and procedures because of the high level of interagency interest in the notices and involved program. The transportation planning procedures will be addressed in a separate NPRM.

**Timetable:**

Action	Date	FR Cite
ANPRM	09/01/99	64 FR 47746
ANPRM Comment Period End	11/01/99	
NPRM	11/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Butch Wlaschin, Federal Lands Highway Office, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-9486

**RIN:** 2125-AE53

**2164. +FEDERAL LANDS HIGHWAY PROGRAM; MANAGEMENT SYSTEMS PERTAINING TO THE FISH AND WILDLIFE SERVICE, INCLUDING THE REFUGE ROADS PROGRAM**

**Priority:** Other Significant

**Legal Authority:** 23 USC 134; 23 USC 135; 23 USC 204; 23 USC 315; PL 105-178

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** The FHWA was delegated the authority to serve as the lead agency to develop transportation planning procedures pertaining to the National Park Service, the Forest Service, the Fish and Wildlife Service and the Bureau of Indian Affairs that are consistent with the metropolitan and statewide transportation planning processes. The FHWA and the appropriate Federal Land Management agencies are also given the authority to develop safety, bridge, pavement, and congestion management systems for roads funded under the Federal lands highways program (FLHP). The roads funded under the FLHP include park roads and parkways, forest highways, refuge roads and Indian reservation roads.

The FHWA sought public comment on four related ANPRMs that were published on September 1, 1999. The comment period closed on November 1, 1999. Six organizations provided comments on the ANPRM pertaining to the Fish and Wildlife Service (FWS) and the refuge roads program. The comments generally supported the development of a separate rule for each agency including one for the FWS. In an NPRM, the FHWA will seek public comment on a proposed rule to implement section 1115(d) of the Transportation Equity Act for the 21st Century (TEA-21) for the proposed safety, bridge, pavement and congestion management systems developed by FHWA's Federal Lands Highway program office in consultation with the FWS. The NPRM is designated as significant under E.O. 12866 and the DOT regulatory policies and procedures because of the high level of interagency interest in the notices and involved program. The transportation planning procedures will be addressed in a separate NPRM.

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**Timetable:**

Action	Date	FR Cite
ANPRM	09/01/99	64 FR 47741
ANPRM Comment Period End	11/01/99	
NPRM	11/00/02	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

**Agency Contact:** Butch Wlaschin, Federal Lands Highway Office, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-9486

RIN: 2125-AE54

### 2165. +FEDERAL LANDS HIGHWAY PROGRAM; MANAGEMENT SYSTEMS PERTAINING TO THE FOREST SERVICE, INCLUDING THE FOREST HIGHWAYS PROGRAM

Priority: Other Significant

**Legal Authority:** 23 USC 135; 23 USC 204; 23 USC 315; PL 105-178; 23 USC 134

CFR Citation: Not Yet Determined

Legal Deadline: None

**Abstract:** The FHWA was delegated the authority to serve as the lead agency to develop transportation planning procedures pertaining to the National Park Service, the Forest Service, the Fish and Wildlife Service and the Bureau of Indian Affairs that are consistent with the metropolitan and statewide transportation planning processes. The FHWA and the appropriate Federal land management agencies are given the authority to develop safety, bridge pavement, and congestion management systems for roads funded under the Federal lands highways program. The roads funded under the FLHP include park roads and parkways, forest highways, refuge roads and Indian reservation roads.

The FHWA sought public comment on four related ANPRMs that were published on September 1, 1999. The comment period closed on November 1, 1999. Seven organizations provided comments on the ANPRM pertaining to the Forest Service (FS) and the forest highway program. The comments generally supported the development of a separate rule for each agency including one for the FS. In an NPRM,

the FHWA will seek public comment on a proposed rule to implement section 1115(d) of the Transportation Equity Act for the 21st Century (TEA-21) for the proposed safety, bridge, pavement and congestion management systems developed by FHWA's Federal Lands Highway program office in consultation with the FS. The NPRM is designated as significant under E.O. 12866 and the DOT regulatory policies and procedures because of the high level of interagency interest in the notices and involved program. The transportation planning procedures will be addressed in a separate NPRM.

**Timetable:**

Action	Date	FR Cite
ANPRM	09/01/99	64 FR 47744
ANPRM Comment Period End	11/01/99	
NPRM	11/00/02	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

**Agency Contact:** Butch Wlaschin, Federal Lands Highway Office, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-9486

RIN: 2125-AE55

### 2166. REVISION OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES; TRAFFIC CONTROL DEVICES ON FEDERAL-AID AND OTHER STREETS AND HIGHWAYS; STANDARDS

Priority: Substantive, Nonsignificant

**Legal Authority:** 23 USC 101(a); 23 USC 104; 23 USC 109(d); 23 USC 114(a); 23 USC 217; 23 USC 315; 23 USC 402(a)

**CFR Citation:** 23 CFR 1.32; 49 CFR 1.48(b)

Legal Deadline: None

**Abstract:** The MUTCD is incorporated by reference in 23 CFR part 655, subpart F, and is recognized as the national standard for traffic control devices on all public roads. Due to the reorganization of the FHWA and the deletion of 23 CFR 1204.4 by the National Highway Traffic Safety Administration (NHTSA), 23 CFR part 655.603 is outdated. The proposed

amendments included herein will bring 23 CFR part 655 up to date.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

**Agency Contact:** Ernest D.L. Huckaby, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-9064

RIN: 2125-AE78

### 2167. +NATIONAL BRIDGE INSPECTION STANDARDS

Priority: Other Significant

Unfunded Mandates: Undetermined

**Legal Authority:** 23 USC 109(a); 23 USC 109(h); 23 USC 144; 23 USC 151; 23 USC 315; 23 USC 319; EO 11988;

...

**CFR Citation:** 23 CFR 650; 23 CFR 1.32; 49 CFR 1.48(b)

Legal Deadline: None

**Abstract:** The FHWA solicited comments on whether its regulation on National Bridge Inspection Standards (NBIS) should be revised and updated. The FHWA asked in an ANPRM whether there is a need to update the regulations to incorporate current, state of the art bridge inspection practices which public authorities may be using. A public authority means a Federal, State, county, town, or township, Indian tribe, municipal or other local government or instrumentality with the authority to finance, build, operate, or maintain toll or toll-free facilities. The primary purpose of the NBIS is to identify bridges that need work to ensure the safety of the traveling public. The NBIS regulation was last updated 14 years ago. Based on the comments received to the ANPRM, the FHWA plans to propose to revise its regulation on the NBIS.

**Timetable:**

Action	Date	FR Cite
ANPRM	09/26/01	66 FR 49154
ANPRM Comment Period End	12/26/01	
NPRM	02/00/03	

**Regulatory Flexibility Analysis**

Required: No

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Proposed Rule Stage

**Government Levels Affected:**

Undetermined

**Federalism:** Undetermined

**Agency Contact:** Wade F. Casey,  
Department of Transportation, Federal  
Highway Administration, 400 Seventh  
Street, SW., Washington, DC 20590  
Phone: 202 366-9487

**RIN:** 2125-AE86**2168. DEBT FINANCING****Priority:** Substantive, Nonsignificant**Legal Authority:** 23 USC 122**CFR Citation:** 23 CFR 140**Legal Deadline:** None

**Abstract:** In this action, the FHWA proposes to amend its regulation on reimbursement for bond issue projects to implement the changes made to 23 USC 122 by the National Highway System Designation Act of 1995 (NHS) (Pub. L. 104-59, November 28, 1995, 109 Stat. 568). Section 311 of the NHS amended 23 USC 122 to make debt financing costs related to title 23 projects eligible for Federal reimbursement.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/03	

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

**Agency Contact:** Dale M. Gray,  
Federal-Aid Financial Management  
Division, Department of Transportation,  
Federal Highway Administration, Room  
4313, 400 Seventh Street, SW.,  
Washington, DC 20590  
Phone: 202 366-0978

**RIN:** 2125-AE91**2169. +DESIGNATION OF DROMEDARY-EQUIPPED TRUCK TRACTOR-SEMITRAILERS AS SPECIALIZED EQUIPMENT****Priority:** Other Significant**Legal Authority:** 49 USC 31111(g)**CFR Citation:** 23 CFR 658**Legal Deadline:** None

**Abstract:** The FHWA is requesting comments on this proposal, which would designate dromedary-equipped truck tractor-semitrailers, when hauling munitions for the Department of Defense (DOD), as specialized equipment. No State would be able to limit this combination to less than 75 feet.

This proposal is in response to a petition from DOD that would help expedite the hauling of munitions.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	

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

**Agency Contact:** Phillip J. Forjan,  
Transportation Specialist, Department  
of Transportation, Federal Highway  
Administration, 400 Seventh Street  
SW., Washington, DC 20590  
Phone: 202 366-6817

**RIN:** 2125-AE94**2170. • TRUCK SIZE AND WEIGHT; NATIONAL NETWORK; VIRGINIA****Priority:** Substantive, Nonsignificant**Legal Authority:** 23 USC 127; 23 USC 315; 49 USC 31111; 49 USC 31112; 49

USC 31114; 49 CFR 1.48(b)(19); 49 CFR 1.48(c)(19)

**CFR Citation:** 23 CFR 658**Legal Deadline:** None

**Abstract:** The FHWA proposes to modify the National Network (NN) for commercial motor vehicles by adding 119 route segments in Virginia in response to a specific request from the Commonwealth of Virginia. These proposed additional route segments have been reviewed by State and FHWA offices for general adherence to the criteria for the NN and were found to provide for the safe operation of larger commercial vehicles and for the needs of interstate commerce.

Commercial vehicles with the dimensions authorized by the Surface Transportation Assistance Act of 1982 must be allowed to operate on the NN, which includes highways located in all 50 States, the District of Columbia, and Puerto Rico. Specific routes on the NN include the Interstate System and those listed in appendix A of 23 CFR 658.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	

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

**Agency Contact:** Kathy Busby,  
Department of Transportation, Federal  
Highway Administration, 400 Seventh  
Street SW., Washington, DC 20590  
Phone: 202 366-2976

**RIN:** 2125-AE96

Department of Transportation (DOT)

Final Rule Stage

Federal Highway Administration (FHWA)

**2171. FEDERAL-AID HIGHWAY SYSTEMS****Priority:** Substantive, Nonsignificant**Legal Authority:** 23 USC 103(b); 23 USC 103(c); 23 USC 315**CFR Citation:** 23 CFR 470**Legal Deadline:** None

**Abstract:** This regulatory action amends 23 CFR 470 in accordance with legislation enacted in 1991, 1995, and

1998. The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) rescinded the Federal-aid Primary and Secondary and Urban Systems; established an interim National Highway System (NHS); and defined Federal-aid highways. The NHS Designation Act of 1995 (NHS Act) authorized the initial National Highway System and also authorized the Secretary to approve modifications. The Transportation Equity Act for the 21st

Century (TEA-21) authorized the initial NHS connectors to major intermodal terminals and recodified 23 U.S.C. 103 (Federal-aid systems). The action also consolidates in appendices all nonregulatory guidance material issued previously by the FHWA on Federal-aid highway systems.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	06/19/97	62 FR 33351



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## Final Rule Stage

Action	Date	FR Cite
Interim Final Rule Effective	07/21/97	
Final Action	12/00/02	

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

**Additional Information:** The FHWA issued an interim final rule with an opportunity for public comment. This rule amends regulations that the States comply with as part of the Federal-aid highway program. The FHWA has worked closely with the States, and the States have operated under the basic policies covered by this regulation for many years. A number of technical revisions are required as a result of the TEA-21 recodification of 23 U.S.C. 103, including incorporation of the provisions of former 23 U.S.C. 139 (Additions to Interstate System).

**Agency Contact:** Frank Clark, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-5006

**RIN:** 2125-AD74**2172. RAILROAD HIGHWAY PROJECTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 23 USC 315; 23 USC 109(e); 23 USC 120(c); 23 USC 130**CFR Citation:** 23 CFR 140; 23 CFR 646**Legal Deadline:** None

**Abstract:** The FHWA amends its regulations on railroad highway projects. The amendments now require railroads to submit final billings within one year following completion of work, delete the requirements of a State's certification that work was completed, increase the ceiling for lump sum agreements from \$25,000 to \$100,000 and incorporate changes brought about by ISTEA. The FHWA believes these changes will conform railroad/highway regulations to more recent laws or regulations, and provide State highway agencies clarification and more flexibility in implementing them.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	08/27/97	62 FR 45326

Action	Date	FR Cite
Interim Final Rule	10/27/97	
Comment Period End		
Final Action	04/00/03	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** State, Local

**Agency Contact:** Robert Winans, Office of Highway Safety Information, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-4656

**RIN:** 2125-AD86**2173. STANDARDS FOR DEDICATED SHORT-RANGE COMMUNICATIONS (DSRC) APPLICATIONS FOR USE BY COMMERCIAL VEHICLES IN INTELLIGENT TRANSPORTATION SYSTEMS PROJECTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 23 USC 307; 23 USC 315; 23 USC 502 note; PL 102-240, sec. 6055(b); PL 105-178, sec. 5206(e)**CFR Citation:** 23 CFR 1001; 49 CFR 1.48**Legal Deadline:** None

**Abstract:** The FHWA proposes to amend its regulations to require the use of Dedicated Short-Range Communications (DSRC) Standards for ITS commercial vehicle projects using Federal funds. DSRC Systems use microwave communications over very short distances to allow moving vehicles to communicate with fixed roadside locations. In commercial motor vehicle applications, DSRC devices can transfer information regarding vehicle safety, performance, regulatory compliance and credentials from the vehicle to inspection stations.

The use of DSRC standards would promote interoperability among, and enable integration of ITS systems for, North American commercial vehicle applications, such as electronic clearance, automated weight stations and border crossings. Interoperability would also encourage institutional integration and cooperation.

**Timetable:**

Action	Date	FR Cite
NPRM	12/30/99	64 FR 73674
NPRM Comment Period End	02/28/00	

Action	Date	FR Cite
Supplemental NPRM	12/12/00	65 FR 77534
Final Action	01/00/03	

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

**Agency Contact:** William S. Jones, ITS Joint Program Office, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-2128

**RIN:** 2125-AE63**2174. +DESIGN-BUILD CONTRACTING****Priority:** Other Significant**Legal Authority:** PL 105-178, sec. 1307(c); 23 USC 112**CFR Citation:** 23 CFR 635**Legal Deadline:** Final, Statutory, June 9, 2001.

**Abstract:** The FHWA proposes to revise its regulations to implement design-build contracting as mandated by section 1307(c) of the Transportation Equity Act for the 21st Century (TEA-21), enacted on June 9, 1998. TEA-21 requires the Secretary of Transportation to issue regulations to allow design-build contracting for selected projects. The regulations would list the criteria and procedures that will be used by the FHWA in approving the use of design-build contracting by State Transportation Departments (STDs). The regulation would not require the use of design-build contracting but rather would allow it as an optional technique in addition to traditional contracting methods.

The FHWA is soliciting comments on its proposed regulation which would establish prescribed policies and procedures for utilizing the design-build contracting technique for Federal-aid highway projects. This action is significant because of the substantial State and industry interest in the design-build contracting technique.

**Timetable:**

Action	Date	FR Cite
NPRM	10/19/01	66 FR 53288
NPRM Comment Period End	12/19/01	
Final Action	11/00/02	

**Regulatory Flexibility Analysis Required:** Undetermined

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Final Rule Stage

**Government Levels Affected:** State

**Additional Information:** The NPRM published at 66 FR 53288 on October 19, 2001, contained an incorrect docket number. The correct docket number for the NPRM is FHWA-2000-7799. A notice of correction was published in the Federal Register on October 31, 2001 (67 FR 54964).

**Agency Contact:** Gerald Yakowenko, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590  
Phone: 202 366-1562

**RIN:** 2125-AE79

**2175. DISCRETIONARY BRIDGE CANDIDATE RATING FACTOR**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 23 USC 109(a); 23 USC 109(h); 23 USC 144; 23 USC 151; 23 USC 315; ...

**CFR Citation:** 23 CFR 650

**Legal Deadline:** None

**Abstract:** The FHWA proposes to revise its regulation on the discretionary bridge program rating factor in order to incorporate several administrative considerations that have proven effective in the project selection process. This proposed action would amend the current regulations according to a provision in TEA-21 which requires the Secretary of Transportation to publish both the statutory and regulatory criteria that will apply to the discretionary bridge program.

These proposed changes would require that the candidate projects be ready to begin construction in the fiscal year in which funds are available for

obligation; allow leveraged funds from local, State, county, or private sources to be used to reduce the total project cost for use in the rating factor formula; disallow any discretionary allocation to a State that has transferred Highway Bridge Replacement and Rehabilitation Program funds to other categories of Federal funding in the previous year; and change the definition of one term in the rating factor formula.

**Timetable:**

Action	Date	FR Cite
NPRM	01/22/02	67 FR 2837
NPRM Comment Period End	03/25/02	
Final Action	11/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Steven Ernst, Office of Bridge Technology, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590  
Phone: 202 366-4619

**RIN:** 2125-AE88

**2176. • +STATEWIDE TRANSPORTATION PLANNING; METROPOLITAN TRANSPORTATION PLANNING**

**Priority:** Other Significant

**Legal Authority:** 23 USC 134; 23 USC 135; 23 USC 315; 49 USC 5305 to 5306

**CFR Citation:** 23 CFR 450; 49 CFR 1.48(b); 49 CFR 1.51

**Legal Deadline:** None

**Abstract:** On May 25, 2000, the FHWA and the FTA jointly published an NPRM on statewide and metropolitan

transportation planning (RIN 2125-AE62; 2132-AA66). The agencies have carefully considered all of the data, recommendations, and ongoing issues with respect to statewide and metropolitan transportation planning. In light of the current situation, the agencies are proposing to amend 23 CFR 450 to include provisions related to consultation with non-metropolitan, local officials and further refine processes related to public involvement.

The purpose of this proposal is to ensure that the concerns of local and rural transportation officials are adequately represented in Federal transportation planning activities. This proposal is in addition to the section on consultation with non-metropolitan local officials that was proposed in the NPRM in May 2000.

**Timetable:**

Action	Date	FR Cite
Supplemental NPRM	06/19/02	67 FR 41648
Comment Period Extended	08/15/02	67 FR 53326
Comment Period End	09/19/02	
Final Rule	12/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** State

**Agency Contact:** Jill Hochman, Director, Office of Intermodal and Statewide Programs, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-0233

**Related RIN:** Related To 2132-AA75

**RIN:** 2125-AE95

**Department of Transportation (DOT)****Federal Highway Administration (FHWA)****Long-Term Actions****2177. INDIAN RESERVATION ROAD BRIDGE PROGRAM**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 23 USC 120(j) and (k); 23 USC 202; 23 USC 315; PL 105-178, sec 1115; 49 CFR 1.48

**CFR Citation:** 23 CFR 661

**Legal Deadline:** None

**Abstract:** Section 1115 of the Transportation Equity Act for the 21st Century establishes a nationwide

priority program for improving deficient Indian reservation road (IRR) bridges and reserves \$13 million of IRR funds per year to replace and rehabilitate bridges that are in poor condition. The FHWA, Federal Lands Highway Office (FLH), and the Bureau of Indian Affairs, Division of Transportation (BIADOT), intend to implement the IRR bridge program (IRRBP) to promptly address the deficient IRR bridges. Toward that end, the FLH and the BIADOT, in

consultation with Indian tribal governments, have developed project selection/fund allocation procedures for uniform application of the legislation. The FHWA is announcing the project selection/fund allocation procedures for the IRRBP.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	07/19/99	64 FR 38565

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## Long-Term Actions

Action	Date	FR Cite
Interim Final Rule Effective	07/19/99	
Final Action	12/00/03	

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

**Additional Information:** Public comment was solicited in a February 12, 1999, Federal Register notice (64 FR 7229). These comments will be addressed in the final rule.

**Agency Contact:** Wade F. Casey, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590  
Phone: 202 366-9487

**RIN:** 2125-AE57**2178. REVISIONS TO HIGHWAY BRIDGE REPLACEMENT AND REHABILITATION PROGRAM****Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 97-424, sec 161; 23 USC 109(a); 23 USC 144(g); PL 105-178, sec 1101(a)(3); 23 USC 109(h); 23 USC 144; 23 USC 151; 23 USC 315; 23 USC 319; 33 USC 401; 33 USC 409 et seq; 33 USC 511 et seq; PL 97-134, sec 4(b); PL 105-206; ...

**CFR Citation:** 23 CFR 650; 23 CFR 1.32; 49 CFR 1.48(b)

**Legal Deadline:** None

**Abstract:** The FHWA is seeking comments regarding improvements that can be made to its regulation outlining the highway bridge replacement and rehabilitation program. In addition, the FHWA is considering the inclusion and/or modification of existing policies so that they provide the flexibility necessary for the State and local governments to better manage their bridge assets. Currently, the FHWA is reviewing the comments we received in response to the advanced notice of proposed rulemaking to determine what action to take next.

The FHWA is also considering proposed revisions to the discretionary bridge program rating factor, which will be addressed in a separate rulemaking action.

**Timetable:**

Action	Date	FR Cite
ANPRM	09/26/01	66 FR 49152

Action	Date	FR Cite
ANPRM Comment Period End	12/26/01	
Next Action Undetermined		

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

**Agency Contact:** Raymond McCormick, Director, Office of Bridge Technology, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590  
Phone: 202 366-4675

**RIN:** 2125-AE75**2179. COMMERCIAL VEHICLE WIDTH EXCLUSIVE DEVICES****Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 31111; 49 USC 31113

**CFR Citation:** 23 CFR 658**Legal Deadline:** None

**Abstract:** This action responds to two unique requests with respect to the exclusion of certain devices from established truck length and width requirements.

Proposed is an increase from 3 to 4 inches of the distance from the side of a commercial vehicle within which non-cargo carrying devices are excluded from vehicle width measurement.

In a separate matter, the Senate Committee on Appropriations has requested the FHWA consider a special allowance, within reasonable safety limitations, concerning the commercial movement of recreational vehicles (RVs) with incidental appurtenances, such as retractable awnings, that extend beyond current Federal width limitations. A number of States have enacted laws that allow incidental appurtenances on noncommercial RVs to exceed State width limitations.

The FHWA proposes to make these two changes to its regulation governing truck length and width exclusive devices.

**Timetable:**

Action	Date	FR Cite
NPRM	07/29/02	67 FR 48994
NPRM Comment Period End	09/27/02	
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** State

**Agency Contact:** Robert E.L. Davis, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-2997

**RIN:** 2125-AE90**2180. MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES****Priority:** Substantive, Nonsignificant

**Legal Authority:** 23 USC 109(d); 23 USC 315; 23 USC 402(a)

**CFR Citation:** 23 CFR 655, subpart F**Legal Deadline:** None

**Abstract:** The Manual on Uniform Traffic Control Devices contains the Standards, Guidance, and Options for installing all traffic control devices (signs, traffic signals, and pavement markings) on the nation's roadways opened to public travel. By following the manual drivers, pedestrians, and bicyclists encounter the same uniform signs, traffic signals, and pavement markings, used in identical ways, along their trip. As a result of changes in technology, materials, and management strategies, the devices in the manual and their uses need to be updated and amended on an annual basis.

This proposed amendment is in keeping with the Secretary of Transportation's authority under 23 U.S.C. 109(d), 315, and 402(a) to promulgate uniform guidelines to promote the safe and efficient use of highways.

**Timetable:**

Action	Date	FR Cite
Notice of Proposed Amendments	05/21/02	67 FR 35850
Comment Period End	08/19/02	
Next Action Undetermined		

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

**Agency Contact:** Ernest D.L. Huckaby, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-9064

**RIN:** 2125-AE93

## Department of Transportation (DOT)

## Completed Actions

## Federal Highway Administration (FHWA)

**2181. CERTIFICATION OF SIZE AND WEIGHT ENFORCEMENT****Priority:** Substantive, Nonsignificant**Legal Authority:** 23 USC 127; 23 USC 141; 23 USC 315**CFR Citation:** 23 CFR 657**Legal Deadline:** None

**Abstract:** The FHWA terminates this rulemaking action. The agency originally initiated this action to consider revising the criteria for determining State compliance with the existing Federal requirement for an annual certification of State size and weight enforcement. Recently, however, the National Research Council of the Transportation Research Board issued a congressionally mandated report that, among other things, recommended additional study be undertaken of ways to improve enforcement of truck weight laws.

The recommendations of the TRB report provide a basis for a broader review of the Federal and State truck size and weight programs. In light of this situation, we have withdrawn this rulemaking action.

**Timetable:**

Action	Date	FR Cite
ANPRM	12/16/93	58 FR 65830
ANPRM Comment Period Extended to 05/18/94	03/15/94	59 FR 11956
ANPRM Comment Period End	03/16/94	
Supplemental ANPRM	09/28/00	65 FR 58233
Supplemental ANPRM Comment Period End	12/27/00	
Withdrawn	07/26/02	67 FR 48821

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

**Agency Contact:** Robert E.L. Davis, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-2997

**RIN:** 2125-AC60**2182. ADMINISTRATION OF ENGINEERING AND DESIGN-RELATED SERVICES CONTRACTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 23 USC 112(b); 23 USC 114(a); 23 USC 302; 23 USC 315; 23 USC 402; 41 USC 253; 41 USC 259**CFR Citation:** 23 CFR 172; 49 CFR 1.48(b)**Legal Deadline:** None

**Abstract:** This action amends procurement procedures on administration of engineering and design related services contracts to reflect the changes made by section 307 of Public Law 104-59, National Highway System Designation Act and section 1205 of the Transportation Equity Act for the 21st Century (TEA-21), Public Law 105-178, June 9, 1998.

**Timetable:**

Action	Date	FR Cite
NPRM	07/18/00	65 FR 44486
NPRM Comment Period End	09/18/00	
Final Action	06/12/02	67 FR 40149
Final Action Effective	07/12/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** State

**Agency Contact:** Gary E. Moss, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-4654

**RIN:** 2125-AE45**2183. +STATEWIDE AND METROPOLITAN PLANNING****Priority:** Other Significant**Legal Authority:** 23 USC 104(f); 23 USC 134; 23 USC 135; 23 USC 217; 23 USC 315; 42 USC 7410 et seq; 49 USC 5305 to 5309**CFR Citation:** 23 CFR 450; 49 CFR 613; 49 CFR 1.48(b); 49 CFR 1.51**Legal Deadline:** None

**Abstract:** FHWA and FTA partially withdraw the proposed rulemaking in which the agencies proposed to amend the requirements on Statewide and metropolitan planning. This partial withdrawal is based on the level of critical comment received, the development of alternate means for implementing the topics addressed in the NPRM and the pendency of reauthorization of the surface transportation program. The agencies withdraw this proposed rulemaking except for those sections that relate to "consultation with nonmetropolitan local officials," which is addressed in the SNPRM published on June 19, 2002, at 67 FR 41648.

**Timetable:**

Action	Date	FR Cite
NPRM	05/25/00	65 FR 33958
NPRM Comment Period Extended	07/07/00	65 FR 41891
NPRM Comment Period End	09/23/00	
Partial Withdrawal	09/20/02	67 FR 59219
Partial Withdrawal Effective	09/20/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Governmental Jurisdictions**Government Levels Affected:** State

**Agency Contact:** Sheldon M. Edner, Team Leader, Department of Transportation, Federal Highway Administration, Room 3232, 400 Seventh Street SW, Washington, DC 20590  
Phone: 202 366-4066  
Email: sheldon.edner@fhwa.dot.gov

Charles Goodman, Division Chief, Department of Transportation, Federal Transit Administration, Room 9413, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-1924

**RIN:** 2125-AE62**2184. +NEPA AND RELATED PROCEDURES FOR TRANSPORTATION DECISIONMAKING; PROTECTION OF PUBLIC PARKS, WILDLIFE AND WATERFOWL REFUGES, AND HISTORIC SITES****Priority:** Other Significant**Legal Authority:** 42 USC 4321 et seq; 49 USC 303; 23 USC 109; 23 USC 128; 23 USC 134; 23 USC 138; 23 USC 315; ...**CFR Citation:** 23 CFR 530; 23 CFR 540**Legal Deadline:** None

**Abstract:** The agencies withdraw this proposed rulemaking proceeding that proposed to update and revise our National Environmental Policy Act (NEPA) implementation regulation for projects funded or approved by FHWA or FTA. The agencies intended to modify the regulation to reflect experience gained in administering these requirements and substantial changes in legislation that occurred since the regulations were issued in 1987. The agencies have determined that the proposed changes generated

## DOT—FHWA

## Completed Actions

such a diversity and disparity of comments that substantial further work is necessary to develop new proposals and accommodate these comments.

**Timetable:**

Action	Date	FR Cite
NPRM	05/25/00	65 FR 33960
NPRM Comment Period Extended	07/07/00	65 FR 41892
NPRM Comment Period End	09/23/00	
Withdrawn	09/20/02	67 FR 59225

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Fred Skaer, Office of Environment and Planning, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-2058

**RIN:** 2125-AE64

**2185. TRAFFIC CONTROL DEVICES ON FEDERAL-AID AND OTHER STREETS AND HIGHWAYS; COLOR SPECIFICATIONS FOR RETROREFLECTIVE SIGN AND PAVEMENT MARKING MATERIALS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 23 USC 109(d); 23 USC 114(a); 23 USC 315; 23 USC 402(a)

**CFR Citation:** 23 CFR 655

**Legal Deadline:** None

**Abstract:** The FHWA revises its color specifications for retroreflective sign materials. This revision includes daytime and nighttime specification for both assigned and unassigned colors found in the Manual on Uniform Traffic Control Devices (MUTCD). Color specifications for fluorescent colors and pavement marking material also would be included.

**Timetable:**

Action	Date	FR Cite
NPRM	12/21/99	64 FR 71354
NPRM Comment Period End	06/23/00	
Final Action	07/31/02	67 FR 49569
Final Action Effective	08/30/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Ernest D.L. Huckaby, Department of Transportation, Federal

Highway Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-9064

**RIN:** 2125-AE67

**2186. +RAILROAD-HIGHWAY CROSSING PROJECTS**

**Priority:** Other Significant

**Legal Authority:** PL 91-458

**CFR Citation:** 23 CFR 646

**Legal Deadline:** None

**Abstract:** In response to a recent Supreme Court decision, the FHWA was contemplating amending its regulations on railroad-highway crossing projects to clarify that installation projects for passive crossing control devices, done solely to meet the minimum crossing signing requirements, do not preempt or displace State laws concerning adequacy. The FHWA is terminating this rulemaking action because the agency has decided to address the issues raised by the Supreme Court decision administratively.

**Timetable:**

Action	Date	FR Cite
Withdrawn	07/26/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State

**Federalism:** This action may have federalism implications as defined in EO 13132.

**Agency Contact:** Rudolph M. Umbs, Office of Highway Safety, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-2177

**RIN:** 2125-AE81

**2187. NATIONAL STANDARDS FOR TRAFFIC CONTROL DEVICES; MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES; ACCESSIBLE PEDESTRIAN SIGNALS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 23 USC 101(a); 23 USC 104; 23 USC 109(d); 23 USC 114(a); 23 USC 217; 23 USC 315; 23 USC 402(a); ...

**CFR Citation:** 23 CFR 655

**Legal Deadline:** None

**Abstract:** The FHWA, in response to comment, amends the 2000 Millennium Edition of the Manual on Uniform Traffic Control Devices (MUTCD) that became effective on January 17, 2001. Section 4E.06 of the MUTCD relates to accessible pedestrian signals. Upon publication of the Millennium Edition, the FHWA was advised that the support and guidance statements relative to evaluation of signalized intersections to accommodate persons with visual disabilities did not adequately address the needs of such persons. Accordingly, the FHWA revises these support and guidance statements.

The FHWA issued an interim final rule to provide an opportunity for the public to review and make comments on the necessary changes to the pertinent electronic files on the FHWA's MUTCD internet site (<http://mutcd.fhwa.dot.gov>) to comply with section 508 of the Rehabilitation Act of 1973. There were no comments to the interim final rule, therefore the FHWA adopted it as a final rule.

**Timetable:**

Action	Date	FR Cite
Notice of Proposed Amendments	05/17/01	66 FR 27480
Comment Period End	06/18/01	
Interim Final Rule	02/15/02	67 FR 7073
Interim Final Rule Effective	03/18/02	
Interim Final Rule Comment Period End	04/18/02	
Final Rule	07/30/02	67 FR 49235
Final Rule Effective	08/29/02	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Ernest D.L. Huckaby, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-9064

**RIN:** 2125-AE83

**2188. PLANNING AND RESEARCH PROGRAM ADMINISTRATION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 23 USC 104(f); 23 USC 103(c); 23 USC 115; 23 USC 120; 23 USC 133(b); 23 USC 134(b); 23 USC 303(g); 23 USC 315; 23 USC 505

**CFR Citation:** 49 CFR 1.48(b)

**Legal Deadline:** None

## DOT—FHWA

## Completed Actions

**Abstract:** The FHWA updates its regulation for administration of planning and research funds provided to State DOTs under the provisions of title 23, United States Code. The revisions are necessary to reflect current legislation and OMB grant administration circulars.

**Timetable:**

Action	Date	FR Cite
NPRM	11/27/01	66 FR 59188
NPRM Comment Period End	01/28/02	
Final Action	07/18/02	67 FR 47268
Final Action Effective	08/19/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Tony Solury, Program Coordinator, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-5003

**RIN:** 2125-AE84

**2189. LANDSCAPE AND ROADSIDE DEVELOPMENT**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** EO 13148; EO 13112

**CFR Citation:** 23 CFR 752

**Legal Deadline:** None

**Abstract:** In this action, the FHWA planned to propose a change to the current regulation at 23 CFR 752.4, to clarify and reflect FHWA policy change for the improvement of landscaping best management practices. At the

present time, however, the FHWA is terminating this action in light of the imminent reauthorization of the Transportation Equity Act for the 21st Century (TEA-21).

Additionally, the FHWA feels that any necessary changes to this program could be accomplished through administrative means such as technical assistance, training, developing and promoting case studies. This in no way precludes the FHWA from pursuing a rulemaking action on this subject in the future.

**Timetable:**

Action	Date	FR Cite
Action Terminated	06/25/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** State

**Agency Contact:** Bonnie Harper-Lore, Landscape Architect, Department of Transportation, Federal Highway Administration, Galtier Plaza, Box 75, 175 E. Fifth Street, Suite 500, St. Paul, MN 55101-2904  
Phone: 651 291-6104

**RIN:** 2125-AE85

**2190. METROPOLITAN TRANSPORTATION PLANNING AND PROGRAMMING**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 23 USC 134

**CFR Citation:** 23 CFR 450.322

**Legal Deadline:** None

**Abstract:** The FHWA is considering amending its regulation on Planning and Assistance Standards, specifically

the metropolitan transportation planning process, to provide New York City Metropolitan Area additional time to review and update its transportation plan in light of the terrorist attacks that occurred on September 11, 2001. The Metropolitan Planning Organization (MPO) for the New York City area is the New York Metropolitan Council (NYMTC). NYMTC occupied office space in the World Trade Towers in New York City. Because NYMTC's offices and files were destroyed on September 11, 2001, it will be impossible for NYMTC to review and update its transportation plan by 2002 as required by 23 CFR 450.322(2). Accordingly, the FHWA is considering proposing to provide NYMTC an additional three years to review and update its transportation plan.

**Timetable:**

Action	Date	FR Cite
Final Rule	10/07/02	67 FR 62370
Final Rule Effective	10/07/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Agency Contact:** Sheldon M. Edner, Team Leader, Department of Transportation, Federal Highway Administration, Room 3232, 400 Seventh Street SW, Washington, DC 20590

Phone: 202 366-4066

Email: sheldon.edner@fhwa.dot.gov

**RIN:** 2125-AE92

## Department of Transportation (DOT)

## Prerule Stage

## Federal Motor Carrier Safety Administration (FMCSA)

**2191. SECURITY REQUIREMENTS FOR MOTOR CARRIERS TRANSPORTING HAZARDOUS MATERIALS**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 49 USC 322; 49 USC 5112 and 5125; 49 USC 31136 and 31502; 49 CFR 1.73

**CFR Citation:** 49 CFR 397

**Legal Deadline:** None

**Abstract:** The ANPRM discusses security concerns involving transporting high-risk hazardous materials and steps that DOD and DOE have taken to protect their shipments such as escorts, pre-notification of States, and satellite tracking. It also discusses other technology such as electronic ignition locks that could improve HM security. FMCSA asked for comments on the feasibility of mandating one or more of these strategies for some segment (the highest

risk) of hazmat transportation. The agency also asked for comments on the need for safe havens or the need for standards about what can be a safe haven. Currently, there are no standards for safe havens.

**Timetable:**

Action	Date	FR Cite
ANPRM	07/16/02	67 FR 46622
ANPRM Comment Period End	10/15/02	

## DOT—FMCSA

Prerule Stage

Action	Date	FR Cite
ANPRM Comment Period End Extended to NPRM	11/15/02   03/00/03	67 FR 62681

**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Agency Contact:** William A. Quade, Chief, Hazardous Materials Division, Department of Transportation, Federal

Motor Carrier Safety Administration, MC-ECH, Office of Enforcement and Compliance, 400 Seventh Street, SW., Washington, DC 20590  
Phone: 202 366-2172

**Related RIN:** Duplicate of 2137-AD70

**RIN:** 2126-AA71

## Department of Transportation (DOT)

Proposed Rule Stage

## Federal Motor Carrier Safety Administration (FMCSA)

**2192. +QUALIFICATION OF DRIVERS; VISION**

**Priority:** Other Significant

**Legal Authority:** 49 USC 504; 49 USC 31502

**CFR Citation:** 49 CFR 391

**Legal Deadline:** None

**Abstract:** As part of a review of the medical qualification standards applicable to interstate CMV driver, the agency (then the FHWA) requested comments on the need, if any, to amend the driver qualification requirements relating to the vision standard. A temporary waiver program was initiated and was concluded on March 31, 1996, to permit the agency to observe and collect data on the driving experience of a group of vision-deficient drivers who meet certain preconditions. The agency considered further research to develop comprehensive performance-based visual standards for all commercial drivers. Information about the proposed research plan and public hearing on the subject was published on June 5, 1996. The agency entered into a contract with a medical center to develop medically based recommendations for amending the current Federal vision requirements. Recommendations were delivered in October 1998. The FMCSA is further evaluating and considering these recommendations to decide what, if any, further proposals should be made concerning the vision standard. Based on findings of the medical panel, FMCSA anticipates publishing an NPRM to amend its regulation governing the visual field requirement in the vision standard.

Section 4007 of the Transportation Equity Act for the 21st Century (TEA-21), Public Law 105-178) enacted effective June 9, 1998, changed the agency's authority to issue waivers and exemptions. Procedures to implement

the new authority were published on December 8, 1998 (63 FR 67600). We are, and have been, considering all requests for exemptions from the vision requirements in the Federal Motor Carrier Safety Regulations. This action is significant because of substantial public and congressional interest and safety implications.

**Timetable:**

Action	Date	FR Cite
ANPRM	02/28/92	57 FR 6793
ANPRM Comment Period End	04/28/92	
Notice Request for Comments	06/05/96	61 FR 28547
Interim Final Rule	12/08/98	63 FR 67600
Interim Final Rule Effective	12/08/98	
Interim Final Rule Comment Period End	02/08/99	
NPRM	06/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Additional Information:** FHWA adopted a final rule to allow drivers holding valid waivers from both the vision and diabetes standards to continue to operate in interstate commerce after March 31, 1996. See NPRM (61 FR 606, Jan. 8, 1996); Final Rule (61 FR 13338, March 26, 1996); Final Rule; technical correction (61 FR 17253, April 19, 1996). (See notices published February 28, 1992 (57 FR 6793); March 25, 1992 (57 FR 10295); June 3, 1992 (57 FR 22370); October 6, 1994 (59 FR 50887); and November 17, 1994 (59 FR 59386).)

**Agency Contact:** Sandra L. Zywockarte, Health and Welfare Specialist, Office of Bus and Truck Standards and Operations, Department of Transportation, Federal Motor Carrier Safety Administration, MC-PSD, 400

Seventh Street NW., Washington, DC 20590  
Phone: 202 366-2987

**RIN:** 2126-AA05

**2193. +COMMERCIAL DRIVER PHYSICAL FITNESS AS PART OF THE CDL PROCESS**

**Priority:** Other Significant

**Legal Authority:** PL 106-159, sec. 215; 49 USC 31305; 49 USC 31502

**CFR Citation:** 49 CFR 383, 391.11, 391.45; and 49 CFR 1.73

**Legal Deadline:** None

**Abstract:** FMCSA would propose to include the certification of fitness to operate a CMV in the commercial driver's license (CDL) process. Incorporating the commercial driver fitness determination into State-administered CDL procedures could allow elimination of the requirement that CMV drivers carry a separate medical certificate. The CDL would be evidence that the CMV driver is physically fit as well as operationally qualified to operate CMVs safely. This action addresses the driver's physical qualifications as they relate to the CDL process; it does not address whether those standards are correct or should be changed. This action is significant due to anticipated substantial public interest.

**Timetable:**

Action	Date	FR Cite
ANPRM	07/15/94	59 FR 36338
ANPRM Comment Period End	11/14/94	
NPRM	03/00/03	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

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

**Government Levels Affected:** Undetermined

## DOT—FMCSA

## Proposed Rule Stage

**Agency Contact:** Teresa Doggett, Transportation Specialist, Department of Transportation, Federal Motor Carrier Safety Administration, MC-PSD, Office of Bus and Truck Standards and Operations, 400 Seventh Street, SW., Washington, DC 20590  
Phone: 202 366-2990

**RIN:** 2126-AA10

### 2194. SAFETY PERFORMANCE HISTORY OF NEW DRIVERS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 508; 49 USC 31133; 49 USC 31136; 49 USC 31301 et seq; 49 USC 31502; PL 103-311

**CFR Citation:** 49 CFR 382; 49 CFR 383; 49 CFR 390; 49 CFR 391; 49 CFR 1.73

**Legal Deadline:** NPRM, Statutory, January 1999, See PL 105-178, sec 4014.

**Abstract:** FMCSA is proposing to amend the Federal motor carrier regulations to include minimum safety information that new and prospective employers must seek from former employers during the investigation of a driver's employment record. FMCSA is also proposing to increase the time period that carriers must record accident information in the accident register, from one year to three years. The Hazardous Materials Transportation Authorization Act of 1994 initially mandated this revision. The agency is preparing a supplemental notice of proposed rulemaking in response to Small Business Administration (SBA) comments to the docket and sec. 4014 of TEA-21 (Pub. L. 105-178). SBA had requested more in-depth Paperwork Reduction Act and Regulatory Flexibility Act analyses of the proposal. The TEA-21 provided limited employer protection from liability, strengthened employee due process provisions, and established a new statutory deadline.

**Timetable:**

Action	Date	FR Cite
NPRM	03/14/96	61 FR 10548
NPRM Comment Period End	05/13/96	
Supplemental NPRM	12/00/02	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** David Goettee, Regulatory Development Division,

Department of Transportation, Federal Motor Carrier Safety Administration, MC-PRR, Office of Policy Plans and Regulation, 400 Seventh Street, SW., Washington, DC 20590  
Phone: 202 366-4097

**RIN:** 2126-AA17

### 2195. +UNIFIED REGISTRATION SYSTEM

**Priority:** Other Significant

**Legal Authority:** PL 104-88; 49 USC 13908

**CFR Citation:** 49 CFR 360

**Legal Deadline:** Final, Statutory, January 1, 1998.

**Abstract:** Section 103 of the ICC Termination Act of 1995 which added 49 USC 13908, required the Secretary to initiate a rulemaking proceeding to replace the current USDOT identification number system, the single-State registration system, the registration/licensing system, and the financial responsibility system, with a single, online Federal system. The statutory deadline was not met due to range and depth of issues involved. This action is considered significant due to substantial public interest.

**Timetable:**

Action	Date	FR Cite
ANPRM	08/26/96	61 FR 43816
ANPRM Comment Period End	10/25/96	
NPRM	02/00/03	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** State, Federal

**Agency Contact:** Nathaniel Jackson, Driver and Carrier Operations Division, Department of Transportation, Federal Motor Carrier Safety Administration, MC-PSD, Office of Bus and Truck Standards and Operations, 400 Seventh Street, SW., Washington, DC 20590  
Phone: 202 366-6406

**RIN:** 2126-AA22

### 2196. SAFETY FITNESS PROCEDURES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 31144

**CFR Citation:** 49 CFR 385

**Legal Deadline:** None

**Abstract:** The agency (then the FHWA) published a final rule on November 6, 1997 (62 FR 60035), which incorporated the safety fitness rating methodology into 49 CFR 385 as appendix B. In that document, FHWA identified its ultimate goal as creating a more performance-based means of determining the fitness of carriers to conduct commercial motor vehicle (CMV) operations in interstate commerce. The ANPRM requested comments on the future of a rating system that could be used both in making safety fitness determinations and meeting the demands of shippers, insurers and other present and potential users interested in evaluating motor carrier performance.

**Timetable:**

Action	Date	FR Cite
ANPRM	07/20/98	63 FR 38788
ANPRM Comment Period End	09/18/98	
NPRM	09/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Agency Contact:** Larry M. Minor, Chief, Vehicle and Roadside Operations, Department of Transportation, Federal Motor Carrier Safety Administration, MC-PSV, Office of Truck and Bus Standards and Operations, 400 Seventh Street, SW., Washington, DC 20590  
Phone: 202 366-4009

**RIN:** 2126-AA37

### 2197. +FEDERAL MOTOR CARRIER SAFETY REGULATIONS; INTERSTATE SCHOOL BUS SAFETY

**Priority:** Other Significant

**Unfunded Mandates:** Undetermined

**Legal Authority:** PL 105-178, sec 4024

**CFR Citation:** 49 CFR 390; 49 CFR 391; 49 CFR 392; 49 CFR 393; 49 CFR 395

**Legal Deadline:** Other, Statutory, December 9, 1998, PL 105-178, sec. 4024.

**Abstract:** FMCSA is considering making the Federal Motor Carrier Safety Regulations (FMCSRs) apply to all interstate school transportation operations by local educational agencies. This action is in response to section 4024 of the Transportation



## DOT—FMCSA

## Proposed Rule Stage

Equity Act for the 21st Century (TEA-21) which mandates the FMCSA to make a determination whether to make the FMCSRs applicable to such operations. FMCSA requested comments, data, and information to assist the agency in making this determination. This action is considered significant because of the anticipated substantial interest by the public and private sectors if the agency expands the FMCSRs to cover government-operated school buses in interstate commerce.

**Timetable:**

Action	Date	FR Cite
ANPRM	10/22/01	66 FR 53373
ANPRM Comment Period End	01/22/02	
NPRM	10/00/03	

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** State**Federalism:** Undetermined

**Agency Contact:** Philip Hanley, Commercial Passenger Carrier Division, Department of Transportation, Federal Motor Carrier Safety Administration, MC-PSB, Office of Bus and Truck Standards and Operations, 400 Seventh Street, SW., Washington, DC 20590  
Phone: 202 366-6811

**RIN:** 2126-AA53**2198. POSTING OF EMPLOYEE PROTECTIONS INFORMATION****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 31136**CFR Citation:** Not Yet Determined**Legal Deadline:** None

**Abstract:** FMCSA is considering requiring employers to display a poster to notify commercial motor vehicle (CMV) operators and other employees of their whistleblower rights under 49 U.S.C. 31105. The poster would also provide information on filing a complaint with the Occupational Safety and Health Administration for investigation.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/03	

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

**Agency Contact:** David Goette, Regulatory Development Division, Department of Transportation, Federal Motor Carrier Safety Administration, MC-PRR, Office of Policy Plans and Regulation, 400 Seventh Street, SW., Washington, DC 20590  
Phone: 202 366-4097

**RIN:** 2126-AA68**2199. ● +HOURS OF SERVICE OF DRIVERS; SUPPORTING DOCUMENTS****Priority:** Other Significant**Unfunded Mandates:** Undetermined**Legal Authority:** PL 103-311, sec 113**CFR Citation:** 49 CFR 385, 390, and 395; 49 CFR 1.73**Legal Deadline:** Final, Statutory, February 1996.

**Abstract:** The FMCSA would propose amending the hours-of-service recordkeeping requirements to clarify that the duty of motor carriers is to verify the accuracy of drivers' hours of service (HOS) and records of duty status (RODS) including automatic on-board records, and that the driver's duty is to collect and submit to the motor carrier all supporting documents with the RODS. The agency would also propose to require carriers to maintain supporting documents with the RODS. The agency would propose that a supporting document based self-monitoring system be the primary method for ensuring compliance with the HOS regulations. Recognizing developing technologies, FMCSA would propose to permit use of electronic documents as a supplement to, and in certain instances in lieu of, paper supporting documents. These proposals would be intended to clarify definitions of "supporting documents," "employee," and "driver," and to clarify the current requirement that each motor carrier use a self-monitoring system to verify accuracy of the HOS and RODS including automatic on-board records.

**Timetable:**

Action	Date	FR Cite
NPRM	04/20/98	63 FR 19457
NPRM Comment Period End	06/19/98	
Supplemental NPRM	03/00/03	

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** Undetermined**Federalism:** Undetermined

**Agency Contact:** Jerry Fulnecky, Office of Enforcement and Compliance, Department of Transportation, Federal Motor Carrier Safety Administration, MC-EC, 400 Seventh Street SW., Room 8310, Washington, DC 20590  
Phone: 202 366-4553

**Related RIN:** Split From 2126-AA23**RIN:** 2126-AA76**2200. ● SAFETY FITNESS PROCEDURES; SAFETY RATINGS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 113**CFR Citation:** 49 CFR 385**Legal Deadline:** None

**Abstract:** The FMCSA proposes to update the safety fitness rating methodology (SFRM), which is used to measure the safety fitness of motor carriers against the safety standard, as outlined in appendix B to the Safety Fitness Procedures regulations. It is necessary to amend the list of acute and critical regulations because the agency has established operating procedures and issued several regulations required by the ICC Termination Act of 1995, the Transportation Equity Act for the 21st Century, and the Motor Carrier Safety Improvement Act of 1999.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/03	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Undetermined

**Agency Contact:** Michael J. Lamm, Team Leader, Enforcement, Department of Transportation, Federal Motor Carrier Safety Administration, MC-ECE, Office of Enforcement and Compliance, 400 Seventh Street, SW., Room 8310, Washington, DC 20590  
Phone: 202 366-6093

**RIN:** 2126-AA77

Department of Transportation (DOT)  
Federal Motor Carrier Safety Administration (FMCSA)

Final Rule Stage

**2201. +RAILROAD-HIGHWAY GRADE CROSSING SAFETY**

**Priority:** Other Significant

**Legal Authority:** PL 102-240; PL 103-311; 49 USC 5101; 49 USC 31136; 49 USC 31502; 49 CFR 1.73

**CFR Citation:** 49 CFR 392

**Legal Deadline:** Final, Statutory, February 26, 1995.

**Abstract:** This action would prohibit operators of commercial motor vehicles from driving onto a railroad grade crossing unless there is sufficient space to drive completely through the crossing without stopping. This action is required by the Hazardous Materials Transportation Authorization Act of 1994 (Pub. L. 103-311, sec. 112), and it is intended to reduce the incidence of collisions between trains and commercial motor vehicles. This action is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	07/30/98	63 FR 40691
NPRM Comment Period End	11/27/98	
Final Action	06/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** David M. Lehrman, Attorney, Regulatory Development Division, Department of Transportation, Federal Motor Carrier Safety Administration, MC-PRR, Office of Policy Plans and Regulation, 400 Seventh Street, SW., Washington, DC 20590  
Phone: 202 366-0994

**RIN:** 2126-AA18

**2202. +HOURS OF SERVICE OF DRIVERS; DRIVER REST AND SLEEP FOR SAFE OPERATIONS (RULEMAKING RESULTING FROM A SECTION 610 REVIEW)**

**Regulatory Plan:** This entry is Seq. No. 107 in part II of this issue of the Federal Register.

**RIN:** 2126-AA23

**2203. ELECTRONIC FILING OF SURETY BONDS, TRUST FUND AGREEMENTS, INSURANCE CERTIFICATES; CANCELLATIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 104-88; 49 USC 13906

**CFR Citation:** 49 CFR 387.323

**Legal Deadline:** None

**Abstract:** This action proposed requiring all filings of surety bonds, trust fund agreements, insurance certificates and cancellations of these instruments to be accomplished electronically. Optional electronic filing has proven economical and efficient for both the FMCSA and for electronic filers. Given this success, cost of processing paper filings can no longer be justified. Mandatory electronic filings should not impose any significant costs or burdens on either the FMCSA or the filers. This action will be withdrawn.

**Timetable:**

Action	Date	FR Cite
To Be Withdrawn	03/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Gladys Cole, Chief, Insurance Compliance, Department of Transportation, Federal Motor Carrier Safety Administration, ECI, Office of Enforcement and Compliance, 400 Virginia Avenue SW., Suite 600, Washington, DC 20024  
Phone: 202 358-7039

**RIN:** 2126-AA24

**2204. +TRANSPORTATION OF HOUSEHOLD GOODS; CONSUMER PROTECTION REGULATIONS (RULEMAKING RESULTING FROM A SECTION 610 REVIEW)**

**Priority:** Other Significant

**Legal Authority:** PL 74-255; 49 USC 13301; 49 USC 14104; PL 104-88; PL 106-59; 49 USC 13101; 49 USC 13501 et seq.; 49 USC 14104; 49 USC 14708; 49 USC 14901 et seq.; 49 USC 14912; 49 USC 13301 et seq.

**CFR Citation:** 49 CFR 375; 49 CFR 377; 49 CFR 1.73

**Legal Deadline:** None

**Abstract:** FMCSA proposed to amend the regulations governing the

transportation of household goods. These regulations protect individual consumers who ship household goods, as defined in 49 USC 13102(10), by commercial motor vehicle. This action is necessary to implement the ICC Termination Act of 1995 (ICCTA), and to update the regulations. The intended effect of this proposal is to make the regulations easier to read and understand, remove an outdated report, address hostage freight problems (situations where non-binding estimates are lower than actual charges and the carrier refuses to deliver freight even after 110 percent of the estimate is paid at the time of delivery), modify a consumer protection publication, consider industry requests to change the rules, and propose conforming and technical amendments.

**Timetable:**

Action	Date	FR Cite
NPRM	05/15/98	63 FR 27126
NPRM Comment Period End	07/14/98	
NPRM Extension and Reopening of Comment Period	08/12/98	63 FR 43128
NPRM Comment Period End	10/13/98	
Interim Final Rule	02/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Gladys Cole, Chief, Insurance Compliance, Department of Transportation, Federal Motor Carrier Safety Administration, ECI, Office of Enforcement and Compliance, 400 Virginia Avenue SW., Suite 600, Washington, DC 20024  
Phone: 202 358-7039

**RIN:** 2126-AA32

**2205. OUT-OF-SERVICE CRITERIA**

**Priority:** Substantive, Nonsignificant

**Unfunded Mandates:** Undetermined

**Legal Authority:** 49 USC 31133, 31136, 31310, and 31502; PL 104-59

**CFR Citation:** 49 CFR 395 and 396; 49 CFR 1.73

**Legal Deadline:** None

**Abstract:** This action requested public comment on the North American Uniform Out-of-Service Criteria (OOS Criteria). During roadside inspections, Federal, State, and local safety

## DOT—FMCSA

## Final Rule Stage

inspectors use the OOS Criteria as a guide in determining whether to place commercial motor vehicles (CMVs), or their drivers, "out of service." Such status means that the CMVs or drivers are so unsafe that corrections must be undertaken before operations can resume. The FHWA was seeking public comment on the future scope and effect of the OOS Criteria, which are not part of the Federal Motor Carrier Safety Regulations. In addition, FMCSA has considered information regarding whether it needs to formalize these guidelines pursuant to a notice and comment rulemaking.

**Timetable:**

Action	Date	FR Cite
ANPRM	07/20/98	63 FR 38791
ANPRM Comment Period End	09/18/98	
Extension of Comment Period	10/09/98	63 FR 54432
Comment Period End	12/08/98	
To Be Withdrawn	03/00/03	

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:**

Undetermined

**Agency Contact:** Larry M. Minor, Chief, Vehicle and Roadside Operations, Department of Transportation, Federal Motor Carrier Safety Administration, MC-PSV, Office of Truck and Bus Standards and Operations, 400 Seventh Street, SW., Washington, DC 20590  
Phone: 202 366-4009

**RIN:** 2126-AA36

### 2206. FEDERAL MOTOR CARRIER SAFETY REGULATIONS; WAIVERS, EXEMPTIONS, AND PILOT PROGRAMS; RULES AND PROCEDURES

**Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 31315; PL 105-178, sec 4007**CFR Citation:** 49 CFR 381**Legal Deadline:** Final, Statutory, December 9, 1998.

**Abstract:** The FMCSA is adopting regulations to implement section 4007 of the Transportation Equity Act for the 21st Century (TEA-21), concerning waivers and exemptions from the Federal Motor Carrier Safety Regulations (FMCSRs), and the

administration of pilot programs to evaluate innovative alternatives to the regulations. The regulations establish the procedures persons must follow to request waivers and to apply for exemptions from the FMCSRs, and the procedures FMCSA will use to process the requests for waivers and applications for exemptions. The regulations also codify statutory requirements concerning the agency's administration of pilot programs. This rulemaking is intended to provide procedures to ensure the timely processing of requests for waivers and applications for exemptions, and public disclosure of the procedures the agency would use in initiating and managing pilot programs. The agency (then the FHWA) issued an interim final rule with an opportunity for public comment after publication in order to meet the statutory deadline for issuance of a final rule.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/08/98	63 FR 67600
Interim Final Rule Effective	12/08/98	
Interim Final Rule Comment Period End	02/08/99	
Final Action	03/00/03	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:**

Undetermined

**Additional Information:** Transferred from RIN 2125-AE48.

**Agency Contact:** Larry M. Minor, Chief, Vehicle and Roadside Operations, Department of Transportation, Federal Motor Carrier Safety Administration, MC-PSV, Office of Truck and Bus Standards and Operations, 400 Seventh Street, SW., Washington, DC 20590  
Phone: 202 366-4009

**RIN:** 2126-AA41

### 2207. +FEDERAL MOTOR CARRIER SAFETY REGULATIONS; SAFETY REQUIREMENTS FOR OPERATORS OF SMALL PASSENGER-CARRYING COMMERCIAL MOTOR VEHICLES USED IN INTERSTATE COMMERCE

**Priority:** Other Significant**Legal Authority:** 49 USC 13301; 49 USC 13902; 49 USC 31132; 49 USC

31133; 49 USC 31136; 49 USC 31502; 49 USC 31504; PL 104-88, sec 204

**CFR Citation:** 49 CFR 1.73; 49 CFR 390**Legal Deadline:** Final, Statutory, December 9, 2000, PL 106-159, sec 212.

**Abstract:** The FMCSA would amend the Federal Motor Carrier Safety Regulations (FMCSRs) to require that motor carriers who operate commercial motor vehicles (CMVs), designed or used to transport between 9 and 15 passengers (including the driver) in interstate commerce, must comply with the FMCSRs when they are directly compensated for such services, and the vehicle is operated beyond a 75 air mile radius (86.3 statute miles or 138.9 kilometers) from the driver's normal work-reporting location. These motor carriers, drivers, and vehicles operated by them would be subject to the same safety requirements as motorcoach operators, except for the commercial driver's license, controlled substances and alcohol testing regulations. This action is required by sec. 212 of the Motor Carrier Safety Improvement Act of 1999. It is significant because of substantial public interest and safety implications.

**Timetable:**

Action	Date	FR Cite
NPRM	01/11/01	66 FR 2767
NPRM Comment Period End	04/11/01	
Final Action	12/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal

**Agency Contact:** Larry M. Minor, Chief, Vehicle and Roadside Operations, Department of Transportation, Federal Motor Carrier Safety Administration, MC-PSV, Office of Truck and Bus Standards and Operations, 400 Seventh Street, SW., Washington, DC 20590  
Phone: 202 366-4009

**RIN:** 2126-AA52

### 2208. +LIMITATIONS ON ISSUANCE OF COMMERCIAL DRIVER'S LICENSE WITH HAZARDOUS MATERIALS ENDORSEMENT

**Regulatory Plan:** This entry is Seq. No. 108 in part II of this issue of the Federal Register.

**RIN:** 2126-AA70

## DOT—FMCSA

## Final Rule Stage

**2209. +PENALTIES, INSPECTION, AND DECAL DISPLAY REQUIREMENTS FOR MEXICO-DOMICILED MOTOR CARRIERS****Priority:** Other Significant**Legal Authority:** 49 USC 31136; 49 USC 31502; PL 107-87, sec. 350**CFR Citation:** 49 CFR 386; 49 CFR 396**Legal Deadline:** None

**Abstract:** FMCSA amends part 396 of the Federal Motor Carrier Safety Regulations (FMCSRs) to incorporate the requirement, as codified in parts 365 and 385, that all commercial motor vehicles operated by Mexico-domiciled motor carriers holding authority to transport property or passengers beyond the commercial zones of U.S. municipalities on the United States-

Mexico border must display a Commercial Vehicle Safety Alliance (CVSA) decal issued by a CVSA-certified inspector. Adding this requirement to part 396 will enable FMCSA to assess civil penalties against Mexico-domiciled long-haul motor carriers that operate vehicles without the necessary CVSA decal. This rule also clarifies that carriers will be required to obtain the necessary inspection decal before proceeding beyond border ports of entry. By providing for more effective enforcement of the inspection and decal requirements, this rule will help to ensure that these motor carriers operate safe vehicles in the United States. This rulemaking is significant

because of substantial public and congressional interest.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/00/02	

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

**Agency Contact:** Joanne Cisneros, Transborder Office, Department of Transportation, Federal Motor Carrier Safety Administration, PO Box 530870, San Diego, CA 92153-0870  
Phone: 909 653-2299

**RIN:** 2126-AA72

## Department of Transportation (DOT)

## Long-Term Actions

## Federal Motor Carrier Safety Administration (FMCSA)

**2210. +COMMERCIAL DRIVER'S LICENSE STANDARDS; BIOMETRIC IDENTIFIER****Priority:** Other Significant**Legal Authority:** PL 100-690, sec 9105**CFR Citation:** 49 CFR 383**Legal Deadline:** Final, Statutory, December 31, 1990.

**Abstract:** The Truck and Bus Regulatory Reform Act of 1988 required the Transportation Secretary to issue regulations establishing minimum uniform standards for a biometric identification system for commercial motor vehicle (CMV) operators. In 1989, the agency (then the FHWA) published an ANPRM to request comments on a pilot demonstration project using biometric identifiers that included retinal eye scans and fingerprint technologies. After considering the comments to the ANPRM, the FHWA determined that technology had not progressed to the point where a nationwide identification system could be cost-effective and provide the benefits for which a system was intended. In 1991, the FHWA published a Notice of Information summarizing the results of the pilot study and the comments to demonstrate how the technologies studied fell short of the demands in the commercial licensing environment at the time. Section 4011(c) of the TEA-21, 49 USC 31308 amended, requires each

commercial driver's license (CDL) issued by the States after January 1, 2001, to have unique identifiers (which may include biometric identifiers). The FMCSA established a pilot study to collect over 16,000 sample digital facial images and sets of fingerprints from volunteers in California, Georgia, and West Virginia: California provided the lead for this study. The pilot study has been completed, and the contractor is finalizing the study results. The final report is expected in November 2002. This action is significant because of substantial public and congressional interest.

**Timetable:**

Action	Date	FR Cite
ANPRM	05/15/89	54 FR 20875
ANPRM Comment Period End	07/14/89	
Information Notice NPRM	03/08/91	56 FR 9925
	11/00/03	

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

**Agency Contact:** Ronald Finn, Transportation Specialist, Department of Transportation, Federal Motor Carrier Safety Administration, MC-ESS, Office of Safety Programs, 400 Seventh Street, SW., Washington, DC 20590

Phone: 202 366-0647

**RIN:** 2126-AA01**2211. COMMERCIAL LEARNER PERMITS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 31136; PL 99-570; 49 USC 31102**CFR Citation:** 49 CFR 383, 384, 386, and 395; 49 CFR 1.73**Legal Deadline:** None

**Abstract:** The agency (then the FHWA), reviewed learner permit practices of the States for processing a driver from the initial non-CDL driver to being a fully licensed CDL driver. A number of variations in state learner permit practices were found. The FHWA planned to establish more uniform practices, such as: Screening drivers before permitting them to initially drive a CMV without having obtained a full CDL; the length of time a State allows the driver to hold a learner's permit; procedures for drivers to obtain CDL training in a State other than their normal residency; supervision requirements for learner permit drivers; and commercial driver license information systems (CDLIS) recordkeeping requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	08/22/90	55 FR 34478

## DOT—FMCSA

## Long-Term Actions

Action	Date	FR Cite
NPRM Comment Period End	10/22/90	
NPRM Comment Period Extended to 11/30/90	10/23/90	55 FR 42741
Supplemental NPRM	11/00/03	

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

**Additional Information:** Because other regulatory changes have been made since the NPRM was published in 1990, the FMCSA intends to issue a supplemental NPRM to solicit comments on including additional requirements consistent with changes in the CDL program.

**ANALYSIS:** Regulatory Evaluation, 08/22/90, 55 FR 34478

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

Phone: 202 366-5014

RIN: 2126-AA03

**2212. +FEDERAL MOTOR CARRIER SAFETY REGULATIONS; GENERAL TRANSPORTATION OF HAZARDOUS MATERIALS****Priority:** Other Significant**Legal Authority:** 49 USC 5105; 49 USC 5109**CFR Citation:** 49 CFR 390.3, and 397; 49 CFR 1.73**Legal Deadline:** Final, Statutory, November 15, 1991.

**Abstract:** This rulemaking will implement the statutory requirements of 49 USC 5109 and 49 USC 5105. Section 5109 addresses the establishment of motor carrier safety permit regulations for motor carriers transporting Class A or B explosives, liquefied natural gases, hazardous materials designated as extremely toxic by inhalation, or highway route controlled quantity radioactive materials. Section 5105 requires inspection of vehicles transporting those radioactive materials before each trip. The proposed rule will incorporate those provisions into the safety permit

regulations. This action is considered significant because of substantial public and congressional interest and safety implications.

**Timetable:**

Action	Date	FR Cite
NPRM	06/17/93	58 FR 33418
NPRM Comment Period End	08/16/93	
Supplemental NPRM	11/00/03	

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

**Agency Contact:** William A. Quade, Chief, Hazardous Materials Division, Department of Transportation, Federal Motor Carrier Safety Administration, MC-ECH, Office of Enforcement and Compliance, 400 Seventh Street, SW., Washington, DC 20590  
Phone: 202 366-2172

RIN: 2126-AA07

**2213. +MINIMUM TRAINING REQUIREMENTS FOR OPERATORS AND TRAINING INSTRUCTORS OF MULTIPLE TRAILER COMBINATION VEHICLES****Priority:** Economically Significant. Major under 5 USC 801.**Unfunded Mandates:** This action may affect the private sector under PL 104-4.**Legal Authority:** PL 102-240, sec 4007(b)(2)**CFR Citation:** 49 CFR 383**Legal Deadline:** Final, Statutory, December 18, 1993.

**Abstract:** This action proposes minimum training requirements for operators of multiple trailer combination vehicles and the instructors who train these operators. The training would include certification of an operator's proficiency by an instructor who has met the requirements established by the Secretary of Transportation. This action is considered significant due to substantial public interest and safety.

**Timetable:**

Action	Date	FR Cite
ANPRM	01/15/93	58 FR 4638
ANPRM Comment Period End	03/16/93	
NPRM	12/00/03	

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

**Agency Contact:** Larry M. Minor, Chief, Vehicle and Roadside Operations, Department of Transportation, Federal Motor Carrier Safety Administration, MC-PSV, Office of Truck and Bus Standards and Operations, 400 Seventh Street, SW., Washington, DC 20590  
Phone: 202 366-4009

RIN: 2126-AA08

**2214. +TRAINING FOR ENTRY-LEVEL DRIVERS OF COMMERCIAL MOTOR VEHICLES****Priority:** Other Significant**Legal Authority:** PL 102-240, sec 4007**CFR Citation:** 49 CFR 383**Legal Deadline:** Final, Statutory, December 18, 1993.

**Abstract:** Section 4007 of the Motor Carrier Act of 1991 (title IV of the Intermodal Surface Transportation Efficiency Act of 1991) required the Department to initiate a rulemaking on the need to require training of all entry-level drivers of commercial motor vehicles. On 02/05/96, the agency submitted a report to Congress on the effectiveness of private sector efforts to ensure adequate training of all entry-level drivers. This report included a cost-benefit study of requiring training of entry-level drivers. Public comments were solicited on the report. This rulemaking action is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
ANPRM	06/21/93	58 FR 33874
ANPRM Comment Period End	08/20/93	
Report to Congress	02/05/96	
Notice of Availability of Report	04/25/96	61 FR 18355
Next Action Undetermined		

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

**Additional Information:** The report is available through the National Technical Information Service (Order No. PB96-141536). For further information, please call 1-800-553-6847.

## DOT—FMCSA

## Long-Term Actions

**Agency Contact:** David Goettee, Regulatory Development Division, Department of Transportation, Federal Motor Carrier Safety Administration, MC-PRR, Office of Policy Plans and Regulation, 400 Seventh Street, SW., Washington, DC 20590  
Phone: 202 366-4097

**RIN:** 2126-AA09

### 2215. PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION; SLEEPER BERTHS ON MOTOR COACHES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 31136 and 31502

**CFR Citation:** 49 CFR 393; 49 CFR 1.73

**Legal Deadline:** None

**Abstract:** On January 12, 1993, the agency (then the FHWA) published an ANPRM to request comments on the suitability of existing driver sleeper berth regulations for motor coaches and possible amendment to account for design differences between trucks and motor coaches.

**Timetable:**

Action	Date	FR Cite
ANPRM	01/12/94	59 FR 1706
ANPRM Comment Period End	03/14/94	

Next Action Undetermined

**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Philip Hanley, Commercial Passenger Carrier Division, Department of Transportation, Federal Motor Carrier Safety Administration, MC-PSB, Office of Bus and Truck Standards and Operations, 400 Seventh Street, SW., Washington, DC 20590  
Phone: 202 366-6811

**RIN:** 2126-AA12

### 2216. RULES OF PRACTICE FOR MOTOR CARRIER PROCEEDINGS; INVESTIGATIONS; DISQUALIFICATIONS AND PENALTIES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 113 and 307

**CFR Citation:** 49 CFR 385 and 386; 49 CFR 1.73

**Legal Deadline:** None

**Abstract:** FMCSA would propose to amend its rules of practice for motor carrier safety, hazardous materials, and other enforcement proceedings, motor carrier safety ratings, driver qualification proceedings and its schedule of penalties for violations of the FMCSRs and the Hazardous Materials Regulations. FMCSA would also propose to add provisions on investigative authority and procedures and general motor carrier responsibilities. These rules would increase the efficiency of the procedures, enhance due process and the awareness of the public and regulated community, and accommodate recent program changes. The rules would apply to all motor carriers, other business entities and individuals involved in motor carrier safety and hazardous materials administrative actions.

**Timetable:**

Action	Date	FR Cite
NPRM	04/29/96	61 FR 18866
NPRM Comment Period End	07/29/96	
SNPRM	10/21/96	61 FR 54601
SNPRM Comment Period End	11/20/96	
Final Action	11/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Valerie Height, Regulatory Development Division, Department of Transportation, Federal Motor Carrier Safety Administration, MC-PRR, Office of Policy Plans and Regulation, 400 Seventh Street, SW., Washington, DC 20590  
Phone: 202 366-0901

**RIN:** 2126-AA15

### 2217. PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION; TELEVISION RECEIVERS AND DATA DISPLAY UNITS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 102-240; 49 USC 31136 and 31502

**CFR Citation:** 49 CFR 393; 49 CFR 1.73

**Legal Deadline:** None

**Abstract:** The agency (then the FHWA) proposed amending the Federal Motor Carrier Safety Regulations regarding television viewers or screens in

commercial motor vehicles. The agency was concerned that the current restrictions on locations of such devices may have the unintended effect of discouraging use of certain Intelligent Transportation System (ITS) technologies, such as collision avoidance and traveler information systems, which could improve the safety and efficiency of commercial vehicle operations. After reviewing comments to the April 3, 1993 NPRM to rescind the regulation concerning television viewers or screens, FMCSA is considering an SNPRM to propose retaining an explicit prohibition against television viewers or screens but revising the regulation to ensure that it does not impede the development and use of ITS-related technologies.

**Timetable:**

Action	Date	FR Cite
NPRM	04/03/96	61 FR 14733
NPRM Comment Period End	06/03/96	

Next Action Undetermined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Gary R. Woodford, Vehicle and Roadside Operations Division, Department of Transportation, Federal Motor Carrier Safety Administration, MC-PSV, Office of Bus and Truck Standards and Operations, 400 Seventh Street, SW., Washington, DC 20590  
Phone: 202 366-4009

**RIN:** 2126-AA19

### 2218. GENERAL JURISDICTION OVER FREIGHT FORWARDER SERVICE

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 13701

**CFR Citation:** 49 CFR 373; 49 CFR 1.73

**Legal Deadline:** None

**Abstract:** This action gives notice of the FMCSA's general jurisdiction over all segments of the freight forwarding industry (not just household good freight forwarders), in accordance with the ICC Termination Act of 1995, proposes changes to existing regulations to comport with those mandated by Congress, and clarifies the FMCSA's jurisdiction over freight forwarders in other areas.

## DOT—FMCSA

## Long-Term Actions

**Timetable:**

Action	Date	FR Cite
NPRM	01/28/97	62 FR 4096
NPRM Comment Period End	03/31/97	
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** Transferred from RIN 2125-AE00.

**Agency Contact:** Michael Falk, Office of the Chief Counsel, Department of Transportation, Federal Motor Carrier Safety Administration, MC-CC, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-0834

RIN: 2126-AA25

**2219. +ENGLISH LANGUAGE REQUIREMENT; QUALIFICATIONS OF DRIVERS****Priority:** Other Significant**Legal Authority:** 49 USC 504; 49 USC 31133, 31136, and 31502**CFR Citation:** 49 CFR 391; 49 CFR 1.73**Legal Deadline:** None

**Abstract:** This action resulted because the American Civil Liberties Union (ACLU) wrote to the Department asserting that the regulation, as written, is overly broad and subject to arbitrary enforcement, causing potential interference with constitutional guarantees of due process and equal protection. The current regulation is little changed from the original rule adopted in 1936. The ACLU requested an opportunity to submit a comprehensive analysis of this issue. The ANPRM was intended to provide the ACLU with such an opportunity and to open this issue for public comment. The FMCSA is considering modifying current regulations to require drivers to possess the basic functional communication/comprehension ability necessary to ensure safety, consistent with applicable law. This action is considered significant due to anticipated public interest and controversy.

**Timetable:**

Action	Date	FR Cite
ANPRM	08/26/97	62 FR 45200

Action	Date	FR Cite
ANPRM Comment Period End	10/27/97	
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** Undetermined**Additional Information:** Transferred from RIN 2125-AE19.

**Agency Contact:** Robert Schultz, Driver and Carrier Operations Division, Department of Transportation, Federal Motor Carrier Safety Administration, MC-PSD, Office of Bus and Truck Standards and Operations, 400 Seventh Street, SW., Washington, DC 20590  
Phone: 202 366-4001

RIN: 2126-AA31

**2220. +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; 5 USC 559; 16 USC 1456; 49 USC 13101; 49 USC 13301; 49 USC 13901 et seq; 49 USC 31138; 49 USC 31144**CFR Citation:** 49 CFR 365; 49 CFR 1.73**Legal Deadline:** None

**Abstract:** This action revises the regulations and form, OP-1(MX), governing applications by Mexico-domiciled property and passenger carriers who want to operate within the United States beyond the municipalities adjacent to Mexico in Texas, New Mexico, Arizona, and California and beyond the commercial zones of such municipalities ("border zones"). The action is taken in anticipation of a presidential order lifting the current statutory moratorium on authorizing such operations. The form requires additional information about the applicant's business and operating practices to help the FMCSA to determine if the applicant will be able to meet the safety standards established for operating in interstate commerce in the United States. The interim rule included requirements that were not proposed in the NPRM but which were necessary to comply with the FY 2002 DOT Appropriations Act.

This action is significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	05/03/01	66 FR 22371
NPRM Comment Period End	07/02/01	
Interim Final Rule	03/19/02	67 FR 12702
Interim Final Rule Comment Period End	04/18/02	
Interim Final Rule Effective	05/03/02	
Final Action	11/00/03	

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

**Agency Contact:** Joanne Cisneros, Transborder Office, Department of Transportation, Federal Motor Carrier Safety Administration, PO Box 530870, San Diego, CA 92153-0870  
Phone: 909 653-2299

RIN: 2126-AA34

**2221. +SAFETY MONITORING SYSTEM AND COMPLIANCE INITIATIVE FOR MEXICO-DOMICILED MOTOR CARRIERS OPERATING IN THE UNITED STATES****Priority:** Other Significant**Legal Authority:** 49 USC 113; 49 USC 504; 49 USC 521(b)(5)(A); 49 USC 5113; 49 USC 31136; 49 USC 31144; 49 USC 31502; Pub. L. 107-87, Sec. 350**CFR Citation:** 49 CFR 385**Legal Deadline:** None

**Abstract:** This action implements a safety monitoring system and compliance initiative designed to evaluate the continuing safety fitness of all Mexico-domiciled motor carriers within 18 months after receiving a provisional Certificate of Registration or provisional authority to operate in the United States. The rule also establishes suspension and revocation procedures for provisional Certificates of Registration and operating authority and incorporates 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. This action is significant due to anticipated public interest and safety-related issues.

## DOT—FMCSA

## Long-Term Actions

**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
Interim Final Rule Comment Period End	04/18/02	
Interim Final Rule Effective	05/03/02	
Final Action	11/00/03	

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

**Agency Contact:** Michael J. Lamm, Team Leader, Enforcement, Department of Transportation, Federal Motor Carrier Safety Administration, MC-ECE, Office of Enforcement and Compliance, 400 Seventh Street, SW., Room 8310, Washington, DC 20590  
Phone: 202 366-6093

**RIN:** 2126-AA35**2222. +GENERAL REQUIREMENTS; INSPECTION, REPAIR, AND MAINTENANCE; INTERMODAL CONTAINER CHASSIS AND TRAILERS****Priority:** Other Significant**Unfunded Mandates:** Undetermined**Legal Authority:** 49 USC 504; 49 USC 31133; 49 USC 31136; 49 USC 31502**CFR Citation:** 49 CFR 1.73; 49 CFR 390; 49 CFR 396**Legal Deadline:** None

**Abstract:** In response to a petition for rulemaking filed by the American Trucking Association, Inc. (ATA) and the ATA Intermodal Conference (the petitioners), the FMCSA (then the FHWA) agreed to consider revisions to the requirements in parts 390 and 396 of the Federal Motor Carrier Safety Regulations that place upon motor carriers the responsibility for maintaining intermodal container chassis and trailers. These regulations provide the requirements for the inspection, repair and maintenance of commercial motor vehicles. This action is considered significant because of substantial industry and public interest.

**Timetable:**

Action	Date	FR Cite
ANPRM	02/17/99	64 FR 7849
ANPRM Comment Period End	04/19/99	

Action	Date	FR Cite
Comment Period End	05/05/99	64 FR 24128
Comment Period Extended	08/30/99	
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** Undetermined

**Agency Contact:** Deborah M. Freund, Senior Transportation Specialist, Department of Transportation, Federal Motor Carrier Safety Administration, MC-PSV, Office of Bus and Truck Standards and Operation, 400 Seventh Street, SW., Washington, DC  
Phone: 202 366-4009

**RIN:** 2126-AA38**2223. +FEDERAL MOTOR CARRIER SAFETY REGULATIONS; ZERO-BASE REVISION****Priority:** Other Significant**Legal Authority:** 49 USC 113; 49 USC 501 and 504; 49 USC 13101, 13301, 13902; 49 USC 31101, 31132, 31136, 31301, and 31502; PL 104-88**CFR Citation:** 49 CFR 325, 393, 398, and 399; 49 CFR 1.73**Legal Deadline:** None

**Abstract:** The FMCSA considered this action as a means to simplifying, clarifying, and reorganizing the Federal Motor Carrier Safety Regulations (FMCSRs). In 1992, a “zero-based review” was launched to improve the organization, format and clarity of the FMCSRs and collateral regulations. This proposal represents the most recent phase of a “zero-based” review of motor carrier safety regulations to establish more effective, enforceable requirements. It would propose provisions that could affect public safety and potentially raises novel policy issues concerning federalism.

FMCSA planned to release a new rulebook in incremental stages for an ordered approach to analyzing comments and to ensure that the final rulebook is consistent and compatible. The rulebook would constitute a major rewrite of the FMCSRs, including significant format and organizational changes. This action is considered significant due to anticipated public interest.

**Timetable:** 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.

**Agency Contact:** Valerie Height, Regulatory Development Division, Department of Transportation, Federal Motor Carrier Safety Administration, MC-PRR, Office of Policy Plans and Regulation, 400 Seventh Street, SW., Washington, DC 20590  
Phone: 202 366-0901

**RIN:** 2126-AA39**2224. +POST-ACCIDENT CONTROLLED SUBSTANCES AND ALCOHOL TEST RESULTS; REPORTING REQUIREMENTS FOR THE FATALITY ANALYSIS REPORTING SYSTEM****Priority:** Other Significant**Legal Authority:** PL 74-255; PL 98-554; PL 99-570; PL 102-143; PL 106-159; 49 USC 31136; 49 USC 31301 et seq; 49 USC 31502**CFR Citation:** 49 CFR 1.73; 49 CFR 382**Legal Deadline:** None

**Abstract:** FMCSA is considering amending its controlled substances and alcohol testing regulations to require employers subject to those requirements to report certain information to State-employed Fatality Analysis Reporting System (FARS) analysts concerning fatal crashes/accidents. Currently, only FMCSA and State officials with regulatory authority over the employer or any of its drivers may obtain information concerning controlled substances and alcohol testing results and records. This action would require employers to provide information to FARS analysts, irrespective of their State authority, working under contract with the National Highway Traffic Safety Administration (NHTSA). The information employers would be required to submit to the analysts would enable NHTSA, in conjunction with FMCSA, to compile and analyze data on the incidence of commercial motor vehicle (CMV) drivers who test positive for controlled substances and/or alcohol use in post-accident tests conducted after fatal crashes.



## DOT—FMCSA

## Long-Term Actions

FMCSA would also use the data to help assess the effectiveness of its controlled substances and alcohol testing regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Organizations

**Government Levels Affected:** Local, Federal

**Agency Contact:** David R. Miller, Regulatory Development Division, Department of Transportation, Federal Motor Carrier Safety Administration, MC-PRR, Office of Policy Plans and Regulation, 400 Seventh Street, SW., Washington, DC 20590  
Phone: 202 366-5011

**RIN:** 2126-AA50

**2225. +NEW ENTRANT SAFETY ASSURANCE PROCESS**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** PL 106-159, sec 210

**CFR Citation:** 49 CFR 385

**Legal Deadline:** None

**Abstract:** This action will establish minimum requirements for new entrant motor carriers to ensure that they are knowledgeable about applicable Federal motor carrier safety standards. After ensuring that they are knowledgeable, the new entrants will operate for 18 months in which time they must pass a safety review in order to receive permanent operating authority. This rule is significant because of public and congressional interest in rules required by MCSIA.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	05/13/02	67 FR 31978
Interim Final Rule Comment Period End	07/12/02	
Interim Final Rule Effective	01/01/03	
Final Action	01/00/04	

**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Federalism:** Undetermined

**Agency Contact:** Larry M. Minor, Chief, Vehicle and Roadside Operations, Department of Transportation, Federal Motor Carrier Safety Administration, MC-PSV, Office of Truck and Bus Standards and Operations, 400 Seventh Street, SW., Washington, DC 20590  
Phone: 202 366-4009

**RIN:** 2126-AA59

**2226. PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION; GENERAL AMENDMENTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 102-240, sec 1041(b); 49 USC 31136; 49 USC 31502

**CFR Citation:** 49 CFR 392; 49 CFR 393

**Legal Deadline:** None

**Abstract:** FMCSA is amending part 393 of the Federal Motor Carrier Safety Regulations, Parts and Accessories Necessary for Safe Operation. The amendments are intended to remove obsolete and redundant regulations; respond to several petitions for rulemaking; provide improved definitions of vehicle types, systems, and components; resolve inconsistencies between part 393 and the National Highway Traffic Safety Administration's Federal Motor Vehicle Safety Standards (49 CFR 571); and codify certain FMCSA regulatory guidance concerning the requirements of part 393. Generally, the amendments do not involve the establishment of new or more stringent requirements but a clarification of existing requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	04/14/97	62 FR 18170
NPRM Comment Period Extended	06/12/97	62 FR 32066
NPRM Comment Period End	06/13/97	
Comment Period End	07/28/97	
Public Meeting	02/20/98	63 FR 8606
Next Action	Undetermined	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Undetermined

**Agency Contact:** Larry M. Minor, Chief, Vehicle and Roadside Operations, Department of Transportation, Federal Motor Carrier Safety Administration, MC-PSV, Office

of Truck and Bus Standards and Operations, 400 Seventh Street, SW., Washington, DC 20590  
Phone: 202 366-4009

**RIN:** 2126-AA61

**2227. RULES OF PRACTICE FOR ADMINISTRATIVE PROCEEDINGS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 106-159, sec 205

**CFR Citation:** 49 CFR 386

**Legal Deadline:** None

**Abstract:** FMCSA proposes to adopt procedural rules in order to conduct administrative proceedings under section 205 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). This section provides for the issuance of out-of-service orders. On February 16, 2000, FMCSA issued a final rule amending the Rules of Practice to include violations of commercial regulations. However, this modification to the administrative rules applied only to civil penalty proceedings.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/03	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** David M. Lehrman, Attorney, Regulatory Development Division, Department of Transportation, Federal Motor Carrier Safety Administration, MC-PRR, Office of Policy Plans and Regulation, 400 Seventh Street, SW., Washington, DC 20590  
Phone: 202 366-0994

**RIN:** 2126-AA63

**2228. +CERTIFICATION OF SAFETY AUDITORS, SAFETY INVESTIGATORS, AND SAFETY INSPECTORS**

**Priority:** Other Significant

**Legal Authority:** PL 106-159, sec 211

**CFR Citation:** 49 CFR 385

**Legal Deadline:** Final, Statutory, December 9, 2000.

**Abstract:** This rule would require that any safety inspection, audit, or review be conducted by a certified investigator. It would give the FMCSA authority to decertify an investigator, including a third-party investigator for failure to

## DOT—FMCSA

## Long-Term Actions

meet the prescribed certification standards. It is required by section 211 of the Motor Carrier Safety Improvement Act of 1999. This rule is significant because of public and congressional interest in rules required by MCSIA.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/19/02	67 FR 12776
Interim Final Rule Comment Period End	05/20/02	
Interim Final Rule Effective	06/17/02	
Effective Date Delayed until July 17, 2002	06/17/02	67 FR 41196
Final Action	11/00/03	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Larry M. Minor, Chief, Vehicle and Roadside Operations, Department of Transportation, Federal Motor Carrier Safety Administration, MC-PSV, Office of Truck and Bus Standards and Operations, 400 Seventh Street, SW., Washington, DC 20590  
Phone: 202 366-4009

**RIN:** 2126-AA64

### 2229. +CERTIFICATION OF COMPLIANCE WITH FEDERAL MOTOR VEHICLE SAFETY STANDARDS (FMVSS)

**Priority:** Other Significant

**Legal Authority:** PL 102-240, sec 1041(b); 105 Stat. 1914; 49 USC 31136; 49 USC 31502; 49 CFR 1.73

**CFR Citation:** 49 CFR 393.8

**Legal Deadline:** None

**Abstract:** FMCSA proposes to amend the Federal Motor Carrier Safety

Regulations so that motor carriers ensure that each commercial motor vehicle (CMV) they operate in interstate commerce displays a label certifying that the vehicle complies with all applicable Federal Motor Vehicle Safety Standards (FMVSS) in effect on the date of manufacture. This rulemaking ensures that all motor carriers operating CMVs in the United States use only vehicles that were certified by the manufacturer as meeting all applicable Federal safety performance requirements. This action is significant because of substantial public and congressional interest and safety implications.

**Timetable:**

Action	Date	FR Cite
NPRM	03/19/02	67 FR 12782
NPRM Comment Period End	05/20/02	

Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Deborah M. Freund, Senior Transportation Specialist, Department of Transportation, Federal Motor Carrier Safety Administration, MC-PSV, Office of Bus and Truck Standards and Operation, 400 Seventh Street, SW., Washington, DC  
Phone: 202 366-4009

**Related RIN:** Related To 2127-AI59, Related To 2127-AI60, Related To 2127-AI64

**RIN:** 2126-AA69

### 2230. • +REGISTRATION ENFORCEMENT

**Priority:** Other Significant

**Legal Authority:** PL 106-159, sec 205; 113 Stat 1762

**CFR Citation:** 49 CFR 350 and 392; 49 CFR 1.73

**Legal Deadline:** None

**Abstract:** This rule prohibits a motor carrier who is subject to the registration requirements under 49 U.S.C. 13902 from operating a commercial motor vehicle in interstate commerce unless it has registered with FMCSA. Motor carriers are also prohibited from operating beyond the scope of their registered authorization. If vehicles are discovered operating in violation of such registration requirements, they will be placed out of service, and the carrier may be subject to additional penalties. This action makes State enforcement of the registration requirements a condition of MCSAP eligibility. This action is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	08/28/02	67 FR 55162
Interim Final Rule Effective	09/27/02	
Interim Final Rule Comment Period End	10/28/02	
Final Action	11/00/03	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:** Local, State

**Agency Contact:** Larry M. Minor, Chief, Vehicle and Roadside Operations, Department of Transportation, Federal Motor Carrier Safety Administration, MC-PSV, Office of Truck and Bus Standards and Operations, 400 Seventh Street, SW., Washington, DC 20590  
Phone: 202 366-4009

**RIN:** 2126-AA78

## Department of Transportation (DOT)

## Completed Actions

## Federal Motor Carrier Safety Administration (FMCSA)

**2231. DEVELOPMENT OF A NORTH AMERICAN STANDARD FOR PROTECTION AGAINST SHIFTING AND FALLING CARGO****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 31136; 49 USC 31502**CFR Citation:** 49 CFR 393; 49 CFR 1.73**Legal Deadline:** None

**Abstract:** FMCSA is amending its regulations concerning cargo securement requirements for commercial motor vehicles engaged in interstate commerce. The FMCSA intends to adopt new cargo securement guidelines that will be based upon the results of a multi-year comprehensive research program to evaluate current regulations and industry practices.

**Timetable:**

Action	Date	FR Cite
ANPRM	10/17/96	61 FR 54142
ANPRM Comment Period End	12/16/96	
Notice of Meeting	04/21/97	62 FR 19252
NPRM	12/18/00	65 FR 79050
NPRM Comment Period End	03/19/01	
Final Action	09/27/02	67 FR 61212
Final Action Effective	12/26/02	

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** None

**Agency Contact:** Larry M. Minor, Chief, Vehicle and Roadside Operations, Department of Transportation, Federal Motor Carrier Safety Administration, MC-PSV, Office of Truck and Bus Standards and Operations, 400 Seventh Street, SW., Washington, DC 20590  
Phone: 202 366-4009

**RIN:** 2126-AA27**2232. BRAKE PERFORMANCE REQUIREMENTS FOR CMVS INSPECTED BY PERFORMANCE-BASED BRAKE TESTERS****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 102-240, sec 1041(b); 49 USC 31136; 49 USC 31502**CFR Citation:** 49 CFR 393; 49 CFR 1.73**Legal Deadline:** None

**Abstract:** FMCSA amends the Federal Motor Carrier Safety Regulations to establish pass/fail criteria for use with

performance-based brake testers (PBBTs), which measure the braking performance of commercial motor vehicles (CMVs). The specific types of PBBTs addressed in this action are the roller dynamometer, breakaway torque tester, and flat-plate tester. This rule allows State and local enforcement officials to issue citations based on PBBT braking force measurements.

**Timetable:**

Action	Date	FR Cite
NPRM	08/09/00	65 FR 48660
NPRM Comment Period End	10/10/00	
Final Rule	08/09/02	67 FR 51770
Correction; Effective Date	08/14/02	67 FR 53048
Final Rule Effective	02/05/03	

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

**Agency Contact:** Gary R. Woodford, Vehicle and Roadside Operations Division, Department of Transportation, Federal Motor Carrier Safety Administration, MC-PSV, Office of Bus and Truck Standards and Operations, 400 Seventh Street, SW., Washington, DC 20590  
Phone: 202 366-4009

**RIN:** 2126-AA46**2233. COMMERCIAL DRIVER'S LICENSE STANDARDS; REQUIREMENTS AND PENALTIES; NONCOMMERCIAL MOTOR VEHICLE VIOLATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 106-159, sec 201(b); PL 106-159, sec 202(h)**CFR Citation:** 49 CFR 383 and 384

**Legal Deadline:** Final, Statutory, December 9, 2000, PL 106-159, sec 201(b).

**Abstract:** The proposals in this NPRM were merged with the final rule in 2126-AA60. The proposed regulations specified that a driver who holds a commercial driver's license (CDL) and is convicted of a drug- or alcohol-related offense or another offense that results in the revocation, cancellation, or suspension of the CDL, while operating a noncommercial motor vehicle, be disqualified from operating a commercial motor vehicle. This action was in response to sections

201(b) and 202(h) of the Motor Carrier Safety Improvement Act of 1999.

**Timetable:**

Action	Date	FR Cite
NPRM	05/04/01	66 FR 22499
NPRM Comment Period End	08/02/01	
Final Rule	07/31/02	67 FR 49742
Final Rule Effective	09/30/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** State

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

Phone: 202 366-5014

**Related RIN:** Merged With 2126-AA60**RIN:** 2126-AA55**2234. COMMERCIAL DRIVER'S LICENSE STANDARDS; REQUIREMENTS AND PENALTIES; COMMERCIAL DRIVER'S LICENSE PROGRAM IMPROVEMENTS****Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 106-159, sec 103(c); PL 106-159, sec 103(e); PL 106-159, sec 201(c); PL 106-159, sec 202; PL 106-159, sec 203; PL 106-159, sec 208; PL 106-159, sec 214

**CFR Citation:** 49 CFR 350; 49 CFR 383; 49 CFR 384**Legal Deadline:** None

**Abstract:** This action amended various provisions of the Commercial Driver's License (CDL) program requirements to implement changes mandated by the Motor Carrier Safety Improvement Act of 1999. Specific issues to be addressed include the following:

- (1) Emergency grants to States in non-compliance with CDL requirements;
- (2) Withholding MCSAP funds from States in non-compliance with CDL requirements;
- (3) Disqualification for driving while suspended; Disqualified and causing a fatality;
- (4) Emergency disqualification of drivers posing an imminent hazard;
- (5) Expanding the definition of serious traffic violations;

## DOT—FMCSA

## Completed Actions

- (6) Expanded driver record check;
- (7) New notification requirements;
- (8) Prohibition on hardship license to drivers who lose base license;
- (9) Penalties for violating minimum licensing requirements;
- (10) Maintaining a record of all violations;
- (11) Masking prohibition;
- (12) Decertification of State CDL programs for noncompliance;
- (13) Definition of imminent hazard;
- (14) School bus endorsement.

**Timetable:**

Action	Date	FR Cite
NPRM	07/27/01	66 FR 39248
NPRM Comment Period End	10/25/01	
Final Rule	07/31/02	67 FR 49742
Final Rule Effective	09/30/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** State

**Agency Contact:** Robert Redmond, Senior Transportation Specialist, State Programs Division, Department of Transportation, Federal Motor Carrier Safety Administration, MC-ESS, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-5014

**Related RIN:** Merged With 2126-AA55

**RIN:** 2126-AA60

**2235. REVISION TO PERIODIC TIRE CHECK REQUIREMENT FOR MOTOR CARRIERS TRANSPORTING HAZARDOUS MATERIALS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 322; 49 USC 31136 and 31502; 49 CFR 1.73

**CFR Citation:** 49 CFR 397

**Legal Deadline:** None

**Abstract:** This action eliminates the periodic tire inspections for vehicles carrying hazardous materials because of technological advances related to tire fires and because of terrorist concerns associated with numerous stops. This final rule was published by FMCSA in conjunction with RSPA under Docket No. RSPA-02-12773 (HM-232B), and RIN 2137-AD69. This action was inadvertently identified as significant in the spring 2002 regulatory agenda.

**Timetable:**

Action	Date	FR Cite
NPRM	07/16/02	67 FR 46624
NPRM Comment Period End	08/15/02	
Final Action	10/04/02	67 FR 62191
Final Action Effective	11/04/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** William A. Quade, Chief, Hazardous Materials Division, Department of Transportation, Federal Motor Carrier Safety Administration, MC-ECH, Office of Enforcement and Compliance, 400 Seventh Street, SW., Washington, DC 20590

Phone: 202 366-2172

**Related RIN:** Previously reported as 2126-AA74

**RIN:** 2126-AA74

**2236. +HAZARDOUS MATERIAL ROUTE PLANS**

**Priority:** Other Significant

**Legal Authority:** 49 USC 322; 49 USC 5112 and 5125; 49 CFR 1.73

**CFR Citation:** 49 CFR 397

**Legal Deadline:** None

**Abstract:** Hazardous materials carriers would be required to prepare and sign a route plan. The plan must be in the possession of the driver of any Table 1 hazardous material (explosives, radioactive materials, poison by inhalation hazard materials). Certain regulatory actions by RSPA made this action less necessary. The agency terminated this action on 07/05/2002.

**Timetable:**

Action	Date	FR Cite
Terminated	07/05/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** William A. Quade, Chief, Hazardous Materials Division, Department of Transportation, Federal Motor Carrier Safety Administration, MC-ECH, Office of Enforcement and Compliance, 400 Seventh Street, SW., Washington, DC 20590  
Phone: 202 366-2172

**RIN:** 2126-AA75

## Department of Transportation (DOT)

## Prerule Stage

## National Highway Traffic Safety Administration (NHTSA)

**2237. REVIEW: ODOMETER FRAUD**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

**CFR Citation:** 49 CFR 580

**Legal Deadline:** None

**Abstract:** This review involves analysis of the incident rates and costs of odometer fraud and an assessment of State and Federal efforts to combat

odometer fraud. To complete this review, the agency requested permission to collect a sample of odometer readings of registered passenger cars that are less than 10 years old from vehicle dealers, distributors, vehicle title files, and State Department of Motor Vehicle agencies. Congress directed the agency to conduct this review.

**Timetable:**

Action	Date	FR Cite
Begin Review	10/01/95	
Collection of Information	09/23/96	61 FR 49809
Comment Period End	11/11/96	
Collection of Information	06/06/97	62 FR 31186
Comment Period End	07/07/97	
Technical Report	07/16/02	67 FR 46703
End Review	03/00/03	

## DOT—NHTSA

## Prerule Stage

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

**Additional Information:** There are approximately 452,000 cases of odometer fraud per year in the United States. There is a 3.47 percent chance that a vehicle would have its odometer rolled back at some point during the first 11 years of its life. Consumers pay on average \$2,336 more for a rolled-back vehicle than they would have been willing to pay if they had known its true mileage.

**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

**RIN:** 2127-AF53**2238. REVIEW: AMERICAN AUTOMOBILE LABELING ACT****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 32304**CFR Citation:** 49 CFR 583**Legal Deadline:** None

**Abstract:** The American Automobile Labeling Act requires new passenger cars and light trucks, beginning October 1, 1994, to bear labels providing information on the extent to which their parts are of domestic origin. The objective of this review is to determine the extent to which new-vehicle buyers know about, understand and use this information, and to estimate the effect of the labels on vehicle production and sales.

**Timetable:**

Action	Date	FR Cite
Begin Review	12/01/95	
Collection of Information	07/24/97	62 FR 39886
Comment Period End	09/22/97	
Collection of Information	02/18/98	63 FR 8249
Collection of Information	02/26/98	63 FR 9897
Technical Report	03/06/01	66 FR 13625
End Review	11/00/02	

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

**Additional Information:** In a survey of 646 recent or imminent new-vehicle buyers, over 75 percent were unaware of the existence of automobile parts content labels. Among those who had read the labels, many said they used the country-of-assembly information, but none said they used the numerical U.S./Canadian parts content score. Overall U.S./Canadian parts content in new cars and light trucks dropped from an average of 70 percent in model year 1995 to 67.6 percent in 1988. However, it increased from 47 to 59 percent in transplants while dropping from 89 to 84 percent in Big 3 vehicles.

**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

**RIN:** 2127-AG18**2239. REVIEW: HEAVY TRUCK CONSPICUITY****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.108**Legal Deadline:** None

**Abstract:** The agency is conducting a study to evaluate the safety effects of the conspicuity systems requirement (section 5.7) of Federal Motor Vehicle Safety Standard No. 108. To carry out the study, the agency had special motor vehicle crash data collected by the Florida Highway Patrol and the Pennsylvania State Police.

**Timetable:**

Action	Date	FR Cite
Begin Review	09/01/95	
Collection of Information	07/01/96	61 FR 33891
Comment Period End	08/30/96	
Technical Report	05/04/01	66 FR 22640
End Review	11/00/02	

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

**Additional Information:** Retroreflective tape enhances the visibility of heavy trailers in the dark. The tape reduces

side and rear impacts by other vehicles into trailers by 29 percent in dark conditions (including dark-not-lighted, dark-lighted, dawn and dusk). In dark-not-lighted conditions, the tape reduces side and rear impacts by 41 percent. When all heavy trailers have the tape, it will prevent an estimated 191 to 350 fatalities, 3,100 to 5,000 injuries and 7,800 crashes per year.

**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

**RIN:** 2127-AG19**2240. MOTORCYCLE-MOUNTED REFLEX REFLECTOR HEIGHT****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.108**Legal Deadline:** None

**Abstract:** In response to a petition for rulemaking, the agency is considering allowing a lower minimum mounting height for side reflex reflectors on motorcycles. The intent is to harmonize United States lighting safety standards with European and Asian reflector position regulations and improve the flow of trade by creating "windows of harmonization" that will allow manufacturers to market "common" vehicles in global markets.

**Timetable:**

Action	Date	FR Cite
Agency Decision	11/00/02	

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

**Agency Contact:** Kenneth Hardie, Safety Standards Engineer, Department of Transportation, National Highway Traffic Safety Administration, NPS-21, Visibility and Injury Prevention Division, 400 Seventh Street, SW, Washington, DC 20590

Phone: 202 366-2720

Fax: 202 366-4329

**RIN:** 2127-AG92

## DOT—NHTSA

## Prerule Stage

**2241. REVIEW: CHILD SAFETY SEAT REGISTRATION****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; 49 CFR 588**Legal Deadline:** None**Abstract:** This evaluation involves analysis of the effectiveness of registering child safety seats to increase response to reports of recalled seats. This regulation was selected for review because of public interest in child passenger safety.**Timetable:**

Action	Date	FR Cite
Begin Review	10/01/97	
End Review	05/00/03	

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

**RIN:** 2127-AG93**2242. REVIEW: AIR BAG ON-OFF SWITCHES****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 40 USC 30166**CFR Citation:** 49 CFR 571.208**Legal Deadline:** None**Abstract:** This standard allows passenger vehicles to be equipped with an on-off switch for the right front passenger air bag if the rear seat cannot accommodate a rear-facing infant seat. The standard also enables vehicle owners to obtain an on-off switch for their passenger and/or driver air bag if they transport people who should not be exposed to an air bag deployment. The agency will determine, by observation of vehicles in use, the percentage of on-off switches that are being correctly used. This regulation

was selected for review because of its public interest and potential benefit.

**Timetable:**

Action	Date	FR Cite
Begin Review	04/01/98	
End Review	06/00/03	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Additional Information:** Preliminary results of the observational survey are that the switches were left on (when they should be off) for 9 percent of infant passengers, 27 percent of child passengers age 1-6, and 56 percent of child passengers age 7-12. They were turned off for 18 percent of teen and adult passengers, depriving them of any potential benefits of air bags.**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

**RIN:** 2127-AH12**2243. CHILD RESTRAINTS FOR OLDER CHILDREN****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:** In response to a petition for rulemaking, the agency requested comments on whether the child restraint standard should be amended to facilitate the production of lap belt-installed booster seats and other child restraints for children weighing over 18 kilograms, such as by allowing use of a tether in some of the compliance tests.**Timetable:**

Action	Date	FR Cite
Request for Comment	07/07/99	64 FR 36657
Comment Period End	09/07/99	
Agency Decision	11/00/02	

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

Phone: 202 366-4919

Fax: 202 366-4329

Email: gmouchahoir@nhtsa.dot.gov

**RIN:** 2127-AH14**2244. DEFECT REPORTING AND NOTIFICATION****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 30102 to 30103; 49 USC 30112; 49 USC 30115 to 30121; 49 USC 30166 to 30167**CFR Citation:** 49 CFR 573; 49 CFR 576; 49 CFR 577**Legal Deadline:** None**Abstract:** The agency was planning to amend its current regulations on Defect and Noncompliance Reports and Defect and Noncompliance Notification. The amendments would have addressed the availability of information regarding safety-related defects and noncompliance's and the notification to consumers of recalls of defective and noncomplying motor vehicles and motor vehicle equipment. NHTSA has decided to focus its resources on implementing the defect and noncompliance-related provisions of the Transportation Recall Enhancement, Accountability, and Documentation Act of 2000 and therefore has no present plans to move forward with this project.**Timetable:**

Action	Date	FR Cite
Agency Decision	11/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Jonathan D. White, Chief, Recall Analysis Division, Office of Defects Investigation, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-5226

Fax: 202 366-7882

**RIN:** 2127-AH89

## Department of Transportation (DOT)

## Proposed Rule Stage

## National Highway Traffic Safety Administration (NHTSA)

**2245. PROCEDURES FOR CONSIDERING ENVIRONMENTAL IMPACTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 4321 et seq (National Environmental Policy Act-NEPA)**CFR Citation:** 49 CFR 520**Legal Deadline:** None**Abstract:** NHTSA's regulation will be reviewed and revised, as necessary, where it conflicts with or is duplicative of the regulations of Council on Environmental Quality (CEQ), 40 CFR parts 1500-1508, and with DOT Order 5610.1C, each of which implements the National Environmental Policy Act (NEPA), 42 USC 4321 et seq.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Stephen Wood, Division Chief, Rulemaking Division, Office of the Chief Counsel, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-2992

**RIN:** 2127-AB79**2246. SEATING SYSTEMS PERFORMANCE****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.207**Legal Deadline:** None**Abstract:** Environmental Research and Safety Technologists of Flagstaff, AZ, petitioned the agency to reexamine the seatback performance requirements of the standard in rear impact crashes.**Timetable:**

Action	Date	FR Cite
ANPRM	10/04/89	54 FR 40896
ANPRM Comment Period End	12/04/89	
Request for Comments	11/23/92	57 FR 54958
Comment Period End	01/22/93	
NPRM	04/00/03	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** Petitions for rulemaking were granted 07/24/89. See a related rulemaking action involving these petitioners under RIN 2127-AC57. The first part of the research is complete. A computer model and a prototype seat were developed. Information on this research is available in the docket along with a report on crash data analysis. The agency is currently evaluating the research results and conducting dynamic seat testing.**Agency Contact:** Lori Summers, Division Chief, Department of Transportation, National Highway Traffic Safety Administration, NVS-112, Light Duty Vehicles Division, 400 Seventh Street, SW, Washington, DC 20590

Phone: 202 366-4917

Fax: 202 366-4329

**RIN:** 2127-AD08**2247. CERTIFICATION REQUIREMENTS OF MULTISTAGE VEHICLES****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 567; 49 CFR 568; 49 CFR 1.50**Legal Deadline:** None**Abstract:** The agency proposed to amend the certification requirements that apply to incomplete vehicles other than chassis-cabs. Incomplete vehicles are vehicles that include at least a frame and chassis structure, power train, steering system, suspension system, and brake system, but need further manufacturing performed on them to become completed vehicles. The agency proposed to extend the certification requirements currently applying to chassis-cabs to all types of incomplete vehicles. The agency recognizes that manufacturers who build vehicles in more than one stage are faced with somewhat different problems than manufacturers who build vehicles in a single stage, especially when it comes to certifying vehicles to meet Federal Motor Vehicle Safety Standards. The agency held a

public meeting to listen to the views of these groups and others with respect to improving the vehicle certification process. The agency established a negotiated rulemaking advisory committee to develop recommended amendments to the existing regulations. The agency will publish the findings and recommendations of the negotiated rulemaking advisory committee and request comments from the public.

**Timetable:**

Action	Date	FR Cite
NPRM	12/03/91	56 FR 61392
NPRM Comment Period End	01/31/92	
Announced Public Meeting	11/17/95	60 FR 57694
Notice of Intent	05/20/99	64 FR 27499
Notice of Formation of Advisory Committee	11/26/99	64 FR 66447
Notice of Meetings	02/07/00	65 FR 5847
Notice	04/19/00	65 FR 20936
SNPRM	12/00/02	

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** The agency has published a list of scheduled meetings.

ANALYSIS: Regulatory Evaluation, 12/03/91, 56 FR 61392

**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

Phone: 202 366-4919

Fax: 202 366-4329

Email: gmouchahoir@nhtsa.dot.gov

**RIN:** 2127-AE27**2248. CONVEX CROSS-VIEW MIRRORS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.111**Legal Deadline:** None**Abstract:** In response to a petition for rulemaking, the agency requested comments on the issue of rear mounted cross-view mirrors on light and medium duty trucks for the purpose of eliminating the blind spot directly

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behind the vehicle. The petitioner requested that these mirrors be mandated to eliminate backing accidents where children could be seriously injured or killed. Petition was granted.

**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	12/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Chris Flanigan, General Engineer, Special Project Staff, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-4931

**RIN:** 2127-AG41

### 2249. POLITICAL SUBDIVISION PARTICIPATION IN STATE HIGHWAY SAFETY PROGRAMS AND STATE HIGHWAY SAFETY AGENCY

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 23 USC 402

**CFR Citation:** 23 CFR 1250; 23 CFR 1251

**Legal Deadline:** None

**Abstract:** The agency is proposing to amend certain provisions concerning the State Highway Safety Programs to streamline them, address statutory changes, and delete obsolete or unnecessary requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State, Local, Tribal

**Agency Contact:** John Donaldson, Senior Attorney, Office of Chief Counsel, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-1834

**RIN:** 2127-AH00

### 2250. DEFINITION OF MULTIFUNCTIONAL SCHOOL ACTIVITY BUS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 9 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

**CFR Citation:** 49 CFR 571

**Legal Deadline:** None

**Abstract:** In response to a petition for rulemaking, the agency is proposing to amend various sections of part 571 to create a new vehicle type, tentatively called community transportation vehicles, that will have to meet the crashworthiness standards applicable to school buses, but will not have to meet some of the crash avoidance standards (i.e., stop arms, flashing lights, etc.). This would allow manufacturers to certify vehicles that will be less expensive and as safe as a school bus for transportation of Head Start students because we have tentatively decided that the school bus crash avoidance features are unnecessary when there is no curb-side pickup.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**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

Phone: 202 366-4919

Fax: 202 366-4329

Email: gmouchahoir@nhtsa.dot.gov

**RIN:** 2127-AH23

### 2251. METRIC CONVERSION—PHASE III

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166; PL 100-418, sec 5164

**CFR Citation:** 49 CFR 571

**Legal Deadline:** None

**Abstract:** The agency is amending selected Federal motor vehicle safety standards by converting English measurements in those standards to metric measurements. This rulemaking is the third and final in a series that the agency will undertake to implement the Federal policy that the metric system is the preferred system of weights and measures for U.S. trade and commerce. The conversions are not intended to change the stringency of the affected Federal motor vehicles safety standards.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Noble Bowie, Director, Office of Planning and Consumer Programs, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-0842

**RIN:** 2127-AH27

### 2252. UPGRADE DOOR RETENTION PERFORMANCE

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

**CFR Citation:** 49 CFR 571.206

**Legal Deadline:** None

**Abstract:** Based upon annual average estimates from the 1988 through 1996 Fatal Analysis Reporting System (FARS) and the National Automotive Sampling System (NASS), there is an annual average of 2,515 fatalities and 1,882 serious injuries due to door ejections. Side door ejections are the second leading cause of ejections in all crashes, superseded only by ejections through fixed glazing. One of the activities of agency rollover research focuses on reducing injuries and fatalities resulting from side door ejections. This research has led the agency to identify potential significant solutions to mitigating a substantial number of these fatalities and injuries by improving side door retention performance. Therefore, the agency is



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proposing to upgrade the door retention requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**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

Phone: 202 366-4919

Fax: 202 366-4329

Email: gmouchahoir@nhtsa.dot.gov

**RIN:** 2127-AH34

### 2253. ADMINISTRATIVE REWRITE OF THE LIGHTING REQUIREMENTS OTHER THAN HEADLAMPS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

**CFR Citation:** 49 CFR 571.108

**Legal Deadline:** None

**Abstract:** The agency is proposing to rewrite the reflective devices and associated equipment requirements to make the standard more readable and understandable. The standard has grown over the last 30 years by the incorporation of dozens of amendments. The document has become unwieldy to use and the agency decided to rewrite it to separate it into sections that address each lighting function separately. These sections will state the basic performance necessary for each lighting function and for lamp installation on various vehicle types. The rewrite will continue to reference Society of Automotive Engineers (SAE) and other standards and recommended practices for test procedures if too lengthy to incorporate changes. Moreover, it will codify various agency interpretations of its rules to make the standard more explicit. The proposed administrative rewrite of the headlamp regulations can be found under RIN 2127-AG87.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Michael Cole, Safety Standards Engineer, Department of Transportation, National Highway Traffic Safety Administration, NPS-21, Visibility and Injury Prevention Division, 400 Seventh Street, SW, Washington, DC 20590

Phone: 202 366-2720

Fax: 202 366-4329

**RIN:** 2127-AH37

### 2254. EXEMPTION FOR INCONSEQUENTIAL DEFECT OR NONCOMPLIANCE

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 30113

**CFR Citation:** 49 CFR 556

**Legal Deadline:** None

**Abstract:** Present regulation requires a petitioner to submit data "supporting its petition" which advocates excusing it from its notification and remedial obligations. Because the petitioner may have pertinent data relevant to the agency's decision that would not support granting it, the agency is proposing a clarification that all data pertaining to the subject in the possession of the petitioner be part of the petition. The agency also is proposing the petitioner provide a full and accurate analysis of its petition and certify that it is accurate and complete. NHTSA had deferred action on this rulemaking action on 8/2/01, to allow it to focus its limited resources on the defects and noncompliance related rulemaking actions required by the Transportation Recall Enhancement, Accountability, and Documentation Act of 2000.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Taylor Vinson, Senior Attorney, Office of the Chief Counsel,

Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-5263

Fax: 202 366-3820

Email: tvinson@nhtsa.dot.gov

**RIN:** 2127-AH58

### 2255. COMPLIANCE AND ENFORCEMENT

**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

**Legal Deadline:** None

**Abstract:** The agency is proposing to codify our long-standing general policy that motor vehicles and items of motor vehicle equipment must be capable of satisfying the requirements of each particular standard or regulation with the adjustable components of the vehicle or vehicle equipment adjusted to any position they can occupy while the vehicle is being operated unless the particular standard or regulation specifies otherwise or the manufacturer explicitly warns against placing the equipment or vehicle in that position. The agency is also proposing that where a standard provides manufacturers with more than one compliance option, manufacturers must select which compliance option(s) they are certifying to by the time they certify a vehicle or equipment item.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Stephen Wood, Division Chief, Rulemaking Division, Office of the Chief Counsel, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-2992

**RIN:** 2127-AH63

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**2256. REGISTERED IMPORTERS OF VEHICLES NOT ORIGINALLY MANUFACTURED TO CONFORM WITH THE FEDERAL MOTOR VEHICLE SAFETY STANDARDS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 30141; 49 USC 30147**CFR Citation:** 49 CFR 592**Legal Deadline:** None

**Abstract:** The agency proposed to reduce regulatory burdens associated with importation of Canadian vehicles for resale in the United States when those vehicles already comply in essential respects with the Federal motor vehicle safety standards. This proposal would enhance safety by revising application procedures to ensure a higher caliber of registered importers and clarifying existing obligations.

**Timetable:**

Action	Date	FR Cite
NPRM	11/20/00	65 FR 69810
NPRM Comment Period	02/01/01	
SNPRM	12/00/02	
Final Action	12/00/02	
Final Action Effective	03/00/03	

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

**Agency Contact:** Taylor Vinson, Senior Attorney, Office of the Chief Counsel, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-5263

Fax: 202 366-3820

Email: tvinson@nhtsa.dot.gov

**RIN:** 2127-AH67**2257. +FRONTAL OFFSET PROTECTION**

**Regulatory Plan:** This entry is Seq. No. 109 in part II of this issue of the **Federal Register**.

**RIN:** 2127-AH73**2258. SPECIAL PURPOSE VEHICLES****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.224**Legal Deadline:** None

**Abstract:** In response to a petition for rulemaking, the agency is considering whether to amend the standard for new trailers and semitrailers with a gross vehicle weight rating (GVWR) of 4,536 kilograms (10,000 pounds) or more be equipped with a rear impact guard by revising the definition of "special purpose vehicles." These are vehicles with rear mounted liftgates that operate by swinging through the area or reside in any part of the area that is designated for the horizontal member of the rear impact guard.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	

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

**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

Phone: 202 366-4919

Fax: 202 366-4329

Email: gmouchahoir@nhtsa.dot.gov

**RIN:** 2127-AH75**2259. BRAKE HOSES****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.106**Legal Deadline:** None

**Abstract:** In response to a petition for rulemaking, the agency is considering whether to adopt portions of the brake component Federal safety provisions that are now in the Federal Motor Carrier Safety Administration regulations into the agency's brake regulation.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	

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

**Agency Contact:** Jeffrey Woods, Safety Standards Engineer, Department of Transportation, National Highway Traffic Safety Administration, NPS-22, Vehicle Dynamics Division, 400 Seventh Street, SW, Washington, DC 20590

Phone: 202 366-2720

Fax: 202 366-4329

**RIN:** 2127-AH79**2260. LOW-SPEED VEHICLE PERFORMANCE REQUIREMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.500**Legal Deadline:** None

**Abstract:** Low-speed vehicles (LSV) have a maximum speed of between 20 and 25 miles per hour (mph). These vehicles are required to have certain equipment some of which does not have any performance requirements. The agency is proposing to set performance criteria for the various safety systems and hardware necessary for use on these vehicles.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/03	

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

**Agency Contact:** Mike Pyne, Safety Standards Engineer, Office of Crash Avoidance, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-4171

**RIN:** 2127-AH80**2261. HEADLAMP GLARE****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.108**Legal Deadline:** None

**Abstract:** The current standard sets minimum and maximum headlamp

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intensities to ensure the driver of the vehicle sees as much of the roadway as possible, while minimizing glare for other drivers using the road. The agency has been receiving a significant number of public complaints about headlamp glare from other vehicles. Technological changes, fleet mix changes, and an increase in the average driver age, cause the agency to reexamine seeing distance and glare.

**Timetable:**

Action	Date	FR Cite
Request for Comments	09/28/01	66 FR 49594
Reopen Comment Period	11/30/01	66 FR 59769
Comment Period End	12/22/01	
Comment Period End	01/28/02	
NPRM	05/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Richard VanDerstine, Division Chief, Visibility and Injury Prevention Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-2720

Fax: 202 366-4329

**RIN:** 2127-AH81

**2262. STOWABLE OR FOLD-AWAY CHILD RESTRAINT ANCHORAGES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

**CFR Citation:** 49 CFR 571.225

**Legal Deadline:** None

**Abstract:** This action proposes requests by petitions for reconsideration to permit stowing and fold-away anchors on vehicles. The proposal would set performance and other requirements for such anchors. This pertains to the requirements established in the final rule published March 5, 1999 (64 FR 10785, RIN 2127-AG50).

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** Other issues raised by the petitioners are being addressed in RIN 2127-AH65 - Child Restraint Anchorage Systems - Part 1 and RIN 2127-AH86 - Child Restraint Anchorage Systems - Part 2.

**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

Phone: 202 366-4919

Fax: 202 366-4329

Email: gmouchahoir@nhtsa.dot.gov

**RIN:** 2127-AH85

**2263. MOTORCYCLE HEADLAMP SYSTEM**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

**CFR Citation:** 49 CFR 571.108

**Legal Deadline:** None

**Abstract:** In response to a petition for rulemaking, the agency is considering whether to modify the motorcycle headlamp system height of upper beam and number of headlamp and light source.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Kenneth Hardie, Safety Standards Engineer, Department of Transportation, National Highway Traffic Safety Administration, NPS-21, Visibility and Injury Prevention Division, 400 Seventh Street, SW, Washington, DC 20590

Phone: 202 366-2720

Fax: 202 366-4329

**RIN:** 2127-AH92

**2264. IMPROVE MOTORCYCLE HELMET HEAD 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 571.218

**Legal Deadline:** None

**Abstract:** In 1998, 2,284 motorcyclists were killed and 49,000 injured in traffic crashes on U.S. highways. The agency believes that helmet usage by motorcyclists is the most effective method to reduce deaths and injuries in motorcycle crashes. In order to improve the head protection for motorcyclists, the agency is proposing to upgrade the performance standards and test procedures to incorporate the technological advancements available in the current market and to review the standard for harmonization with other major helmet standards.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**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

Phone: 202 366-4919

Fax: 202 366-4329

Email: gmouchahoir@nhtsa.dot.gov

**RIN:** 2127-AI03

**2265. REORGANIZE AND HARMONIZE CONTROLS AND DISPLAYS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 SC 30166

**CFR Citation:** 49 CFR 571.101

**Legal Deadline:** None

**Abstract:** The agency is proposing to reorganize the controls and displays requirements to make them more user-friendly and to harmonize the standard with the Canadian Motor Vehicle Safety Standard No. 101 on the same subject. These proposed changes will list the

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symbols used in the standard to improve driver recognition of the function of controls and the meaning of telltales.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	

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

**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

Phone: 202 366-5559

RIN: 2127-AI09

**2266. SEAT BELT EMERGENCY LOCKING RETRACTOR****Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

**CFR Citation:** 49 CFR 571.209**Legal Deadline:** None

**Abstract:** In response to a petition for rulemaking, the agency is proposing clarifications concerning the test procedure for the acceleration pulse shape, onset rate, time duration, and acceleration tolerance for seat belt emergency locking retractors.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/03	

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

**Agency Contact:** Lori Summers, Division Chief, Department of Transportation, National Highway Traffic Safety Administration, NVS-112, Light Duty Vehicles Division, 400 Seventh Street, SW, Washington, DC 20590

Phone: 202 366-4917

Fax: 202 366-4329

RIN: 2127-AI38

**2267. ADAPTATION OF INSTRUMENTED LOWER LEGS FOR HYBRID III MALE AND FEMALE ADULT DUMMIES****Priority:** Substantive, Nonsignificant

**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:** The agency is proposing the use of crash test dummies with instrumented lower legs to assess the crashworthiness and the potential of lower limb injuries to occupants of passenger cars, vans, light trucks, and sport utility vehicles. The new legs would be retrofits for un-instrumented legs in current Hybrid III male and female adult size dummies. The legs will be used to monitor both the inertial impact and floor pan intrusion effects upon injury potential to the knees, tibia, ankle and feet. The new legs will permit the agency to assess the injury potential to the lower legs in current motor vehicles during crashes and also enable the vehicle manufacturers to design and construct vehicles that will minimize lower limb injuries.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/03	

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

**Agency Contact:** Richard Morgan, Biomechanics Specialist, General Engineer, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590

Phone: 202 366-2027

Fax: 202 366-4329

Email: rmorgan@nhtsa.dot.gov

RIN: 2127-AI39

**2268. VOLUNTARILY INSTALLED SEAT BELT ASSEMBLY ANCHORAGES****Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

**CFR Citation:** 49 CFR 571.210**Legal Deadline:** None

**Abstract:** In a final rule published June 12, 1998 (63 FR 32143, RIN 2127-AF91), the agency required anchorages for voluntarily installed shoulder belts to comply with the current requirements for 3-point belts. This change applied mainly to seat locations where belts are required, such as the center rear seat in passenger cars. This change did not apply to seats where no seat belt was required. The agency is proposing to extend the anchorage requirement to seats where the entire seat belt assembly is voluntarily installed. This change will mainly affect passenger seats on large buses and large school buses where the customer decides to order the bus with seat belts.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/03	

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

**Additional Information:** This action is currently in research.

**Agency Contact:** Lori Summers, Division Chief, Department of Transportation, National Highway Traffic Safety Administration, NVS-112, Light Duty Vehicles Division, 400 Seventh Street, SW, Washington, DC 20590

Phone: 202 366-4917

Fax: 202 366-4329

RIN: 2127-AI40

**2269. IDLE STOP TECHNOLOGY USED IN SOME HYBRID ELECTRIC VEHICLES****Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

**CFR Citation:** 49 CFR 571.102**Legal Deadline:** None

**Abstract:** The agency is proposing to amend the standard to clarify the intent of the standard and allow it to accommodate "idle stop technology" used in some hybrid electric vehicles. This will respond to existing interpretations which promised such a modification.

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**Timetable:**

Action	Date	FR Cite
NPRM	02/00/03	

**Regulatory Flexibility Analysis**

Required: No

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

**Agency Contact:** William Evans, Safety Standards Engineer, Department of Transportation, National Highway Traffic Safety Administration, NPS-23, Vehicle Controls and Adapted Vehicle Division, 400 Seventh Street, SW, Washington, DC 20590  
Phone: 202 366-2720  
Fax: 202 366-4329

RIN: 2127-AI43

**2270. OPERATION OF MOTOR VEHICLES BY INTOXICATED PERSONS**

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

**Legal Authority:** PL 106-346, sec 351**CFR Citation:** 23 CFR 1225**Legal Deadline:** None

**Abstract:** The Transportation Equity Act for the 21st Century (TEA-21) established a grant program under which States could qualify for incentive funds if they enacted and enforced a law that provides that any person with a blood alcohol concentration of .08 percent or greater while operating a motor vehicle in the State is deemed to have committed a per se offense of driving while intoxicated or an equivalent per se offense. The agency published a final rule implementing that incentive grant program. Section 351 of the Department of Transportation (DOT) Appropriations Act for Fiscal Year (FY) 2001 (PL 106-346) contains a new provision requiring the withholding of certain Federal-aid highway funds from a State, beginning in fiscal year 2004, if the State has not enacted and is not enforcing such a law. The agency is proposing to amend the regulation implementing the incentive grant program established in TEA-21 to reflect the new sanctions provisions established in the DOT appropriations set for FY 2001.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** State

**Agency Contact:** Heidi L. Coleman, Assistant Chief Counsel for General Law, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-1834

Marlene Markison, Chief, Program Support, Office of State and Community Services, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-2121

RIN: 2127-AI44

**2271. PROCEDURES FOR PARTICIPATING IN AND RECEIVING DATA FROM THE NATIONAL DRIVER REGISTRATION PROBLEM DRIVER POINTER SYSTEM****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 30301 to 30308; PL 106-159, sec 204**CFR Citation:** 23 CFR 1327**Legal Deadline:** None

**Abstract:** The agency is proposing to amend the National Driver Register regulations to implement an amendment made by the Motor Carrier Safety Improvement Act of 1999 (PL 106-159). The amendment requires a State, before issuing or renewing a motor vehicle operator's license to an individual, to query both the National Driver Register and the Commercial Driver's License Information System on the individual's driving record.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/03	

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** State

**Agency Contact:** Glenn Karr, Division Chief, Driver Register and Traffic Records, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW, Washington, DC 20590  
Phone: 202 366-4800

RIN: 2127-AI45

**2272. PARKING BRAKES FOR NON-SCHOOL BUS VEHICLES****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.105**Legal Deadline:** None

**Abstract:** The agency is proposing to update the standard to require non-school bus vehicles with a gross vehicle weight rating (GVWR) over 10,000 pounds to be equipped with a hydraulic parking brake system.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	

**Regulatory Flexibility Analysis**

Required: No

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

**Agency Contact:** Samuel Daniel, General Engineer, Special Projects Staff, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-4921

RIN: 2127-AI47

**2273. CARGO CARRYING CAPACITY****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 575**Legal Deadline:** None

**Abstract:** In response to a petition for rulemaking, the agency is considering 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, act as a reference during cargo loading and encourage the recreational vehicle industry to allow for greater cargo carrying capacities which in turn will reduce instances of overloading.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	

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## Proposed Rule Stage

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

**Agency Contact:** William Evans, Safety Standards Engineer, Department of Transportation, National Highway Traffic Safety Administration, NPS-23, Vehicle Controls and Adapted Vehicle Division, 400 Seventh Street, SW, Washington, DC 20590  
Phone: 202 366-2720  
Fax: 202 366-4329

**RIN:** 2127-AI50**2274. CONVEX MIRRORS FOR COMMERCIAL TRUCKS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.111**Legal Deadline:** None

**Abstract:** In response to a petition for rulemaking from Ms. Barbara Sandord, the agency is considering amending the standard to require that all commercial trucks traveling on the interstate highway system have convex mirrors affixed to their front right and left fenders (such as those required on school buses).

**Timetable:**

Action	Date	FR Cite
Request for Comments	12/00/02	

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

**Agency Contact:** Chris Flanigan, General Engineer, Special Project Staff, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-4931

**Related RIN:** Related To 2127-AI53**RIN:** 2127-AI52**2275. ENHANCE PASSENGER-SIDE MIRROR SYSTEM****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.111**Legal Deadline:** None

**Abstract:** In response to a petition for rulemaking from AM General, the agency is considering amending the standard by extending the requirements to MPVs and trucks (independent of their weight) to allow enhanced passenger-side mirror systems.

**Timetable:**

Action	Date	FR Cite
Request for Comments	12/00/02	

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

**Agency Contact:** Chris Flanigan, General Engineer, Special Project Staff, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-4931

**Related RIN:** Related To 2127-AI52**RIN:** 2127-AI53**2276. HORIZONTAL DISCHARGE TRAILERS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.224**Legal Deadline:** None

**Abstract:** In response to two petitions for rulemaking, the agency is considering excluding semitrailers equipped with "horizontal discharge trailers" from the current standard.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/03	

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

**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  
Phone: 202 366-4919

Fax: 202 366-4329

Email: gmouchahoir@nhtsa.dot.gov

**RIN:** 2127-AI56**2277. HEAVIER HYBRID III TYPE 6-YEAR-OLD-SIZE TEST DUMMY****Priority:** Substantive, Nonsignificant**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:** The agency is proposing to incorporate a heavier 6-year-old child dummy as part of the Hybrid III test dummy family. This dummy will have weight added to the existing dummy, making it heavier than 60 pounds. The weighted 6-year-old dummy would have application for testing child restraint systems which are rated for weights above the current 6-year-old dummy weight and would serve as an interim device until such time as the Hybrid III 10-year-old dummy has been fully developed.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	

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

**Agency Contact:** Stanley Backaitis, Engineer, Office of Crashworthiness Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-4912

Fax: 202 366-4329

Email: sbackaitis@nhtsa.dot.gov

**RIN:** 2127-AI58**2278. ALLOW ROLL-BAR DURING BRAKE TESTING****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.105**Legal Deadline:** None

**Abstract:** The agency is proposing to allow vehicles with a gross vehicle weight rating of over 10,000 pounds to use a roll-bar during braking tests.

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**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	

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

**Agency Contact:** Samuel Daniel, General Engineer, Special Projects Staff, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-4921

**Related RIN:** Related To 2127-AH16**RIN:** 2127-AI63**2279. 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:** The agency is proposing to require minimum breaking strengths for child restraint systems webbing.**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	

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

**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  
Phone: 202 366-4919  
Fax: 202 366-4329  
Email: gmouchahoir@nhtsa.dot.gov

**RIN:** 2127-AI66**2280. MOTORCYCLE BRAKE CONTROLS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.123**Legal Deadline:** None**Abstract:** In response to a petition for rulemaking, the agency is proposing to allow a handlebar lever instead of a foot pedal to control the rear brakes on motorcycles which have no clutch control.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	

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

**Agency Contact:** Mike Pyne, Safety Standards Engineer, Office of Crash Avoidance, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-4171

**RIN:** 2127-AI67**2281. +LIGHT TRUCK AVERAGE FUEL ECONOMY STANDARD, MODEL YEARS 2005-2010****Priority:** Economically Significant. Major under 5 USC 801.**Legal Authority:** 49 USC 329**CFR Citation:** 49 CFR 533**Legal Deadline:** None

**Abstract:** The purpose of this request for comments is to acquire information to assist the agency in developing a proposal for fuel economy standards for light trucks beyond model year 2004. The agency plans to propose standards for some or all of model years 2005 to 2010. The agency is seeking information that will help it assess the extent to which manufacturers can improve light truck fuel economy during the period in question, the benefits and costs to consumers of fuel economy improvements, the benefits to the nation of reducing fuel consumption, and the number of model years that should be covered by the proposal. The agency is also seeking comments on possible modifications and/or reforms to the Corporate Average Fuel Economy program.

**Timetable:**

Action	Date	FR Cite
Request for Comments	02/07/02	67 FR 5767

Action	Date	FR Cite
NPRM	11/00/02	
Final Action	04/00/03	

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

**Agency Contact:** Rosalind Proctor, Division Chief, Consumer Programs Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-0846

Fax: 202 366-4329

Email: rproctor@nhtsa.dot.gov

**RIN:** 2127-AI70**2282. +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:** Not Yet Determined**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). We believe it is timely to consider what role NHTSA should take in implementing EDRs in motor vehicles. Recently, NHTSA received a petition requesting that NHTSA initiate rulemaking to require the installation of EDRs in new vehicles. The agency decided to issue a Federal Register notice asking for comments. NHTSA will decide what to do after review of comments and other related information.

**Timetable:**

Action	Date	FR Cite
Request for Comments	10/11/02	67 FR 63493
Comment Period End	01/09/03	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Undetermined**Federalism:** Undetermined

**Agency Contact:** Dr. William R.S. Fan, Safety Standards Engineer, Department of Transportation, National Highway Traffic Safety Administration, Room

## DOT—NHTSA

## Proposed Rule Stage

5320F, NPS-10, 400 Seventh Street  
SW., Washington, DC 20590  
Phone: 202 366-4922  
Fax: 202 366-4329

RIN: 2127-AI72

### 2283. GM PETITION ON AMENDING FMVSS NO. 301 AND FMVSS NOS. 208, 212, 219, 303, AND 305

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 1392; 15 USC 1497

**CFR Citation:** 49 CFR 571.208; 49 CFR 571.212; 49 CFR 571.219; 49 CFR 571.301; 49 CFR 571.303; ...

**Legal Deadline:** None

**Abstract:** NHTSA published an NPRM on November 13, 2000, proposing to upgrade the rear- and side-impact tests in FMVSS No. 301, Fuel System Integrity. The NPRM requested comments on a number of particular issues. One of the requests, item 3.h, proposed to eliminate the second sentence in the standard's S7.11(b), which describes the test vehicle loading conditions. GM submitted comments on the issue and recommended specific changes. In addition, GM petitioned NHTSA to amend FMVSS Nos. 208, 212, 219, 303 and 305 with identical language that GM recommended for amending FMVSS No. 301.

#### Timetable:

Action	Date	FR Cite
NPRM	12/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**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

Phone: 202 366-4919

Fax: 202 366-4329

Email: gmouchahoir@nhtsa.dot.gov

RIN: 2127-AI76

### 2284. EXEMPTION FOR INCONSEQUENTIAL DEFECT OR NONCOMPLIANCE

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 30118(d), 30120(h); Delegation of Authority at 49 CFR 1.50

**CFR Citation:** 49 CFR 556

**Legal Deadline:** None

**Abstract:** Amendment to existing rules on inconsequential petitions to address appeals to the agency of denials of petitions for exemptions from notification and remedy requirements on the grounds that the noncompliance or defect is inconsequential as it relates to motor vehicle safety.

#### Timetable:

Action	Date	FR Cite
NPRM	12/00/02	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Andrew DiMarsico, Trial Attorney, Department of Transportation, National Highway Traffic Safety Administration, 5219, NCC-10, 400 Seventh Street, SW, Washington, DC 20590  
Phone: 202 366-5263  
Fax: 202 366-3820

RIN: 2127-AI78

### 2285. • +CONSUMER INFORMATION REGULATIONS; FEDERAL MOTOR VEHICLE SAFETY STANDARDS; ROLLOVER RESISTANCE

**Priority:** Other Significant

**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

**CFR Citation:** 49 CFR 575

**Legal Deadline:** Final, Statutory, November 22, 2002. TREAD Act Mandate.

**Abstract:** This action establishes a consumer information program on rollover resistance using both dynamic and static vehicle measurements in response to section 12 of the TREAD Act. It replaces the current rollover resistance consumer information that is based only on static measurements. This action has no regulatory effect on vehicle manufacturers or the public. The cost of collecting the information and making it available to the public

is entirely the responsibility of NHTSA as part of its New Car Assessment Program (NCAP).

#### Timetable:

Action	Date	FR Cite
NPRM	10/07/02	67 FR 62528
NPRM Comment Period End	11/21/02	
Final Action	04/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Agency Contact:** Patrick Boyd, Division Chief, Vehicle Controls & Adapted Vehicles Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590

Phone: 202 366-2720

Fax: 202 366-4329

Email: pboyd@nhtsa.dot.gov

RIN: 2127-AI81

### 2286. • 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 1.50

**Legal Deadline:** None

**Abstract:** Incorporation of the EuroSID II, Side Impact Crash Test Dummy, into Part 572 is needed to support the forthcoming upgrade of FMVSS 214, Side Impact Regulation and to attain harmonization of crash test tools on a worldwide basis. The EuroSID will be cited as one of the alternative crash test tools to upgrade FMVSS 214. Incorporation of the EuroSID II will have one time cost to the government of approximately \$300,000, but no long term costs. Costs to the vehicle manufacturers are negligible on a per manufactured vehicle basis. There are no direct safety benefits in use of the crash test dummies.

#### Timetable:

Action	Date	FR Cite
NPRM	05/00/03	

**Regulatory Flexibility Analysis Required:** No



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## Proposed Rule Stage

**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Stanley Backaitis, Engineer, Office of Crashworthiness Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-4912

Fax: 202 366-4329

Email: sbackaitis@nhtsa.dot.gov

**RIN:** 2127-AI89**2287. ● REAR CENTER LAP/SHOULDER BELT REQUIREMENT - STD. 208****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30177; 49 USC 30166**CFR Citation:** 49 CFR 571.208**Legal Deadline:** None**Abstract:** The agency is considering an amendment to its occupant protection standard, FMVSS No. 208, to require the installation of Type 2 (lap/shoulder belt) assemblies for all rear non-outboard designated seating positions (DSPs) in passenger cars, trucks and multipurpose passenger vehicles with a Gross Vehicle Weight Rating (GVWR) of 4,536 kg (10,000 lbs.) or less.**Timetable:**

Action	Date	FR Cite
NPRM	01/00/03	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Lori Summers, Division Chief, Department of Transportation, National Highway Traffic Safety Administration, NVS-112, Light Duty Vehicles Division, 400 Seventh Street, SW, Washington, DC 20590

Phone: 202 366-4917

Fax: 202 366-4329

**RIN:** 2127-AI91

## Department of Transportation (DOT)

## Final Rule Stage

## National Highway Traffic Safety Administration (NHTSA)

**2288. +CRASHWORTHINESS RATINGS****Priority:** Other Significant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 5**Legal Deadline:** None**Abstract:** This action would require manufacturers to disseminate crashworthiness performance information concerning their cars to the public, to provide consumers with comparative information on the crashworthiness performance of new car models. This rulemaking is considered significant because of the impact on manufacturers, the interest shown by consumers, and the potential significant effects on the automotive marketplace. The agency requested public comments on the National Academy of Sciences (NAS) study titled "Shopping for Safety — Providing Consumer Automotive Safety Information," (TRB Special Report 248) and how that study should be reflected in the agency's decision on whether, and if so, how, to proceed with a crashworthiness rating for automobiles.**Timetable:**

Action	Date	FR Cite
NPRM	01/22/81	46 FR 7025
NPRM Comment Period End	04/22/81	

Action	Date	FR Cite
Request for Comments	05/20/97	62 FR 27648
Comment Period End	08/18/97	
To Be Withdrawn	04/00/03	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Mary Versailles, Office of Planning and Consumer Programs, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-2057

**RIN:** 2127-AA03**2289. +FLAMMABILITY OF INTERIOR MATERIALS—SCHOOL BUSES****Priority:** Other Significant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.302**Legal Deadline:** None**Abstract:** Advance notice of proposed rulemaking requested comments regarding possible upgrade of Standard 302 to reduce the risk of fire to school bus occupants. This rulemaking is

significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
ANPRM	11/04/88	53 FR 44627
ANPRM Comment Period End	01/03/89	
Request for Comments	02/26/91	56 FR 7826
Comment Period End	04/29/91	
To Be Withdrawn	07/00/03	

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

Phone: 202 366-4919

Fax: 202 366-4329

Email: gmouchahoir@nhtsa.dot.gov

**RIN:** 2127-AA44**2290. +PLATFORM LIFT SYSTEMS****Priority:** Other Significant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.403; 49 CFR 571.404

## DOT—NHTSA

## Final Rule Stage

**Legal Deadline:** None

**Abstract:** The supplemental notice proposed to establish two new safety standards: an equipment standard specifying requirements for platform lifts; and a vehicle standard for all vehicles equipped with such lifts. This supplemental notice significantly differed from our original proposal in several respects. Most notably, the scope of our proposal expanded to platform lifts installed on all motor vehicles. Other significant changes were additional interlock requirements, improved wheelchair retention and platform slip resistance tests, and, in some instances, lesser compliance standards for lifts installed on vehicles typically used solely for private transport. This action is not considered economically significant, but has substantial public interest from individuals with disabilities.

**Timetable:**

Action	Date	FR Cite
NPRM	02/26/93	58 FR 11562
NPRM Comment Period End	04/27/93	
SNPRM	07/27/00	65 FR 46227
Correction	08/04/00	65 FR 47946
SNPRM Comment Period End	10/25/00	
Final Action	11/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** William Evans, Safety Standards Engineer, Department of Transportation, National Highway Traffic Safety Administration, NPS-23, Vehicle Controls and Adpated Vehilce Division, 400 Seventh Street, SW, Washington, DC 20590  
Phone: 202 366-2720  
Fax: 202 366-4329

**RIN:** 2127-AD50

**2291. UPGRADE FUEL INTEGRITY PERFORMANCE REQUIREMENTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

**CFR Citation:** 49 CFR 571.301

**Legal Deadline:** None

**Abstract:** An advance notice of proposed rulemaking in 1995 announced the agency's plan to

consider upgrading the standard by making the current crash requirements more stringent and by broadening the standard's focus to include mitigation concepts related to fuel system components and environmental and aging tests related to components. The notice also requested comments on the agency's plan to explore a three-phase approach to upgrading the standard, data, methods, and strategies which may assist in the agency's regulatory decisions in defining specific requirements and test procedures for upgrading the standard. Based on the responses to the notice and available data, the agency proposed replacing the current rear-impact test procedures with a more stringent test procedure. The agency also proposed replacing the standard's current side-impact test requirements with the side impact test requirements of Federal Motor Vehicle Safety Standard No. 214, Side-Impact Protection.

**Timetable:**

Action	Date	FR Cite
Request for Comments	12/14/92	57 FR 59041
Comment Period End	02/12/93	
ANPRM	04/12/95	60 FR 18566
ANPRM Comment Period End	06/12/95	
NPRM	11/13/00	65 FR 67693
NPRM Comment Period End	02/12/01	66 FR 78461
Final Action	11/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** This action will respond to RIN 2127-AE83. On December 15, 2000, an extension of comment period was published in response to petitions.

**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  
Phone: 202 366-4919  
Fax: 202 366-4329  
Email: gmouchahoir@nhtsa.dot.gov

**RIN:** 2127-AF36

**2292. ALTERNATIVE GEOMETRIC VISIBILITY REQUIREMENTS FOR LAMPS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

**CFR Citation:** 49 CFR 571.108

**Legal Deadline:** None

**Abstract:** In response to a petition for rulemaking, the agency proposed to harmonize the lighting standard's geometric visibility requirements for signal lamps and rear side marker color with those of the ECE. Harmonization of the standard worldwide, without reducing safety, would allow manufacturers to reduce costs by producing to a single world vehicle standard rather than several, thus reducing costs and improving the flow of trade. The agency issued additional/alternative proposals.

**Timetable:**

Action	Date	FR Cite
NPRM	10/26/95	60 FR 54833
NPRM Comment Period End	12/26/95	
SNPRM	12/10/98	63 FR 68233
SNPRM Comment Period End	03/10/99	
Final Action	03/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** On February 27, 1997 (62 FR 8883), the agency terminated rulemaking in which the agency had asked for comments on whether the performance and installation of front and rear fog lamps should be regulated. In response to these comments, the SAE has established a Fog Lamp Task Force to develop an internationally acceptable fog lamp standard on which a Federal standard could be based.

**ANALYSIS:** Regulatory Evaluation, 10/26/95, 60 FR 54833

**Agency Contact:** Michael Cole, Safety Standards Engineer, Department of Transportation, National Highway Traffic Safety Administration, NPS-21, Visibility and Injury Prevention Division, 400 Seventh Street, SW, Washington, DC 20590  
Phone: 202 366-2720

## DOT—NHTSA

## Final Rule Stage

Fax: 202 366-4329

RIN: 2127-AF75

**2293. POWER-OPERATED WINDOWS: ROOF PANELS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.118**Legal Deadline:** None

**Abstract:** In response to a petition for rulemaking, the agency is considering whether to amend the test procedure used to demonstrate compliance by adding an alternative testing specification for a non-contact automatic reversal system, in order to provide a more meaningful and realistic method for evaluating the compliance of such systems which do not rely on contact to sense an obstruction. Petition was granted.

**Timetable:**

Action	Date	FR Cite
NPRM	06/04/96	61 FR 28124
Correction	06/14/96	61 FR 30209
NPRM Comment Period End	08/05/96	
Final Action	12/00/02	

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

**Agency Contact:** Mike Pyne, Safety Standards Engineer, Office of Crash Avoidance, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-4171

RIN: 2127-AF83

**2294. DOOR LATCH EXEMPTION FOR VEHICLES EQUIPPED WITH WHEELCHAIR LIFTS AND RAMPS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.206**Legal Deadline:** None

**Abstract:** In response to granting a petition for rulemaking from Independent Mobility Systems, the

agency is considering removing the exemption in FMVSS No. 206 for wheelchair lift door retention components. Prior to 1998, wheelchair adaptive equipment manufacturers disabled door retention components when installing wheelchair ramp and lift systems. However, recent changes in technology have eliminated the necessity for modifying door retention for wheelchair lift/ramp installations and therefore, it is no longer necessary to provide the lift exemption in FMVSS No. 206

**Timetable:**

Action	Date	FR Cite
Next Action	02/00/03	

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

**Additional Information:** On 05/31/96 (61 FR 27325), the agency published a grant notice. The agency believes that the suggested changes made by the petitioner merit additional study and research. The agency is currently conducting research to determine if door latch exemptions are still necessary. Simultaneously, the agency is developing a door latch procedure for sliding doors.

**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

Phone: 202 366-4919

Fax: 202 366-4329

Email: gmouchahoir@nhtsa.dot.gov

RIN: 2127-AG16

**2295. DEALER NOTIFICATION OF DEFECT OR NONCOMPLIANCE DETERMINATION****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 30102; 49 USC 30103; 49 USC 30111; 49 USC 30112; 49 USC 30115; 49 USC 30116; 49 USC 30118; 49 USC 30119; 49 USC 30120; 49 USC 30163; 49 USC 30165**CFR Citation:** 49 CFR 573; 49 CFR 577**Legal Deadline:** None

**Abstract:** The rule will implement an amendment to 49 USC chapter 301 which prohibits dealers from selling

motor vehicles or motor vehicle equipment that has been determined to contain a safety-related defect or noncompliance with a Federal motor vehicle safety standard until the defect or noncompliance is remedied. It will set forth criteria to govern the timing and content of notifications of defects and noncompliances that manufacturers must send to their dealers.

**Timetable:**

Action	Date	FR Cite
NPRM	09/27/93	58 FR 50314
NPRM Comment Period End	10/27/93	
SNPRM	05/19/99	64 FR 27227
SNPRM Comment Period End	06/18/99	
Final Action	04/00/03	

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

**Agency Contact:** Jonathan D. White, Chief, Recall Analysis Division, Office of Defects Investigation, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-5226

Fax: 202 366-7882

RIN: 2127-AG27

**2296. SEAT BELT POSITIONING DEVICES****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 575**Legal Deadline:** None

**Abstract:** In response to a petition for rulemaking, the agency proposed a labeling requirement for seat belt positioning devices. This label would consist of a warning regarding the suitability of these devices for a particular height/weight/age of child.

**Timetable:**

Action	Date	FR Cite
NPRM	08/13/99	64 FR 44164
NPRM Comment Period End	10/12/99	
Final Action	11/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses

## DOT—NHTSA

## Final Rule Stage

**Government Levels Affected:** None

**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

Phone: 202 366-4919

Fax: 202 366-4329

Email: gmouchahoir@nhtsa.dot.gov

**RIN:** 2127-AG49

### 2297. GLARE REDUCTION FROM DAYTIME RUNNING LAMPS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

**CFR Citation:** 49 CFR 571.108

**Legal Deadline:** None

**Abstract:** The agency proposed to amend the lighting standard to reduce glare from daytime running lamps (DRLs). A final rule is imminent. This action is intended to provide the public with all the conspicuity benefits of DRLs while reducing glare and is based on research that has become available since the final rule establishing DRLs was published in 1993.

**Timetable:**

Action	Date	FR Cite
NPRM	08/07/98	63 FR 42348
NPRM Comment Period End	09/21/98	
Final Action	11/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Richard VanDerstine, Division Chief, Visibility and Injury Prevention Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-2720

Fax: 202 366-4329

**RIN:** 2127-AG86

### 2298. ADMINISTRATIVE REWRITE FOR HEADLAMP REQUIREMENTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

**CFR Citation:** 49 CFR 571.108

**Legal Deadline:** None

**Abstract:** The agency has proposed to rewrite the sections relating to headlighting. The rewrite is important because of the standard's age and numerous amendments which have made it difficult to read and interpret. The revised standard should reduce burden, especially to small manufacturers, because of improved clarity. The reorganization of the sections relating to other lamps will be addressed in a separate rulemaking.

**Timetable:**

Action	Date	FR Cite
NPRM	11/12/98	63 FR 63258
NPRM Comment Period Extended to 4/11/99	02/08/99	64 FR 6021
NPRM Comment Period End	02/10/99	
Final Action	04/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Michael Cole, Safety Standards Engineer, Department of Transportation, National Highway Traffic Safety Administration, NPS-21, Visibility and Injury Prevention Division, 400 Seventh Street, SW, Washington, DC 20590  
Phone: 202 366-2720  
Fax: 202 366-4329

**RIN:** 2127-AG87

### 2299. SIGNAL LAMPS USED WITH LIGHT-EMITTING DIODES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

**CFR Citation:** 49 CFR 571.108

**Legal Deadline:** None

**Abstract:** In response to a petition for rulemaking, the agency proposed to revise the requirements for signal lamps equipped with 3 or more light-emitting diodes (LEDs). The current requirements have become design restrictive and a service burden for vehicle and signal lamp manufacturers.

**Timetable:**

Action	Date	FR Cite
NPRM	06/24/98	63 FR 34350

Action	Date	FR Cite
NPRM Comment Period Extended	08/03/98	63 FR 41222
NPRM Comment Period End	10/09/98	
Final Action	04/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Chris Flanigan, General Engineer, Special Project Staff, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-4931

**RIN:** 2127-AG88

### 2300. +ALLOCATION OF FUEL ECONOMY CREDITS

**Priority:** Other Significant

**Legal Authority:** 49 USC 32903

**CFR Citation:** 49 CFR 534

**Legal Deadline:** None

**Abstract:** The agency is proposing rulemaking to clarify when and how predecessor and successor automobile manufacturers may use the fuel economy credits of the predecessor or successor. The use of carry forward or carry back credits will be specified for manufacturers that merge. This action is considered significant because it will affect the treatment of the Corporate Average Fuel Economy (CAFE) penalties.

**Timetable:**

Action	Date	FR Cite
NPRM	01/22/01	66 FR 6523
Final Action	04/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Edward Glancy, Senior Attorney Advisor, Office of the Chief Counsel, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-2992

**RIN:** 2127-AG97

## DOT—NHTSA

## Final Rule Stage

**2301. INCORPORATE THE 1996 REVISION OF THE AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI) INTO GLAZING STANDARD****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.205**Legal Deadline:** None**Abstract:** In response to a petition for rulemaking, the agency proposed to incorporate the 1996 revision of the American National Standards Institute (ANSI) standard for safety glazing used in motor vehicles and other minor revisions into the agency's current standard for safety glazing used in motor vehicles.**Timetable:**

Action	Date	FR Cite
NPRM	08/04/99	64 FR 42330
NPRM Comment Period End	10/04/99	
Final Action	12/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Lori Summers, Division Chief, Department of Transportation, National Highway Traffic Safety Administration, NVS-112, Light Duty Vehicles Division, 400 Seventh Street, SW, Washington, DC 20590

Phone: 202 366-4917

Fax: 202 366-4329

**RIN:** 2127-AH08**2302. +HARMONIZATION OF HEAD RESTRAINTS****Priority:** Economically Significant. Major under 5 USC 801.**Unfunded Mandates:** This action may affect the private sector under PL 104-4.**Legal Authority:** 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166; 49 USC 322**CFR Citation:** 49 CFR 571.202**Legal Deadline:** None**Abstract:** The agency has proposed to upgrade the current head restraint requirements to increase safety. The proposal also, until the upgraded requirements become effective, allows

manufacturers to certify their vehicles either to the existing U.S. requirements or to the Economic Commission for Europe (ECE) Regulation No. 25. The upgrade proposed performance requirements intended to assure that the head restraint, if adjusted, will remain locked in specific height positions and calls for the installation of head restraints in rear seats. This action is considered significant due to the expected high cost to the private sector for the modifications to the standard.

**Timetable:**

Action	Date	FR Cite
NPRM	01/04/01	66 FR 967
NPRM Comment Period End	03/05/01	
Final Action	03/00/03	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Lori Summers, Division Chief, Department of Transportation, National Highway Traffic Safety Administration, NVS-112, Light Duty Vehicles Division, 400 Seventh Street, SW, Washington, DC 20590

Phone: 202 366-4917

Fax: 202 366-4329

**RIN:** 2127-AH09**2303. HEAVY VEHICLE ANTILOCK BRAKE SYSTEM (ABS) PERFORMANCE REQUIREMENT****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.105; 49 CFR 571.121**Legal Deadline:** None**Abstract:** The agency has proposed performance tests for ABS-equipped single-unit trucks and buses. ABS equipment requirements became effective for air-braked single-unit trucks, buses, and trailers on March 1, 1998, and for hydraulic-braked trucks and buses becomes effective on March 1, 1999. The agency indicated in prior rulemaking notices that it would consider supplementing these ABS equipment requirements with performance requirements after conducting tests to determine if such

testings are practicable and repeatable for trucks and buses.

**Timetable:**

Action	Date	FR Cite
NPRM	12/21/99	64 FR 71377
NPRM Comment Period End	02/22/00	
Final Action	11/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Jeffrey Woods, Safety Standards Engineer, Department of Transportation, National Highway Traffic Safety Administration, NPS-22, Vehicle Dynamics Division, 400 Seventh Street, SW, Washington, DC 20590

Phone: 202 366-2720

Fax: 202 366-4329

**Related RIN:** Related To 2127-AI63**RIN:** 2127-AH16**2304. UPPER INTERIOR IMPACT****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:** At the request of the manufacturers' organizations, the agency proposed to amend the upper interior impact requirements (1) to modify the minimum distance between certain targets on vertical surfaces inside a vehicle and (2) to add new definitions and test procedures for new-style door frames and vertical seat belt mounting structures.**Timetable:**

Action	Date	FR Cite
NPRM	04/05/00	65 FR 17843
NPRM Comment Period End	06/05/00	
NPRM Comment Period Extended	06/07/00	65 FR 36106
NPRM Comment Period End	07/05/00	
Final Action	12/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Lori Summers, Division Chief, Department of

## DOT—NHTSA

## Final Rule Stage

Transportation, National Highway Traffic Safety Administration, NVS-112, Light Duty Vehicles Division, 400 Seventh Street, SW, Washington, DC 20590  
Phone: 202 366-4917  
Fax: 202 366-4329

**RIN:** 2127-AH61

### 2305. ACCELERATOR CONTROL SYSTEMS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

**CFR Citation:** 49 CFR 571.124

**Legal Deadline:** None

**Abstract:** The agency reviewed this standard and published a Request for Comments to obtain information on electronic accelerator controls. After reviewing the comments received on this notice, the agency plans to propose a revision of the standard that will make explicit the application of the standard to electronic accelerator controls and the electric vehicles. The proposal will recognize that electronic engine controls vastly increase the ways manufacturers can achieve fail-safe performance in the event of a disconnection or severance of the accelerator control system and will propose a number of alternative compliance tests for fail-safe performance to avoid design restrictions.

**Timetable:**

Action	Date	FR Cite
Request for Comments	12/04/95	60 FR 62061
Comment Period End	02/02/96	
NPRM	07/23/02	67 FR 48117
Final Action	03/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Mike Pyne, Safety Standards Engineer, Office of Crash Avoidance, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-4171

**RIN:** 2127-AH71

### 2306. VEHICLES WITH RAISED ROOFS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

**CFR Citation:** 49 CFR 571.216

**Legal Deadline:** None

**Abstract:** In response to petitions for reconsideration of a final rule published on April 27, 1999 (64 FR 22567, RIN 2127-AF40) that made testing more suitable for vehicles with raised- or sloped-roof structures, the petitioners requested that the agency modify the portion of the rule that pertains to raised-roof vehicles, particularly those vehicles used for transporting disabled persons. The petitioners claim that the test plate position requirement for these vehicles causes the plate's rear edge to contact the raised-roof structure in a manner which causes abnormal penetration and failure.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	01/31/00	65 FR 4579
Interim Final Rule Effective	01/31/00	
Final Action	12/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**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  
Phone: 202 366-4919  
Fax: 202 366-4329  
Email: gmouchahoir@nhtsa.dot.gov

**RIN:** 2127-AH74

### 2307. CLARIFY TEST PROCEDURES FOR BRAKE FLUIDS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

**CFR Citation:** 49 CFR 571.116

**Legal Deadline:** None

**Abstract:** The agency has proposed to revise the corrosion and evaporation

test procedures for brake fluids. These revisions are intended to improve the levels of compliance test repeatability and/or reproducibility.

**Timetable:**

Action	Date	FR Cite
NPRM	01/16/01	66 FR 3527
NPRM Comment Period End	03/19/01	
Final Action	01/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Samuel Daniel, General Engineer, Special Projects Staff, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-4921

**RIN:** 2127-AH96

### 2308. GUIDELINES FOR STATES ON ENFORCEMENT OF LIGHT TRANSMISSION

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 23 USC 402(a)

**CFR Citation:** 49 CFR 553.21

**Legal Deadline:** None

**Abstract:** The agency is requesting comments to gather information that will help develop uniform guidelines for States to use in the enforcement of the light transmission standards for window glazing on passenger cars and light trucks. This action responds to a statutory directive to establish these guidelines.

**Timetable:**

Action	Date	FR Cite
Request for Comment	04/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State

**Agency Contact:** Richard VanInderstine, Division Chief, Visibility and Injury Prevention Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-2720  
Fax: 202 366-4329

## DOT—NHTSA

## Final Rule Stage

Heidi L. Coleman, Assistant Chief Counsel for General Law, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-1834

RIN: 2127-AH97

### 2309. CHILD RESTRAINT ANCHORAGE SYSTEMS—PART 2

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

**CFR Citation:** 49 CFR 571.225

**Legal Deadline:** None

**Abstract:** This action responds to several petitions for reconsideration concerning long-term testing procedures regarding the strength and other issues of universal child-restraint anchors. These requirements were established by the final rule on universal child-restraint anchorages published on March 5, 1999 (64 FR 10785, RIN 2127-AG50). An earlier action (RIN 2127-AH65) responded to other issues raised by the petitions.

**Timetable:**

Action	Date	FR Cite
Final Action	11/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**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

Phone: 202 366-4919

Fax: 202 366-4329

Email: gmouchahoir@nhtsa.dot.gov

RIN: 2127-AH99

### 2310. LABEL PLACEMENT ON REAR IMPACT GUARDS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

**CFR Citation:** 49 CFR 571.223

**Legal Deadline:** None

**Abstract:** In response to petitions for rulemaking, the agency is proposing to allow trailer manufacturers additional flexibility in the placement of the permanent label on the guard to minimize the probability that the label will be exposed to conditions — environmental, operational, or otherwise — that may damage or destroy the guard while maintaining a location that is easily accessible and visible for inspection and enforcement purposes. Other portions of the petitions are denied.

**Timetable:**

Action	Date	FR Cite
NPRM	03/29/02	67 FR 15154
NPRM Comment	05/28/02	
Period End		
Final Rule	11/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**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

Phone: 202 366-4919

Fax: 202 366-4329

Email: gmouchahoir@nhtsa.dot.gov

RIN: 2127-AI04

### 2311. MOVING BARRIER TIRE SPECIFICATION

**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; 49 CFR 571.301

**Legal Deadline:** None

**Abstract:** In response to a petition for rulemaking, the agency proposed changing the currently specified G78-15 tires used in the moving barrier test and replacing them with P215-75R15 radial tires. The current tires are not readily available.

**Timetable:**

Action	Date	FR Cite
NPRM	10/10/01	66 FR 51629
NPRM Comment	12/10/01	
Period End		
Final Action	12/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Lori Summers, Division Chief, Department of Transportation, National Highway Traffic Safety Administration, NVS-112, Light Duty Vehicles Division, 400 Seventh Street, SW, Washington, DC 20590

Phone: 202 366-4917

Fax: 202 366-4329

RIN: 2127-AI05

### 2312. +CONFIDENTIAL BUSINESS INFORMATION

**Priority:** Other Significant

**Legal Authority:** 49 USC 30166(M)

**CFR Citation:** 49 CFR 512

**Legal Deadline:** None

**Abstract:** The agency is revising the confidential business information regulations to simplify them and improve their clarity, and to update specific sections to reflect current case law and legislative action. This action will help ensure the efficient processing of requests for confidential treatment and the proper protection of sensitive business information.

**Timetable:**

Action	Date	FR Cite
NPRM	04/30/02	67 FR 21198
NPRM Comment	07/01/02	
Period End		
Final Action	02/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Heidi L. Coleman, Assistant Chief Counsel for General Law, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-1834

RIN: 2127-AI13

### 2313. ACCELERATION OF MANUFACTURER REMEDY PROGRAM

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 30120(c)

**CFR Citation:** 49 CFR 573

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**Legal Deadline:** None

**Abstract:** Rule to implement section 6(a) of the TREAD Act, PL 106-414 by amending NHTSA's existing regulation on Defect and Noncompliance Reports (49 CFR part 573) to require manufacturers to accelerate recalls that are not likely to be capable of completion in a reasonable time.

**Timetable:**

Action	Date	FR Cite
NPRM	12/11/01	66 FR 64087
NPRM Comment Period End	02/11/02	
Final Action	12/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Michael Goode, Trial Attorney, Department of Transportation, National Highway Traffic Safety Administration, 5219, NCC-10, 400 Seventh Street, SW, Washington, DC 20590  
Phone: 202 366-5263  
Fax: 202 366-3820

Coleman R. Sachs, Trial Attorney, Office of Chief Counsel, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-5263  
Email: csachs@nhtsa.dot.gov

**RIN:** 2127-AI27

**2314. DISPOSITION OF REPLACED TIRES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 30102 to 30103; 49 USC 30112; 49 USC 30117 to 30121; 49 USC 30166 to 30167; Delegation of authority 49 CFR 1.50

**CFR Citation:** 49 CFR 573

**Legal Deadline:** None

**Abstract:** Rule to implement section 7 of the TREAD Act, PL 106-414 49 USC 30120(d) by requiring a manufacturer who conducts a campaign to remedy a safety-related defect or noncompliance that involves the replacement of tires to develop a plan regarding the disposition of the tires that are replaced. The plan would address how to prevent, by means reasonably within the manufacturer's control, the disposal of replaced tires

in landfills, particularly through shredding, crumbling, recycling, recovery, and other alternative beneficial nonvehicular uses.

**Timetable:**

Action	Date	FR Cite
NPRM	12/18/01	66 FR 65165
SNPRM	07/26/02	67 FR 48852
Final Action	01/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Enid Rubenstein, Trial Attorney, Department of Transportation, National Highway Traffic Safety Administration, 5219, NCC-10, 400 Seventh Street, SW, Washington, DC 20590  
Phone: 202 366-5252  
Fax: 202 366-2820

**RIN:** 2127-AI29

**2315. +IMPROVE TIRE SAFETY INFORMATION**

**Priority:** Other Significant

**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

**CFR Citation:** 49 CFR 575

**Legal Deadline:** Other, Statutory, December 1, 2000, Advanced Notice of Proposed Rulemaking. Final, Statutory, June 1, 2002.

**Abstract:** The recently enacted Transportation Recall Enhancement Accountability and Documentation (TREAD) Act requires the Secretary of Transportation to initiate rulemaking to improve the labeling of tires to assist consumers in identifying tires that may be the subject of a safety recall. Pursuant to that Act, the Agency published an ANPRM stating that the agency is considering amendments to its regulations to improve the tire information and its availability and understandability to consumers. To aid in this effect, the agency sought responses from the public to questions relating to such matters as Tire Identification Number content, readability and location, loading, plies and cords, tread wear indicator, Uniform Tire Quality Grading System, speed rating, run-flat and extended mobility tires, tire inflation pressure, and dissemination of tire safety information. This action is considered

to be significant because of substantial public and congressional interest.

**Timetable:**

Action	Date	FR Cite
ANPRM	12/01/00	65 FR 75222
ANPRM Comment Period End	01/30/01	
NPRM	12/19/01	66 FR 65535
Comment Period End	02/19/02	
Final Action	11/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Roger Kurrus, Team Leader, Department of Transportation, National Highway Traffic Safety Administration, Office of Planning and Consumer Programs, 400 Seventh Street, SW, Washington, DC 20590  
Phone: 202 366-2750

**RIN:** 2127-AI32

**2316. IMPROVING THE SAFETY OF CHILD RESTRAINTS**

**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:** Final, Statutory, November 30, 2002.

**Abstract:** The recently enacted Transportation Recall Enhancement Accountability and Documentation (TREAD) Act requires the Secretary of Transportation to initiate rulemaking that will improve the safety of child restraints, including minimizing head injuries from side-impact collisions. The agency will consider whether to (1) require more comprehensive tests of child restraints using an array of crash conditions and an updated test seat assembly; (2) use test dummies that represent a greater range of sizes of children and that incorporate current technologies; (3) require improved protection from head injuries in side- and rear-impact crashes; (4) provide consumer information on the physical compatibility of child restraints and vehicle seats on a model-by-model basis; (5) prescribe clearer and simpler labels and instructions on child restraints; (6) consider restraints for children weighing up to 80 pounds; (7) apply scaled injury criteria performance levels, including neck injury; and (8)



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include a child restraint in each vehicle crash tested under the New Car Assessment Program.

**Timetable:**

Action	Date	FR Cite
NPRM	05/01/02	67 FR 21805
Final Rule	02/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**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

Phone: 202 366-4919

Fax: 202 366-4329

Email: gmouchahoir@nhtsa.dot.gov

**RIN:** 2127-AI34

**2317. SEAT BELT FIT**

**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:** The agency is reviewing a petition for rulemaking requesting the extension of seat belt length be an option when purchasing a new vehicle and requesting vehicle manufacturers to make seat belt extenders available for all models.

**Timetable:**

Action	Date	FR Cite
Final Action	11/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Lori Summers, Division Chief, Department of Transportation, National Highway Traffic Safety Administration, NVS-112, Light Duty Vehicles Division, 400 Seventh Street, SW, Washington, DC 20590

Phone: 202 366-4917

Fax: 202 366-4329

**RIN:** 2127-AI36

**2318. +AUTOMOTIVE FUEL ECONOMY MANUFACTURING INCENTIVE FOR ALTERNATIVE FUEL VEHICLES**

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

**Legal Authority:** 49 USC 32905(f); 49 USC 32906(a)(1)(B)

**CFR Citation:** 49 CFR 538

**Legal Deadline:** Final, Statutory, December 31, 2001, Notice to either extend up to four years or discontinue the program after Model Year 2004.

**Abstract:** The agency must, by December 31, 2001, publish a notice that either extends the incentive program whereby automotive manufacturers earn Corporate Average Fuel Economy credits for the production of dual-fuel vehicles for up to four years beyond model year 2004, with a maximum allowable increase in average fuel economy per manufacturer of 0.9 miles per gallon, or explains the rationale for not extending the incentive program.

**Timetable:**

Action	Date	FR Cite
Notice of Intent	01/07/02	67 FR 713
NPRM	03/11/02	67 FR 10873
Final Action	12/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Kenneth Richard Katz, Lead Engineer, Consumer Program Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-4936

Fax: 202 366-4329

Email: kkatz@nhtsa.dot.gov

**RIN:** 2127-AI41

**2319. EXPANDING THE AUTO PARTS MARKING REQUIREMENT**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 33103

**CFR Citation:** 49 CFR 541

**Legal Deadline:** None

**Abstract:** In accordance with the Anti Car Theft Act of 1992, the Attorney General was required to report on the effectiveness of expanding the parts marking requirements of the theft

prevention standard to the remaining motor vehicle lines. On the basis of the available evidence presented, the Attorney General found that the evidence did not support a finding that requiring parts marking would not substantially inhibit chop shop operations and auto theft and therefore, recommended expanding the parts marking requirements to the remaining motor vehicle lines. Based on the results of the report, the agency is required to conduct a rulemaking to extend the theft prevention standard to the remaining motor vehicle lines.

**Timetable:**

Action	Date	FR Cite
NPRM	06/26/02	67 FR 43075
NPRM Comment Period End	08/26/02	
Final Action	09/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Rosalind Proctor, Division Chief, Consumer Programs Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-0846

Fax: 202 366-4329

Email: rproctor@nhtsa.dot.gov

**RIN:** 2127-AI46

**2320. COMPLIANCE FOR MULTISTAGE MANUFACTURERS AND ALTERERS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

**CFR Citation:** 49 CFR 571.225

**Legal Deadline:** None

**Abstract:** The agency is responding to a petition for extraordinary relief of the compliance date by which final-stage manufacturers and alterers must install tether anchorages in affected vehicles to comply with our final rule published March 5, 1999 (64 FR 10786, RIN 2127-AG50).

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

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**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**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

Phone: 202 366-4919

Fax: 202 366-4329

Email: gmouchahoir@nhtsa.dot.gov

**RIN:** 2127-AI49

### 2321. +IMPROVED TIRE SAFETY

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

**Unfunded Mandates:** This action may affect the private sector under PL 104-4.

**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

**CFR Citation:** 49 CFR 571.139

**Legal Deadline:** Final, Statutory, June 1, 2002.

**Abstract:** The Transportation Recall Enhancement Accountability and Documentation (TREAD) Act requires the Secretary of Transportation to initiate rulemaking to improve the safety requirements of tires. The agency is proposing a new tire standard applicable to radial and non-radial tires that are mounted on passenger cars, light truck vehicles, and multipurpose vehicles, but not tires for motorcycles and heavy trucks. The proposed requirements include tests for high speed performance, endurance, low pressure validation, low pressure high speed performance, road hazard impact, resistance to bead unseating and aging.

#### Timetable:

Action	Date	FR Cite
NPRM	03/05/02	67 FR 10050
NPRM Comment Period End	05/06/02	
Final Action	12/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Joseph Scott, Safety Standards Engineer, Department of Transportation, National Highway Traffic Safety Administration, NPS-22, Vehicle Dynamics Division, 400

Seventh Street, SW, Washington, DC 20590

Phone: 202 366-2720

Fax: 202 366-4329

**RIN:** 2127-AI54

### 2322. RETROACTIVE CERTIFICATION (POLICY STATEMENT)

**Priority:** Info./Admin./Other

**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30166; 49 USC 32502; ...

**CFR Citation:** 49 CFR 567

**Legal Deadline:** None

**Abstract:** Policy statement will detail circumstances under which the agency will allow retroactive certification of heavy trucks and buses manufactured for use in Canada and Mexico.

#### Timetable:

Action	Date	FR Cite
Request for Comments	03/19/02	67 FR 12790
Comment Period End	05/20/02	
Final Action	11/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Rebecca MacPherson, Attorney Advisor, Office of Chief Counsel, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-2992

**RIN:** 2127-AI59

### 2323. RECORD RETENTION OF RETROACTIVELY CERTIFIED VEHICLES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 30112.; 49 USC 30115; 49 USC 30117-21; 49 USC 30166-67

**CFR Citation:** 49 CFR 576

**Legal Deadline:** None

**Abstract:** Record retention requirements for manufacturers who retroactively certify that heavy trucks and buses manufactured for use in Canada and Mexico met all applicable Federal motor vehicle safety standards on date of original manufacture.

#### Timetable:

Action	Date	FR Cite
NPRM	03/19/02	67 FR 12800
NPRM Comment Period End	05/20/02	
Final Action	11/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Rebecca MacPherson, Attorney Advisor, Office of Chief Counsel, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-2992

**RIN:** 2127-AI60

### 2324. IMPORTATION OF COMMERCIAL MOTOR VEHICLES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 30112

**CFR Citation:** 49 CFR 591

**Legal Deadline:** None

**Abstract:** This rulemaking would propose a definition of the term "import."

#### Timetable:

Action	Date	FR Cite
NPRM	03/19/02	67 FR 12806
NPRM Comment Period End	05/20/02	
Final Action	11/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Edward Glancy, Senior Attorney Advisor, Office of the Chief Counsel, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-2992

**RIN:** 2127-AI64

### 2325. CHILD RESTRAINT SAFETY RATING

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

**CFR Citation:** 49 CFR 575

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**Legal Deadline:** NPRM, Statutory, November 1, 2001.

**Abstract:** The recently enacted Transportation Recall Enhancement Accountability and Documentation (TREAD) Act requires a notice of proposed rulemaking be issued to establish a child restraint safety rating consumer information program to provide practicable, readily understandable, and timely information to consumers for use in making informed decisions in the purchase of child restraint systems (CRS).

**Timetable:**

Action	Date	FR Cite
NPRM	11/06/01	66 FR 56048
NPRM Comment Period End	01/07/02	
Final Action	11/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** On 11/06/2001 (66 FR 56146), the agency published a request for comment notice on a proposed safety rating program for child restraint systems.

**Agency Contact:** Roger Saul, Director, Office of Crashworthiness Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-1740  
Fax: 202 366-4329  
Email: rsaul@nhtsa.dot.gov

**RIN:** 2127-AI65

**2326. +ADVANCED AIR BAG REQUIREMENTS**

**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:** In response to a petition for rulemaking, the agency is considering possible changes in the advanced air bag requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	09/24/02	67 FR 59800
NPRM Comment Period End	10/24/02	
Final Rule	04/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Lori Summers, Division Chief, Department of Transportation, National Highway Traffic Safety Administration, NVS-112, Light Duty Vehicles Division, 400 Seventh Street, SW, Washington, DC 20590  
Phone: 202 366-4917  
Fax: 202 366-4329

**RIN:** 2127-AI71

**2327. THEFT DATA FOR CALENDAR YEAR 2000**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 33104 (b) (4)

**CFR Citation:** 49 CFR 541

**Legal Deadline:** None

**Abstract:** This action will publish the preliminary theft data on passenger motor vehicles that occurred in calendar year 2000 for model year 2000 vehicles. The theft data indicate the overall vehicles' theft rate in 2000. Publication of this data fulfills the agency's obligation to periodically obtain accurate and timely data and publish the information for review and comment.

**Timetable:**

Action	Date	FR Cite
NPRM	03/12/02	67 FR 11161
Final Action	11/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Deborah Mazyck, Program Analyst, Department of Transportation, National Highway Traffic Safety Administration, NPS-32, Office of Planning and Consumer Programs, 400 Seventh Street, Room 5320, Washington, DC 20590  
Phone: 202 366-0846  
Fax: 202 493-2290  
Email: dmazyck@nhtsa.dot.gov

**RIN:** 2127-AI75

**2328. • FMVSS NO. 208 ADVANCED AIR BAG PETITIONS FOR RECONSIDERATION (PART 2)**

**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 notice is the second in a series addressing the Petitions for Reconsideration received for the December 18, 2001, FMVSS No. 208 Final Rule. It addresses detailed dummy and seat positioning issues and other test procedure clarification requested in the Petitions for Reconsideration.

**Timetable:**

Action	Date	FR Cite
Final Action	02/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Louis Molino, Safety Standards Engineer, Department of Transportation, National Highway Traffic Safety Administration, Office of Crashworthiness Standards, NPS-11, 400 Seventh Street, SW, Room 5320, Washington, DC 20590  
Phone: 202 366-1833  
Fax: 202 366-4329

**RIN:** 2127-AI82

**2329. • WARNING LABEL AND ADDITIONAL CONSPICUITY FEATURES FOR LOW SPEED VEHICLES.**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

**CFR Citation:** 49 CFR 500

**Legal Deadline:** None

**Abstract:** Low speed vehicles (whose top speed capability is, by definition, 25 mph) are required by NHTSA to meet certain minimum safety requirements. These requirements are less stringent and comprehensive than those for all other passenger motor vehicles. While low speed vehicles originally intended for use on roadways in neighborhoods, gated communities, and similar environments with limited

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traffic, some States now permit them to be used on roads with posted speed limits up to 35 mph, and even higher in a few cases. Additionally, because various States treat these vehicles as zero emission vehicles, it is likely that larger volumes of these vehicles will enter service beginning in 2003. Given the small size of these vehicles and their limited safety features, they offer less protection in a crash than a regular car, van, or truck does. This means a higher risk of injury or death in crashes, even at low speeds. Consequently, the agency is considering a label warning of this higher risk and measures for increasing the conspicuity of low speed vehicles.

**Timetable:**

Action	Date	FR Cite
NPRM	07/12/02	67 FR 46149
Final Rule	03/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Richard VanInderstine, Division Chief, Visibility and Injury Prevention Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-2720

Fax: 202 366-4329

**RIN:** 2127-AI84

**2330. • +FMVSS NO. 208 ADVANCED AIR BAG PETITIONS FOR RECONSIDERATION (PART 1)**

**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:** The agency is responding to petitions for reconsideration on our December 18, 2001 final rule; response to petitions for reconsideration (66 FR 5376, RIN 2127-AI10), which both granted and denied portions of the petitions for reconsideration to our May 12, 2000 final rule (65 FR 30679, RIN 2127-AG70). The agency is responding to the petitions in two parts. The first part will address higher priority issues that can be addressed most expeditiously. Remaining issues

requiring more time to resolve will be in the second part at a later date.

**Timetable:**

Action	Date	FR Cite
Final Action	11/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Louis Molino, Safety Standards Engineer, Department of Transportation, National Highway Traffic Safety Administration, Office of Crashworthiness Standards, NPS-11, 400 Seventh Street, SW, Room 5320, Washington, DC 20590

Phone: 202 366-1833

Fax: 202 366-4329

**RIN:** 2127-AI85

**2331. • FMVSS NO. 201 UPPER INTERIOR IMPACT MULTI-STAGE VEHICLE COMPLIANCE**

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

**Legal Authority:** 49 USC 322; 49 USC 21411; 49 USC 21415; 49 USC 21417; 49 USC 21466

**CFR Citation:** 49 CFR 571.201

**Legal Deadline:** None

**Abstract:** The agency received petitions for rulemaking from Recreational Vehicle Industry Association (RVIA) and National Truck Equipment Association (NTEA). There is not sufficient time for the agency to consider the issues raised in these petitions before the compliance date for multi-stage vehicles manufacturers. This action would extend the compliance date for multi-stage vehicles by one year, i.e., from 9/1/02 to 9/1/03.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	06/18/02	67 FR 41348
Final Action	02/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Dr. William R.S. Fan, Safety Standards Engineer, Department of Transportation, National Highway Traffic Safety Administration, Room

5320F, NPS-10, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-4922

Fax: 202 366-4329

**RIN:** 2127-AI86

**2332. • LIST OF NONCONFORMING VEHICLES ELIGIBLE FOR IMPORTATION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 322; 49 USC 30141

**CFR Citation:** 49 CFR 593

**Legal Deadline:** None

**Abstract:** This final action amends the list of vehicles not originally manufactured to conform to all applicable Federal motor vehicle safety standards that NHTSA has decided to be eligible for importation. The list is published as an appendix to NHTSA's regulations at 49 CFR part 593 that establish the procedures through which the agency makes import eligibility decisions. The amendment will add to the list all vehicles that NHTSA has decided to be eligible for importation since the list was last published on October 1, 2001.

**Timetable:**

Action	Date	FR Cite
Final Action	11/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Because this rule only furnishes information and imposes no regulatory requirement, the agency has good cause to dispense with a notice of proposed rulemaking to solicit comments on this amendment.

**Agency Contact:** Coleman R. Sachs, Trial Attorney, Office of Chief Counsel, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-5263

Email: csachs@nhtsa.dot.gov

**RIN:** 2127-AI87

**2333. • USE OF SEAT MOUNTED CHILD RESTRAINTS ON SCHOOL BUS SEATS.**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 1392

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**CFR Citation:** 49 CFR 571.213**Legal Deadline:** None

**Abstract:** This action responds to petitions to amend FMVSS No. 213, Child Restraint Systems, to allow the use of seat-mounted child restraint systems on school buses. Currently, FMVSS No. 213 does not allow child restraint systems to be attached to a vehicle seat cushion or vehicle seat back except by vehicle seat belts.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**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

Phone: 202 366-4919

Fax: 202 366-4329

Email: gmouchahoir@nhtsa.dot.gov

**RIN:** 2127-AI88

### 2334. ● +TIRE PRESSURE MONITORING SYSTEM; PETITIONS FOR RECONSIDERATION

**Priority:** Economically Significant

**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

**CFR Citation:** 49 CFR 571.138; 49 CFR 571.101

**Legal Deadline:** None

**Abstract:** The agency received petitions for reconsideration on the new standard for tire pressure monitoring system (TPMS) required on every new vehicle that uses a passenger car tire. A TPMS would detect low pressure in a tire and alert the driver through a "low tire" warning signal. This rule was required by the Transportation Recall and Documentation (TREAD) Act.

**Timetable:**

Action	Date	FR Cite
Final Rule	02/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Joseph Scott, Safety Standards Engineer, Department of Transportation, National Highway Traffic Safety Administration, NPS-22, Vehicle Dynamics Division, 400 Seventh Street, SW, Washington, DC 20590

Phone: 202 366-2720

Fax: 202 366-4329

**RIN:** 2127-AI90

### 2335. ● +REPORTING OF INFORMATION AND DOCUMENTS ABOUT POTENTIAL DEFECTS

**Priority:** Other Significant

**Legal Authority:** 49 U.S.C. 30166 (m)

**CFR Citation:** 49 CFR 579

**Legal Deadline:** None

**Abstract:** Final rule responding to petition for reconsideration of final rule on reporting of information and documents about potential defects published on July 10, 2002 (67 FR 45882).

**Timetable:**

Action	Date	FR Cite
Final Rule	01/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Taylor Vinson, Senior Attorney, Office of the Chief Counsel, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-5263

Fax: 202 366-3820

Email: tvinson@nhtsa.dot.gov

**Related RIN:** Related To 2127-AI25

**RIN:** 2127-AI92

## Department of Transportation (DOT)

## Long-Term Actions

## National Highway Traffic Safety Administration (NHTSA)

## 2336. RADIATOR SAFETY CAP

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

**CFR Citation:** 49 CFR 571.402

**Legal Deadline:** None

**Abstract:** In response to a petition for rulemaking, the agency is proposing a new Federal motor vehicle safety standard regulating new radiator caps and coolant reservoir caps, and new passenger cars, multipurpose passenger vehicles and light trucks with such caps. The agency believes that this new standard, if implemented, would result

in fewer scald injuries that occur when people attempt to remove caps from motor vehicle radiators or coolant reservoirs that are under high pressure and contain hot fluids. However, this rulemaking would not require that radiator caps or coolant reservoir caps be provided on any motor vehicle,

**Timetable:**

Action	Date	FR Cite
Request for Comments	06/10/93	58 FR 32503
Comment Period End	08/09/93	
NPRM	06/01/01	66 FR 29747
NPRM Comment Period End	07/31/01	

Action	Date	FR Cite
NPRM Comment Period Extended	08/02/01	66 FR 40176
NPRM Comment Period End	09/28/01	
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Kenneth Hardie, Safety Standards Engineer, Department of Transportation, National Highway Traffic Safety Administration, NPS-21, Visibility and Injury Prevention

## DOT—NHTSA

## Long-Term Actions

Division, 400 Seventh Street, SW,  
Washington, DC 20590  
Phone: 202 366-2720  
Fax: 202 366-4329

RIN: 2127-AE59

### 2337. +REVIEW: SIDE-IMPACT PROTECTION

**Priority:** Other Significant

**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

**CFR Citation:** 49 CFR 571.214

**Legal Deadline:** None

**Abstract:** This standard requires passenger cars manufactured after September 1, 1996, to provide occupant protection when impacted in the side by a moving deformable barrier. The agency has compared the actual risk of occupant injury in side-impact crashes of cars meeting the standard to the risk in pre-standard cars. The cost of the standard has been estimated. The technical report has been published. This regulation was selected for review because of its costs, potential benefits, and public interest.

#### Timetable:

Action	Date	FR Cite
Begin Review	10/01/94	
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	06/00/04	

**Regulatory Flexibility Analysis Required:** 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.

**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  
RIN: 2127-AF54

### 2338. POWER WINDOW SAFETY SWITCHES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

**CFR Citation:** 49 CFR 571.118

**Legal Deadline:** None

**Abstract:** In response to a petition for rulemaking, the agency proposed to require each power-operated window, interior partition, and roof panel in a motor vehicle to be equipped with a switch designed so that contact by a form representing a small child's knee would not close window, partition, or panel. The agency is currently gathering non-crash fatality data from state records to determine the scope of the problem.

#### Timetable:

Action	Date	FR Cite
NPRM	11/15/96	61 FR 58504
NPRM Comment Period End	01/14/97	
Next Action	Undetermined	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Mike Pyne, Safety Standards Engineer, Office of Crash Avoidance, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-4171

RIN: 2127-AG36

### 2339. UPGRADE ROOF CRASHWORTHINESS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

**CFR Citation:** 49 CFR 571.216

**Legal Deadline:** None

**Abstract:** In response to a petition for rulemaking, the agency is considering whether to upgrade the roof crashworthiness particularly since a

larger percentage of American vehicles consist of light duty and utility vehicles, a class of vehicles more prone to rollover accidents. Petition was granted.

#### Timetable:

Action	Date	FR Cite
Request for Comments	10/22/01	66 FR 53376
Comment Period End	12/06/01	
NPRM	11/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**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

Phone: 202 366-4919

Fax: 202 366-4329

Email: gmouchahoir@nhtsa.dot.gov

RIN: 2127-AG51

### 2340. HYBRID III 95TH PERCENTILE MALE

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

**CFR Citation:** 49 CFR 572; 49 CFR 571.208

**Legal Deadline:** None

**Abstract:** The agency is examining the possibility of proposing specifications for a new 95th percentile male Hybrid III size test dummy for possible use in test procedures being proposed in amendments to Federal Motor Vehicle Safety Standard No. 208. The new test dummy and procedures are being proposed to facilitate the development and introduction of new advanced air bags and other types of advanced restraints technologies for crash protection in frontal impacts.

#### Timetable:

Action	Date	FR Cite
NPRM	12/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

## DOT—NHTSA

## Long-Term Actions

**Agency Contact:** Stanley Backaitis, Engineer, Office of Crashworthiness Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-4912

Fax: 202 366-4329

Email: sbackaitis@nhtsa.dot.gov

**RIN:** 2127-AG79

### 2341. PLACEMENT OF WHEELCHAIR RESTRAINTS ON BUSES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 30117; 49 USC 30166; 49 USC 322; 49 USC 30111; 49 USC 30115

**CFR Citation:** 49 CFR 571.217

**Legal Deadline:** None

**Abstract:** To prevent blocking of the emergency exits, the agency proposed to add a new section to the standard to not allow the placement of wheelchair securement anchorages or other devices that protrude into the aisle of an emergency exit in all buses.

**Timetable:**

Action	Date	FR Cite
NPRM	03/05/99	64 FR 10604
NPRM Comment Period End	05/04/99	
Final Rule	04/19/02	67 FR 19343
Next Action Undetermined		

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**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

Phone: 202 366-4919

Fax: 202 366-4329

Email: gmouchahoir@nhtsa.dot.gov

**RIN:** 2127-AH03

### 2342. 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	12/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**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

**RIN:** 2127-AH13

### 2343. USE OF UNIVERSAL CHILD SEATS IN AIRCRAFT

**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 action responds to a concern expressed by the Federal Aviation Administration (FAA) regarding some new universal child seats that may be equipped with rigid connectors or prongs. FAA believes that if a universal child seat equipped with non-folding, non-retracting rigid connectors or prongs were installed on an aircraft seat, the connectors or prongs might damage the aircraft seat cushions and might protrude into the leg space and egress path of the passenger sitting immediately behind the child seat.

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** See RIN 2127-AG50 for the Uniform Child Restraint Anchorage Systems rule.

**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

Phone: 202 366-4919

Fax: 202 366-4329

Email: gmouchahoir@nhtsa.dot.gov

**RIN:** 2127-AH56

### 2344. HYBRID III TYPE 6-YEAR-OLD-SIZE TEST DUMMY

**Priority:** Substantive, Nonsignificant

**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:** The agency is responding to petitions for reconsideration of our final rule published January 13, 2000 (65 FR 2059, RIN 2127-AG76) which established design and performance specifications for a new, more advanced 6-year-old-child dummy.

**Timetable:**

Action	Date	FR Cite
Final Rule	07/18/02	67 FR 47321
Next Action Undetermined		

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Stanley Backaitis, Engineer, Office of Crashworthiness Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-4912

Fax: 202 366-4329

Email: sbackaitis@nhtsa.dot.gov

**RIN:** 2127-AI00

## DOT—NHTSA

## Long-Term Actions

**2345. FIFTH PERCENTILE FEMALE TEST DUMMY****Priority:** Substantive, Nonsignificant**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:** The agency is responding to petitions for reconsideration of our final rule published March 1, 2000 (65 FR 10961, RIN 2127-AG66) which adopted the Hybrid III small female size dummy.**Timetable:**

Action	Date	FR Cite
Final Rule	07/15/02	67 FR 46400
Next Action	Undetermined	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Stanley Backaitis, Engineer, Office of Crashworthiness Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-4912

Fax: 202 366-4329

Email: sbackaitis@nhtsa.dot.gov

**RIN:** 2127-AI01**2346. REVIEW: ANTILOCK BRAKE SYSTEMS FOR HEAVY TRUCKS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.105; 49 CFR 571.121**Legal Deadline:** None**Abstract:** These standards require antilock brake systems (ABS) on truck-tractors manufactured after March 1, 1997, semi-trailers and single-unit trucks equipped with air brakes after March 1, 1998, and single-unit trucks over 10,000 pounds GVWR equipped with hydraulic brakes after March 1, 1999. The agency will study the influence of ABS on crash involvement rates and estimate the cost of ABS. These regulations were selected for review because of their costs, potential benefits, and public interest.**Timetable:**

Action	Date	FR Cite
Begin Review	04/01/00	
Evaluation Plan Published	08/14/00	65 FR 49633
Collection of Information	10/05/01	66 FR 51093
Comment Period End	12/04/01	
End Review	12/00/06	

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

**RIN:** 2127-AI14**2347. REVIEW: REAR-IMPACT GUARDS FOR TRUCK TRAILERS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.223; 49 CFR 571.224**Legal Deadline:** None**Abstract:** These standards set requirements for the geometry, configuration, strength, and energy absorption capability of rear-impact guards on full trailers and semi-trailers over 10,000 pounds GVWR manufactured after January 26, 1998. The agency will study the influence of these guards on injuries in passenger vehicles that rear-impact trailers. The cost of the standards will also be estimated. These regulations were selected for review because of their costs, potential benefits, and public interest.**Timetable:**

Action	Date	FR Cite
Begin Review	04/15/00	
Evaluation Plan Published	08/14/00	65 FR 49633
Collection of Information	10/05/01	66 FR 51093
Comment Period End	12/04/01	
End Review	12/00/06	

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

**RIN:** 2127-AI15**2348. DAYTIME RUNNING LAMPS INTENSITY REDUCTION PHASE II****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.108**Legal Deadline:** None**Abstract:** The agency is proposing to further lower glare while minimizing the change in conspicuity.**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Richard VanDerstine, Division Chief, Visibility and Injury Prevention Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-2720

Fax: 202 366-4329

**Related RIN:** Related To 2127-AG86**RIN:** 2127-AI62**2349. • +FEDERAL MOTOR VEHICLE SAFETY STANDARDS; CHILD RESTRAINT SYSTEMS****Priority:** Other Significant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.213**Legal Deadline:** Other, Statutory, November 1, 2001, Initiate Rulemaking. Other, Statutory, November 1, 2002, Final Rule or Report to Congress.



## DOT—NHTSA

## Long-Term Actions

TREAD ACT MANDATE (November 2002).

**Abstract:** Section 14(a) of the TREAD Act requires NHTSA to initiate a rulemaking for the purpose of improving the safety of child restraints, including minimizing head injuries from side impact collisions. The action specifically addresses the prospective adoption of a dynamic side impact test in FMVSS No. 213; currently, only frontal tests are conducted. If side impact test requirements are not

proposed, the TREAD Act requires NHTSA to submit a Report to Congress explaining the rationale for these actions.

**Timetable:**

Action	Date	FR Cite
ANPRM	05/01/02	67 FR 21836
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**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

Phone: 202 366-4919

Fax: 202 366-4329

Email: gmouchahoir@nhtsa.dot.gov

**RIN:** 2127-AI83

## Department of Transportation (DOT)

## Completed Actions

## National Highway Traffic Safety Administration (NHTSA)

**2350. BRAKE LINING**

**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

**Legal Deadline:** None

**Abstract:** Petitions from R. Grabowsky and American Trucking Association (ATA) requested initiation of rulemaking concerning brake linings (all vehicles and aftermarket). Mr. Grabowsky petitioned relative to stability, friction level, fade, wear, and identification of linings. ATA petitioned relative to friction level and identification of linings for heavy vehicles only. Petitions concerned both performance levels and test procedures, and were granted.

**Timetable:**

Action	Date	FR Cite
Termination	07/09/02	67 FR 45440

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** George Soodoo, Division Leader, Vehicle Dynamics Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-2720  
Fax: 202 366-4329  
Email: gsoodoo@nhtsa.dot.gov

**RIN:** 2127-AC66

**2351. BUY AMERICA REQUIREMENTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 97-424

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** The agency was proposing to exempt certain purchases by grantees from the requirements of the Department of Transportation's Buy America provisions to streamline and improve the grant process. The agency has decided not to proceed with this action, as the Buy America restrictions contain sufficient flexibility to accommodate program concerns.

**Timetable:**

Action	Date	FR Cite
Withdrawn	07/01/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** John Donaldson, Senior Attorney, Office of Chief Counsel, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-1834

**RIN:** 2127-AG99

**2352. EJECTION MITIGATION USING ADVANCED GLAZING**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

**CFR Citation:** 49 CFR 571.205

**Legal Deadline:** None

**Abstract:** In response to the Intermodal Surface Transportation Efficiency Act of 1991, the agency requested comments on the report titled "Ejection Mitigation Using Advanced Glazing: Status Report II." This report is to inform the public about the agency's research findings to date on advanced glazing materials that may prevent ejection on vehicle occupants through motor vehicle windows during crashes.

**Timetable:**

Action	Date	FR Cite
Request for Comments	07/19/00	65 FR 44710
Comment Period End	11/16/00	
Withdrawn	06/18/02	67 FR 41365

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** John Lee, Safety Standards Engineer, Department of Transportation, National Highway Traffic Safety Administration, NPS-11, 400 Seventh Street, SW, Washington, DC 20590  
Phone: 202 366-2264  
Email: johnlee@nhtsa.dot.gov

**RIN:** 2127-AH50

**2353. REVIEW: HEAD RESTRAINTS FOR LIGHT TRUCKS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

**CFR Citation:** 49 CFR 571.202

**Legal Deadline:** None

## DOT—NHTSA

## Completed Actions

**Abstract:** This standard requires pick-up trucks, vans, and sport utility vehicles with gross vehicle weight of 10,000 pounds or less, manufactured after September 1, 1991, to have head restraints or high seatbacks for the driver and right-front passenger. The agency will compare the occupant injury rates in rear-crashes of trucks equipped with head restraints and trucks not equipped with head restraints. The cost of the standard will also be established. This regulation was selected for review of its costs, potential benefits, and public interest.

**Timetable:**

Action	Date	FR Cite
Begin Review	09/29/99	
Technical Report	05/10/01	66 FR 23974

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

**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

**RIN:** 2127-AH98**2354. +EARLY WARNING DEFECT REPORTING REQUIREMENTS****Priority:** Other Significant**Legal Authority:** PL 106-414**CFR Citation:** 49 CFR 554; 49 CFR 573**Legal Deadline:** Final, Statutory, June 30, 2002.

Initiation of rulemaking required not later than March 1, 2001.

**Abstract:** TREAD Act requires NHTSA to publish a rule requiring manufacturers of motor vehicles and motor vehicle equipment to report on possible defects in their products, whether in United States or abroad, based on information in the possession of the manufacturer. This action is considered significant because of substantial public and congressional interest.

**Timetable:**

Action	Date	FR Cite
ANPRM	01/22/01	66 FR 6532

Action	Date	FR Cite
ANPRM Comment	03/23/01	
Period End		
NPRM	12/21/01	66 FR 66190
NPRM Comment	02/04/02	
Period End		
Final Action	07/10/02	67 FR 45822

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

**Additional Information:** This will also respond to RIN AI31. This Rulemaking will combine the two RIN's AI25 and AI31 as of 8/2/01.

**Agency Contact:** Taylor Vinson, Senior Attorney, Office of the Chief Counsel, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-5263

Fax: 202 366-3820

Email: tvinson@nhtsa.dot.gov

**RIN:** 2127-AI25**2355. DEFECTS IN FOREIGN COUNTRIES****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 30166(m)**CFR Citation:** 49 CFR 573**Legal Deadline:** None

**Abstract:** Rulemaking to implement statutory requirement that a manufacturer of motor vehicle and equipment report to NHTSA when it determines to conduct a safety-related recall on identical or substantially similar products outside the U.S. and when a foreign government determines that a safety-related campaign should be conducted.

**Timetable:**

Action	Date	FR Cite
NPRM	10/11/01	66 FR 51907
NPRM Comment	12/10/01	
Period End		
Final Rule	10/11/02	67 FR 63295
Final Rule Effective	11/12/02	

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

**Agency Contact:** Taylor Vinson, Senior Attorney, Office of the Chief Counsel, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-5263

Fax: 202 366-3820

Email: tvinson@nhtsa.dot.gov

**RIN:** 2127-AI26**2356. REIMBURSEMENT PRIOR TO RECALL****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 30120(d)**CFR Citation:** 49 CFR 573; 49 CFR 577**Legal Deadline:** None

**Abstract:** Rule to implement section 6(b) of the TREAD Act, PL 106-414 by amending 49 CFR part 573, Defect and Noncompliance Notification, to add requirements that manufacturers' remedy programs concerning safety-related defects and noncompliance include plans for reimbursing owners or purchasers who incurred the cost of remedy within a "reasonable time" prior to the manufacturer's notification of the defect or noncompliance.

**Timetable:**

Action	Date	FR Cite
NPRM	12/11/01	66 FR 64078
NPRM Comment	02/11/02	
Period End		
Final Rule	10/17/02	67 FR 64049
Final Rule Effective	01/15/03	

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

**Agency Contact:** Andrew DiMarsico, Trial Attorney, Department of Transportation, National Highway Traffic Safety Administration, 5219, NCC-10, 400 Seventh Street, SW, Washington, DC 20590

Phone: 202 366-5263

Fax: 202 366-3820

**RIN:** 2127-AI28**2357. PROHIBITION OF SALE OR LEASE OF EQUIPMENT****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 30120(j)**CFR Citation:** 49 CFR 573; 49 CFR 577**Legal Deadline:** None

**Abstract:** Rule regarding statutory prohibitions on the sale or lease of noncompliant and defective motor vehicles and equipment.

## DOT—NHTSA

## Completed Actions

**Timetable:**

Action	Date	FR Cite
NPRM	07/23/01	66 FR 38247
NPRM Comment Period End	09/21/01	
Final Action	04/23/02	67 FR 19693
Final Action Effective	05/23/02	

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

**Agency Contact:** Lloyd Guerci, Assistant Chief Counsel for Litigation, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-5263

**RIN:** 2127-AI30**2358. +TIRE PRESSURE MONITORING SYSTEM****Priority:** Economically Significant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.138; 49 CFR 571.101**Legal Deadline:** Final, Statutory, November 30, 2001.

**Abstract:** The recently enacted Transportation Recall Enhancement Accountability and Documentation (TREAD) Act requires the Secretary of Transportation to initiate rulemaking to require a warning system in new motor vehicles to indicate to the operator when a tire is significantly underinflated. The agency proposed to establish a new standard for tire pressure monitoring system (TPMS) on every new vehicle that uses a passenger car tire. A TPMS would detect low pressure in a tire and alert the driver through a "low tire" warning signal.

**Timetable:**

Action	Date	FR Cite
NPRM	07/26/01	66 FR 38982
NPRM Comment Period End	09/06/01	
Final Rule	06/05/02	67 FR 38703
Final Rule Effective	08/05/02	

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

**Agency Contact:** Joseph Scott, Safety Standards Engineer, Department of Transportation, National Highway Traffic Safety Administration, NPS-22, Vehicle Dynamics Division, 400 Seventh Street, SW, Washington, DC 20590

Phone: 202 366-2720

Fax: 202 366-4329

**RIN:** 2127-AI33**2359. CIVIL PENALTIES****Priority:** Substantive, Nonsignificant**Legal Authority:** 28 USC 2461 note; 31 USC 3701 note**CFR Citation:** 49 CFR 578**Legal Deadline:** Final, Statutory, March 4, 2001.

Statute requires civil penalty adjustments at least once every 4 years.

**Abstract:** Civil penalties for violations of certain statutes administered by NHTSA are required to be adjusted for inflation at least once every 4 years.

**Timetable:**

Action	Date	FR Cite
NPRM	05/18/01	66 FR 27621
Final Rule	08/07/01	66 FR 41149
Final Rule Effective	09/16/01	

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

**Agency Contact:** Taylor Vinson, Senior Attorney, Office of the Chief Counsel, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-5263

Fax: 202 366-3820

Email: tvinson@nhtsa.dot.gov

**RIN:** 2127-AI42**2360. TRAILER TEST RIG****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.121**Legal Deadline:** None

**Abstract:** In response to a petition for rulemaking, the agency published a technical amendment to the standard to delete a figure which is no longer referenced and to correct several typographical errors and omissions.

**Timetable:**

Action	Date	FR Cite
Final Action	05/28/02	67 FR 36819
Final Action Effective	06/27/02	

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

**Agency Contact:** Jeffrey Woods, Safety Standards Engineer, Department of Transportation, National Highway Traffic Safety Administration, NPS-22, Vehicle Dynamics Division, 400 Seventh Street, SW, Washington, DC 20590

Phone: 202 366-2720

Fax: 202 366-4329

**RIN:** 2127-AI48**2361. CHILD SAFETY INFORMATION LABELS****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:** Final, Statutory, November 1, 2002.

**Abstract:** The recently enacted Transportation Recall Enhancement Accountability and Documentation (TREAD) Act requires the Secretary of Transportation to initiate rulemaking to improve the consumer information for child restraints by prescribing clearer and simpler labels and instructions that are required to be placed on child restraints.

**Timetable:**

Action	Date	FR Cite
NPRM	11/02/01	66 FR 55623
Correction	11/29/01	66 FR 59549
NPRM Comment Period End	01/02/02	
Final Rule	10/01/02	67 FR 61523
Final Rule Effective	10/01/03	

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

**Agency Contact:** Mary Versailles, Office of Planning and Consumer Programs, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

## DOT—NHTSA

## Completed Actions

Phone: 202 366-2057

RIN: 2127-AI55

### 2362. LIST OF NONCONFORMING VEHICLES ELIGIBLE FOR IMPORTATION

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 322; 49 USC 30141

**CFR Citation:** 49 CFR 593

**Legal Deadline:** None

**Abstract:** This final action will amend the list of vehicles not originally manufactured to conform to all applicable Federal Motor Vehicle Safety Standards that NHTSA has decided to be eligible for importation. This list is published as an appendix to NHTSA's regulations at 49 CFR part 593 that establish the procedures through which the agency makes import eligibility decisions. The amendments will add to the list all vehicles that NHTSA has decided are to be eligible for importation since the list was last published on October 1, 2000.

**Timetable:**

Action	Date	FR Cite
Final Action	09/20/01	66 FR 48363

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** Because this rule only furnishes information and imposes no regulatory requirement, the agency has good cause to dispense with notice and comments on it.

**Agency Contact:** Coleman R. Sachs, Trial Attorney, Office of Chief Counsel, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-5263

Email: csachs@nhtsa.dot.gov

RIN: 2127-AI61

### 2363. MODIFIED FRONT-OPENING HOOD REQUIREMENTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

**CFR Citation:** 49 CFR 571.401

**Legal Deadline:** None

**Abstract:** In response to petitions for reconsideration of a final rule published on August 17, 2001 (66 FR 43113 RIN 2127-AI51) which specifically excluded passenger cars with a back door, such as hatchbacks and station wagons, from the standard and revised the definitions of "trunk lid" and "trunk compartment" to exclude interior storage compartments and sub-compartments within the trunk compartment from the requirements of the standard, the agency is adding a paragraph indicating that in passenger cars with front-opening hoods, the interior trunk release must release the primary, but not the secondary, latch when the passenger car is in motion. At all other times, the interior trunk release must completely release all latches.

**Timetable:**

Action	Date	FR Cite
Final Rule	04/22/02	67 FR 19518

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Kenneth Hardie, Safety Standards Engineer, Department of Transportation, National Highway Traffic Safety Administration, NPS-21, Visibility and Injury Prevention Division, 400 Seventh Street, SW, Washington, DC 20590

Phone: 202 366-2720

Fax: 202 366-4329

RIN: 2127-AI69

### 2364. INSURER REPORTING REQUIREMENTS/LIST OF INSURERS REQUIRED TO FILE REPORTS FOR OCTOBER 2002

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 33112

**CFR Citation:** 49 CFR 544

**Legal Deadline:** None

**Abstract:** NHTSA proposes to update its 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 revised appendices are adopted in a final rule, each insurer included in any of these appendices must file a report for the 1998 calendar year not later than October 25, 2002. Further, as long as the insurer remains

listed, it must submit reports by each subsequent October 25.

**Timetable:**

Action	Date	FR Cite
Request for Comments	03/12/02	67 FR 11161
NPRM	03/27/02	67 FR 14667
NPRM Comment Period End	05/28/02	
Final Action	07/16/02	67 FR 46608
Final Theft Data	08/19/02	67 FR 53756

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Rosalind Proctor, Division Chief, Consumer Programs Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-0846

Fax: 202 366-4329

Email: rproctor@nhtsa.dot.gov

RIN: 2127-AI73

### 2365. HIGH-THEFT LINES FOR MODEL YEAR 2002

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 CFR 33104

**CFR Citation:** 49 CFR 541

**Legal Deadline:** None

**Abstract:** This action will list the likely high-theft vehicle lines that are subject to the parts-marking requirements of the theft prevention standard and high-theft lines that are exempted from the parts-marking requirements for model year 2003.

**Timetable:**

Action	Date	FR Cite
Final Action	07/01/02	67 FR 44085
Final Action Effective	07/01/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Rosalind Proctor, Division Chief, Consumer Programs Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-0846

Fax: 202 366-4329

Email: rproctor@nhtsa.dot.gov

RIN: 2127-AI74

## DOT—NHTSA

## Completed Actions

**2366. SCHEDULE OF FEES****AUTHORIZED BY 49 U.S.C. 30141****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30141; 31 USC 9701**CFR Citation:** 49 CFR 594**Legal Deadline:** None

**Abstract:** NHTSA proposes to amend its regulations establishing fees authorized by 49 U.S.C. 30141 for the purpose of reimbursing the agency for certain costs incurred in administering the vehicle importation program. The amendments will adjust the fees to the level necessary for the agency to recover its actual costs. Section 301419(e) requires the agency to review and adjust these fees at least every two years. The fees were last adjusted in September 2000.

**Timetable:**

Action	Date	FR Cite
NPRM	08/16/02	67 FR 53552
Final Rule	09/26/02	67 FR 60596
Final Rule Effective	10/01/02	

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

**Agency Contact:** Coleman R. Sachs, Trial Attorney, Office of Chief Counsel, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-5263

Email: csachs@nhtsa.dot.gov

**RIN:** 2127-AI77**2367. • EXEMPTION FROM THE MAKE-INOPERATIVE PROHIBITION****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 30122(c)**CFR Citation:** 49 CFR 595**Legal Deadline:** None

**Abstract:** The agency is responding to petitions for reconsideration of our final rule published February 27, 2001 (66 FR 12637), which established a

limited exemption from the statutory make-inoperative prohibition to facilitate the modification of motor vehicles for use by persons with disabilities.

**Timetable:**

Action	Date	FR Cite
Final Action	06/04/02	67 FR 38423

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

**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

Phone: 202 366-5559

**RIN:** 2127-AI80

## Department of Transportation (DOT)

## Proposed Rule Stage

## Federal Railroad Administration (FRA)

**2368. LOCOMOTIVE CRASHWORTHINESS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 20103**CFR Citation:** 49 CFR 229

**Legal Deadline:** Final, Statutory, March 3, 1995, Rule or Report to Congress. Report to Congress issued 9/18/96.

**Abstract:** The agency has proposed to address the crashworthiness of locomotives pursuant to the Rail Safety Enforcement and Review Act (1992). FRA investigated locomotive crashworthiness, as well as a variety of locomotive working conditions (See RIN 2130-AA89) and reported its finding to Congress. On October 31, 1996, the Railroad Safety Advisory Committee (RSAC) accepted a preliminary planning task to schedule handling of these issues. The Locomotive Crew Safety Working Group met on January 23, 1997 to develop task statements that were forwarded to the full RSAC and accepted on June 24, 1997. The RSAC Locomotive Crashworthiness Working Group last met in January, 2002, to consider specific recommendations for

regulatory action. Originally this project was considered significant; however, it appears likely that important incremental changes in current design standards can be made without significant disruption or controversy.

**Timetable:**

Action	Date	FR Cite
Open Meeting Notice	07/22/94	59 FR 37528
Report to Congress	09/18/96	
NPRM	02/00/03	

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** Undetermined**Federalism:** Undetermined

**Additional Information:** This rulemaking was originally included in RIN 2130-AA89, Locomotive Cab Working Conditions.

**Agency Contact:** Daniel Alpert, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 493-6026

**RIN:** 2130-AB23**2369. LOCOMOTIVE EVENT RECORDERS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 20103**CFR Citation:** 49 CFR 229**Legal Deadline:** None

**Abstract:** FRA will propose improvements in the crashworthiness of event recorders and will propose additional requirements for data capture and recording for event recorders installed in new and rebuilt locomotives. FRA is awaiting the advice and recommendations of RSAC before taking further regulatory action.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/03	

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** Undetermined

## DOT—FRA

## Proposed Rule Stage

**Federalism:** Undetermined

**Additional Information:** This rulemaking was previously titled "Crashworthy Event Recorders."

**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—AB34

### 2370. REVISION TO RAILROAD SAFETY ENFORCEMENT PROCEDURES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 20103

**CFR Citation:** 49 CFR 209

**Legal Deadline:** None

**Abstract:** This action will revise and update FRA's enforcement procedures. This action is expected to address the recodification of the railroad safety laws and revise certain administrative hearing procedures.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Agency Contact:** Kathryn E. Shelton, Department of Transportation, Federal Railroad Administration  
Phone: 202 493-6063  
Fax: 202 493-6068  
Email: kathryn.shelton@fra.dot.gov

**RIN:** 2130—AB35

### 2371. RULES OF PRACTICE

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 20103

**CFR Citation:** 49 CFR 211

**Legal Deadline:** None

**Abstract:** This action will revise and update FRA's rulemaking procedures, and the procedures for participation in the rulemaking process, such as petitions for rulemaking, petitions for reconsideration, and petitions for waiver. These procedures will be modified to reflect the recodification of the railroad safety laws, and changes

in the application of FRA's regulatory procedures that have developed over time.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/03	

**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Agency Contact:** Colleen A. Brennan, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590  
Phone: 202 493-6028

**RIN:** 2130—AB36

### 2372. RAILROAD CAR CONSPICUITY

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 20103; 49 USC 20148

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** FRA is considering requiring that retroreflective tape be applied to all railroad cars. FRA has established a docket so that interested parties may submit relevant information.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	

**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** John A. Winkle, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590  
Phone: 202 493-6067

**RIN:** 2130—AB41

### 2373. REVISION TO THE ACCIDENT/INCIDENT REPORTING REGULATIONS AND GUIDE

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 20103; 49 USC 20901; 49 USC 20902

**CFR Citation:** 49 CFR 225; 49 CFR 219; 49 CFR 240

**Legal Deadline:** None

**Abstract:** FRA intends to conform its regulations for accident/incident reporting to revised OSHA regulations, and to make appropriate revisions to the FRA Guide for Preparing Accident/Incident Reports. On January 19, 2001, OSHA published revised regulations for Occupational Injury and Illness Recording and Reporting (66 FR 5965). FRA accident/incident regulations pertaining to occupational injury and illness are patterned after the prior OSHA regulations and must be maintained in general conformity with those regulations to permit compatibility of data and integration of railroad industry data into national statistical data bases. OSHA's final rule became effective on January 1, 2002. Accordingly, FRA needs to revise its own injury codes and narratives, cause codes and narratives, and circumstance codes and narratives (as set forth in the FRA Reporting Guide) as soon as feasible. Minor administrative issues have also arisen since the last general revision of part 225 on January 1, 1997 that will be considered in relation to possible amendments to the regulations or the Reporting Guide.

**Timetable:**

Action	Date	FR Cite
NPRM	10/09/02	67 FR 63022
NPRM Comment Period End	11/08/02	
Final Rule	01/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Anna Nassif, Trial Attorney, Department of Transportation, Federal Railroad Administration, Mail Stop 10, 1120 Vermont Avenue, N.W., Washington, DC 20590  
Phone: 202 493-6166

**RIN:** 2130—AB51

### 2374. ● OCCUPATIONAL NOISE EXPOSURE FOR RAILROAD OPERATING EMPLOYEES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 20103

**CFR Citation:** 49 CFR 229

**Legal Deadline:** None

**Abstract:** FRA has proposed to address crew working conditions on

## DOT—FRA

## Proposed Rule Stage

locomotives, pursuant to the Rail Safety Enforcement and Review Act (1992). FRA investigated a variety of locomotive working conditions, including noise, and reported its findings to Congress in 1996. FRA presented the subject of locomotive working conditions to the Railroad Safety Advisory Committee (RSAC). The RSAC process, which involves participation of all parties with significant interests, provides a forum for consensual rulemaking and program development.

Through the RSAC process, FRA is amending its occupational noise standards for railroad employees whose

predominant noise exposure occurs in the locomotive cab. FRA's existing standard concerning cab noise, 49 CFR 229.121, limits cab employee noise exposure to certain levels based on the duration of their experience. FRA would like to update its regulation to incorporate new measures. This proposal would require railroads to implement a hearing conservation program, which would include hearing tests (audiograms), training, and monitoring. It would also set design standards for new locomotives and maintenance standards for all locomotives.

**Timetable:**

Action	Date	FR Cite
Report to Congress	09/18/96	
NPRM	05/00/03	

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

**Agency Contact:** Christina McDonald, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 493-6032

**RIN:** 2130-AB56
**Department of Transportation (DOT)  
Federal Railroad Administration (FRA)**

## Final Rule Stage

**2375. +WHISTLE BANS AT HIGHWAY-RAIL GRADE CROSSINGS****Priority:** Other Significant**Legal Authority:** 49 USC 20153**CFR Citation:** 49 CFR 222

**Legal Deadline:** Final, Statutory, November 2, 1996, subsequent enactment prohibited issuance prior to July 1, 2001.

**Abstract:** This action would govern when train whistles at grade crossings must be sounded. FRA has found that failing to use the locomotive horn can significantly increase the number of collisions with motorists using the crossing. This action is considered significant because of substantial public interest. This action is being taken pursuant to statutory mandate. FRA studied the consequences of the proposed action and prepared a draft environmental impact statement (EIS) for the proposed rule.

**Timetable:**

Action	Date	FR Cite
NPRM	01/13/00	65 FR 2230
NPRM Comment Period End	05/26/00	
Final Rule	04/00/03	

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** State, Local, Federal

**Federalism:** This action may have federalism implications as defined in EO 13132.

**Additional Information:** An Omnibus Bill at the end of the 106th Congress prohibited publication of a final rule before July 2001.

**Agency Contact:** Mark H. Tessler, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 493-6061

**RIN:** 2130-AA71**2376. +STANDARDS FOR DEVELOPMENT AND USE OF PROCESSOR-BASED SIGNAL AND TRAIN CONTROL SYSTEMS**

**Regulatory Plan:** This entry is Seq. No. 110 in part II of this issue of the **Federal Register**.

**RIN:** 2130-AA94**2377. SMALL RAILROADS; POLICY STATEMENT ON ENFORCEMENT PROGRAM****Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 601 et seq; PL 104-121; 49 USC 20101 et seq

**CFR Citation:** 49 CFR 209

**Legal Deadline:** Other, Statutory, March 29, 1997, 180 Days to Final Rule.

**Abstract:** The Small Business Regulatory Enforcement Act (SBREFA) of 1996 requires, among other things, that Federal agencies establish communication and enforcement

programs to address the unique concerns and operations of small entities.

Pursuant to SBREFA, FRA published communication and enforcement policies with respect to small entities in an Interim Statement of Agency Policy and undertook an interim definition of "small entity" in this process. Also, FRA invited comment from the public for the purpose of adopting a new definition of "small entity" in the future, and conducted a public meeting with all interested parties to discuss this issue. FRA will issue a Final Statement of Policy.

**Timetable:**

Action	Date	FR Cite
Interim Policy Statement	08/11/97	62 FR 43024
Interim Policy Statement Effective	10/10/97	
Comment Period End	11/30/97	
Final Policy Statement	12/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Local

**Additional Information:** A public meeting was held on September 28, 1999. (See 64 FR 46468, 8/25/99.)

**Agency Contact:** Nancy Lummen Lewis, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590

DOT—FRA

Final Rule Stage

Phone: 202 493-6047

RIN: 2130-AB15

**2378. REGULATIONS ON SAFETY INTEGRATION PLANS GOVERNING RAILROAD CONSOLIDATIONS, MERGERS, ACQUISITIONS OF CONTROL, AND START-UP OPERATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 20103; 49 USC 20107; 49 USC 21301; 28 USC 2461**CFR Citation:** 49 CFR 244; 49 CFR 1.49**Legal Deadline:** None

**Abstract:** FRA is drafting its response to petitions for reconsideration of the final rule, published on March 15, 2002, that requires a railroad to file a Safety Integration Plan with the Federal Railroad Administration whenever a Class I railroad proposes to merge, consolidate, or acquire control of another Class I or Class II railroad with which it proposes to amalgamate operations. See 67 FR 11582. The final rule prescribed content and subject matter areas that must be addressed in each plan before FRA may approve of such plan. FRA prepared the final rule and coordinated with the Surface Transportation Board to issue rulemaking actions covering these transactions within the framework of each agency's jurisdiction.

**Timetable:**

Action	Date	FR Cite
NPRM	12/31/98	63 FR 72225
NPRM Comment Period Extended	04/21/99	64 FR 19512
Public Hearing - Notice	04/21/99	64 FR 19512
NPRM Comment Period End	05/04/99	
Final Rule	03/15/02	67 FR 11582
Final Rule; Response to Petitions for Reconsideration	12/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** A public hearing on this rulemaking was held on May 4, 1999.**Agency Contact:** Jon Kaplan, Trial Attorney, Department of Transportation, Federal RailroadAdministration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 493-6042

RIN: 2130-AB24

**2379. ROADWAY MAINTENANCE MACHINES****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 20103**CFR Citation:** 49 CFR 214**Legal Deadline:** None

**Abstract:** FRA proposed regulations governing operational and design safety of on-track equipment used by railroads for track maintenance. The regulations would cover self-propelled rail-mounted non-highway machines where light weight exceeds 7500 pounds. This rulemaking was requested by the Brotherhood of Maintenance of Way Employees (BMWE) as part of the organization's petition requesting revision of the track safety standards. FRA decided to respond to this portion of the BMWE petition in a rulemaking separate from the track safety standards revision. FRA is now preparing the final rule.

**Timetable:**

Action	Date	FR Cite
NPRM	01/10/01	66 FR 1930
NPRM Comment Period End	03/12/01	
Final Rule	12/00/02	

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

**Additional Information:** This rulemaking is an offshoot of the rulemaking to revise the track safety standards. FRA has changed the title of the current entry to the Unified Regulatory Agenda, which was originally entitled "Roadway Maintenance Machine Safety" to more accurately reflect what this action is expected to address.

**Agency Contact:** Nancy Lummen Lewis, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 493-6047

RIN: 2130-AB28

**2380. ANNUAL ADJUSTMENT OF MONETARY THRESHOLD FOR REPORTING RAIL EQUIPMENT ACCIDENTS/INCIDENTS****Priority:** Info./Admin./Other**Legal Authority:** 49 USC 20103**CFR Citation:** None**Legal Deadline:** None

**Abstract:** This annual determination establishes the monetary threshold for reporting rail equipment accidents/incidents involving railroad property damage. This action ensures and maintains comparability between different years of data by having the threshold keep pace with fluctuations in equipment and labor costs. It is required by statute. The reporting threshold is based on the formula adopted in a final rule 5/18/96, 61 FR 60632. This agenda entry will be updated each year to show the latest annual determination. Cites for determinations already issued are provided below.

**Timetable:**

Action	Date	FR Cite
Final Rule	12/00/02	

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

**Additional Information:** The 2001 final rule of 12/26/2001, 66 FR 66346, increases the monetary threshold from \$6,600 to \$6,700 for accidents/incidents that occur during the calendar year 2002. After the 1997 final rule of 2/2/97, 62 FR 63675, increased the monetary threshold from \$6,500 to \$6,600, the monetary threshold remained at \$6,600 from calendar years 1998 through 2000. The 1996 final rule of 11/29/96, 61 FR 60632, increased the monetary threshold from \$6,300 to \$6,500.

**Agency Contact:** Anna Nassif, Trial Attorney, Department of Transportation, Federal Railroad Administration, Mail Stop 10, 1120 Vermont Avenue, N.W., Washington, DC 20590  
Phone: 202 493-6166

RIN: 2130-AB30



DOT—FRA

Final Rule Stage

**2381. DETERMINATION OF MINIMUM TESTING RATE FOR RANDOM DRUG AND ALCOHOL TESTING****Priority:** Info./Admin./Other**Legal Authority:** 49 USC 20103**CFR Citation:** None**Legal Deadline:** None

**Abstract:** Each year FRA announces the minimum random drug and alcohol testing rates for the following year for the railroad industry. This determination is based on a review of rail industry drug and alcohol management information system data, as well as data from compliance reviews of rail industry drug and alcohol testing programs. Procedures were established in a final rule published on December 2, 1994, 59 FR 62218. For the calendar year 2002, the minimum random drug and alcohol testing rates of covered railroad employees continue to be 25 percent and 10 percent, respectively. This agenda entry will be updated each year to show the latest annual determination. Cites for determinations already issued are provided below.

**Timetable:**

Action	Date	FR Cite
Annual Determination	12/00/02	

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

**Additional Information:** In the notice of determination of January 2, 2002 (67 FR 21), the minimum random drug and alcohol testing rates of covered railroad employees remained at 25 percent and 10 percent, respectively, for calendar year 2002. In the notices of determination of 2/18/98 (63 FR 8143), 12/30/98 (63 FR 71789), 12/27/99 (64 FR 72289), and 12/19/00 (65 FR 79318),

the minimum rates remained at 25 percent and 10 percent for calendar years 1998, 1999, 2000 and 2001.

**Agency Contact:** Patricia V. Sun, Trial Attorney, Department of Transportation, Federal Railroad Administration, 1120 Vermont Avenue, N.W. STOP-10, Washington, DC 20590  
Phone: 202 493-6060  
Fax: 202 493-6068

**RIN:** 2130-AB31**2382. +LOCATIONAL REQUIREMENT FOR DISPATCHING OF UNITED STATES RAIL OPERATIONS****Priority:** Other Significant**Legal Authority:** 49 USC 20103**CFR Citation:** 49 CFR 241**Legal Deadline:** None

**Abstract:** This interim final rule requires that all railroad operations in the United States be dispatched in the United States, with certain exceptions. This action is considered significant because of substantial interdepartmental concerns.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/11/01	66 FR 63942
Interim Final Rule Effective	01/10/02	
Final Rule	01/00/03	

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

**Agency Contact:** John A. Winkle, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590  
Phone: 202 493-6067

**RIN:** 2130-AB38**2383. +APPLICATION OF RANDOM TESTING AND OTHER ALCOHOL AND DRUG REGULATIONS TO EMPLOYEES OF FOREIGN RAILROADS****Priority:** Other Significant**Legal Authority:** 49 USC 20103; 49 USC 20140**CFR Citation:** 49 CFR 219**Legal Deadline:** None

**Abstract:** This action would apply FRA's random testing and other alcohol and drug requirements to employees of a foreign railroad whose primary reporting point is outside the United States, and who perform train service or dispatching service in the United States. Such employees are currently exempt from random testing, pre-employment testing, and requirements for employee self-referral and co-worker report policies. This action is considered significant because of substantial inter-departmental concerns.

**Timetable:**

Action	Date	FR Cite
NPRM	12/11/01	66 FR 64000
Notice of Hearing	01/23/02	67 FR 3138
NPRM Comment Period End	02/11/02	
Final Rule	01/00/03	

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** None**Federalism:** Undetermined

**Agency Contact:** Patricia V. Sun, Trial Attorney, Department of Transportation, Federal Railroad Administration, 1120 Vermont Avenue, N.W. STOP-10, Washington, DC 20590  
Phone: 202 493-6060  
Fax: 202 493-6068

**RIN:** 2130-AB39**Department of Transportation (DOT)  
Federal Railroad Administration (FRA)****Long-Term Actions****2384. LOCAL RAIL FREIGHT ASSISTANCE TO STATES****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 22101**CFR Citation:** 49 CFR 266**Legal Deadline:** None

**Abstract:** This action is to revise the procedures and requirements for the receipt of financial assistance contained in part 266. These changes are required to reflect statutory modifications resulting from the Local Rail Service Reauthorization Act of 1989. The Local Freight Assistance Program has not been reauthorized after FY 1995.

However, final regulations are necessary because States continue to submit applications for new projects to be funded from loan funds repaid to States by previous borrowers. FRA is reconsidering the need for these regulations.

## DOT—FRA

## Long-Term Actions

**Timetable:**

Action	Date	FR Cite
NPRM	11/30/90	55 FR 49648
NPRM Comment Period End	12/31/90	
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Governmental Jurisdictions**Government Levels Affected:** State**Federalism:** This action may have federalism implications as defined in EO 13132.**Additional Information:** While this action was to be terminated in October of 1995, the agency reconsidered and decided to move forward with a final rule. FRA is now reconsidering that determination.

ANALYSIS: Regulatory Evaluation, 11/30/90, 55 FR 49648

**Agency Contact:** JoAnne McGowan, Chief, Freight Programs Division, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 493-3290**RIN:** 2130-AA60**2385. BLUE SIGNAL AND RELATED PROTECTIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 20103**CFR Citation:** 49 CFR 218**Legal Deadline:** None**Abstract:** FRA is in the process of reconsidering amendments to its "Blue Signal" regulations, which prescribe minimum requirements for the protection of railroad employees engaged in the inspection, testing, repair, and servicing of rolling equipment. This task was assigned to RSAC, and the working group met for the first time in October 2000. There have been six subsequent meetings. Currently, the working group is still considering several issues and, thus, the next action on this rule is undetermined.**Timetable:**

Action	Date	FR Cite
Final Rule Amendments	03/01/95	60 FR 11047
Comment Period End	05/01/95	

Action	Date	FR Cite
Comment Period Reopened	06/09/95	60 FR 30469
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** The final rule on utility employees was published August 16, 1993 (58 FR 43287), RIN 2130-AA77. FRA has changed the title of the current entry to the Unified Agenda, which was originally titled "Protection of Utility Employees," to more accurately reflect what this action is expected to address.**Agency Contact:** John A. Winkle, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590  
Phone: 202 493-6067**RIN:** 2130-AA90**2386. CRANE SAFETY STANDARDS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 20103**CFR Citation:** Not Yet Determined**Legal Deadline:** None**Abstract:** In response to a petition for rulemaking, FRA will consider whether to adopt regulations governing functional and design safety of on-track railroad cranes used for track maintenance. FRA is awaiting the advice and recommendations of RSAC before taking further regulatory action.**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** Undetermined**Federalism:** Undetermined**Agency Contact:** Mark H. Tessler, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 493-6061**RIN:** 2130-AB27**2387. +MINIMUM STANDARDS FOR TEMPERATURE IN THE LOCOMOTIVE CAB****Priority:** Other Significant**Legal Authority:** 49 USC 20103; 49 USC 20701 to 20703**CFR Citation:** 49 CFR 229**Legal Deadline:** None**Abstract:** FRA is considering amending current minimum temperature requirements and establishing maximum cab temperature requirements.**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** Undetermined**Federalism:** Undetermined**Agency Contact:** Cynthia Walters, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 493-6064**RIN:** 2130-AB46**2388. AUTOMATIC TRAIN CONTROL (ATC) AND ADVANCED CIVIL SPEED ENFORCEMENT SYSTEM (ACSES); NORTHEAST CORRIDOR (NEC) RAILROADS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 20103**CFR Citation:** None**Legal Deadline:** None**Abstract:** An order is in effect, but amendments for technical matters or for the phasing of implementation will be added as needed. Through the February 2002 amendment, FRA granted a second extension of a previously granted exception that allowed MBTA to follow temporary operating protocols whenever it could not dispatch a train equipped with ACSES. The February 2002 amendment extended this exception through April 5, 2002.**Timetable:**

Action	Date	FR Cite
Amendment	02/12/02	67 FR 6573
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No

## DOT—FRA

## Long-Term Actions

**Government Levels Affected:** None  
**Agency Contact:** Patricia V. Sun, Trial Attorney, Department of

Transportation, Federal Railroad Administration, 1120 Vermont Avenue, N.W. STOP-10, Washington, DC 20590

Phone: 202 493-6060  
 Fax: 202 493-6068  
**RIN:** 2130—AB55

**Department of Transportation (DOT)**  
**Federal Railroad Administration (FRA)**

## Completed Actions

**2389. PASSENGER EQUIPMENT SAFETY STANDARDS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 20133; 49 USC 20103

**CFR Citation:** 49 CFR 216; 49 CFR 238

**Legal Deadline:** Final, Statutory, November 2, 1997.

**Abstract:** These actions respond to the remaining issues raised in the petitions for reconsideration of FRA's May 12, 1999 final rule, which established comprehensive Federal safety standards for railroad passenger equipment. See 64 FR 25540. These actions clarify and amend the final rule, principally those sections related to fire safety and the structure of railroad passenger equipment. These actions follow a response to the petitions for reconsideration related to the inspection, testing, and maintenance of railroad passenger equipment, as well as the movement of defective equipment provisions of the May 12, 1999 final rule. See 65 FR 41284. These actions complete the first phase of the rulemaking.

**Timetable:**

Action	Date	FR Cite
Final Rule	05/12/99	64 FR 25540
Final Rule; Response to Petitions for Reconsideration	04/23/02	67 FR 19970
Final Rule; Response to Petitions for Reconsideration	06/25/02	67 FR 42892

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Daniel Alpert, Trial Attorney, Department of Transportation, Federal Railroad

Administration, 400 Seventh Street SW., Washington, DC 20590  
 Phone: 202 493-6026

**RIN:** 2130—AB48

**2390. IMPROVEMENTS TO THE SYSTEM FOR REPORTING TRAIN ACCIDENTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 20103; 49 USC 20901; 49 USC 20902

**CFR Citation:** 49 CFR 225

**Legal Deadline:** None

**Abstract:** FRA initiated a pilot study to investigate a possible approach for developing a new system of reporting train accidents, potentially leading to a revision of the regulations for reporting rail equipment accidents/incidents involving railroad property damage. Under the current system, railroads are required to report any event involving property damage or injury if the total cost of the event for all railroads involved exceeds a threshold. The cost of repairing the damage therefore acts as a surrogate measure of severity. Repair cost, however, is unsatisfactory as a surrogate measure of severity. Costs can be substantially affected by factors that have no relevancy to severity, such as the newness of any destroyed equipment and facilities. Nevertheless, current regulations mandate that if a locomotive engineer has been found to be at fault for causing an event, he or she can be disqualified only if it is reportable as a train accident. The perceived unfairness of disqualification being only loosely tied to accident severity is something FRA wishes to remedy by changing the reporting requirement to more closely reflect the severity of the event rather than just the book cost.

FRA is also interested in changing the system to reduce time and effort spent by railroads in reporting and recording train accidents. The current reporting system causes substantial inconvenience and places a burden on the railroads. The railroads' initial estimates of repair costs are somewhat subjective, yet they have to decide whether to report an event on the basis of the estimate. In addition, if the actual cost of an event deviates from initial estimates by more than 10 percent and exceeds the threshold, then the railroad would be required to submit a report if the initial estimate was below the threshold and an amendment if the initial estimate was above. The uncertainty about the status of an event may put undue pressure on railroads to report more events as train accidents than necessary.

**Timetable:**

Action	Date	FR Cite
Withdrawn	02/13/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** The results of the pilot study were insufficient to permit FRA to try out certain aspects of the proposed approach to developing a new system.

**Agency Contact:** Nancy Friedman, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590  
 Phone: 202 493-6034

**RIN:** 2130—AB50

**Department of Transportation (DOT)**  
**Federal Transit Administration (FTA)**
**Final Rule Stage****2391. +BUS TESTING****Priority:** Other Significant**Legal Authority:** 49 USC 5323(c)**CFR Citation:** 49 CFR 665**Legal Deadline:** None

**Abstract:** This regulation implements a statutory provision that requires any new bus model purchased after September 30, 1989, to be tested at a facility established pursuant to 49 USC 5318. This regulation is significant because of the large amount of public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	05/25/89	54 FR 22716
NPRM Comment Period End	07/24/89	
Interim Final Rule	08/23/89	54 FR 35158
Comment Period Reopened	11/30/89	54 FR 49297
Interim Final Rule - Second	10/09/90	55 FR 41174
Interim Procedures	09/13/91	56 FR 46572
Interim Final Rule - New Vehicle Types	07/28/92	57 FR 33394

Action	Date	FR Cite
Interim Final Rule - Partial Effectiveness Postponed	10/13/92	57 FR 46814
Interim Final Rule - Comment Period Reopened to 01/29/93	01/07/93	58 FR 2989
Interim Final Rule - Partial Effectiveness Postponed	02/23/93	58 FR 10989
Notice of Meeting Final Rule	02/26/93 11/00/02	58 FR 11549

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** None

**Additional Information:** Former section 12(h) of the FT Act, as amended (now 49 USC 5302(a)(9)), defines a "new bus model" as a bus model which has not been used in mass transportation service in the United States before the date of production of such model, or a bus model which has been used in such service, but which is being produced with a major change in

configuration or components. A third interim final rule, published on 07/28/92, added two new categories of buses required to be tested. On 10/13/92 FTA published a notice postponing the application of the interim final rule for these vehicle types until 02/10/93. FTA's fourth interim final rule, issued on 11/3/93, established four subcategories of small vehicles to facilitate the phase-in of testing.

Because the existing fourth interim final rule completes the categories of vehicles subject to testing under FTA's grantmaking program, FTA intends to publish it as the final rule in November 2002.

**ANALYSIS:** Regulatory Evaluation, 07/28/92, 57 FR 33394

**Agency Contact:** Richard Wong, 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-AA30
**Department of Transportation (DOT)**  
**Federal Transit Administration (FTA)**
**Long-Term Actions****2392. BUY AMERICA REQUIREMENTS; AMENDMENT TO CERTIFICATION PROCEDURES****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 105-178, sec 3020(b)**CFR Citation:** 49 CFR 661.11; 49 CFR 661.13**Legal Deadline:** None

**Abstract:** This action would amend FTA's Buy America regulation, 49 CFR 661 in accordance with section 3020(b) of the Transportation Equity Act for the 21st Century. Section 3020(b) amended 49 USC 5323(g) to allow a bidder on an FTA-funded contract to correct an incomplete certification or a certification of noncompliance with Buy America resulting from an inadvertent or clerical error.

**Timetable:**

Action	Date	FR Cite
NPRM	02/18/99	64 FR 8051
NPRM Comment Period End	04/19/99	
Next Action Undetermined		

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

**Agency Contact:** Meghan Ludtke, Attorney Advisor, Department of Transportation, Federal Transit Administration, Room 9316, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-4011  
Fax: 202 366-3809

**RIN:** 2132-AA62**2393. SCHOOL BUS OPERATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 5323(f)**CFR Citation:** 49 CFR 605**Legal Deadline:** None

**Abstract:** This rulemaking amends the definition of "tripper" service, which is mass transportation service modified to meet the needs of school students

and personnel. The amended definition will prohibit the use of certain signage without the express written permission of the FTA Administrator, and provides that tripper buses must stop only at stops that are marked as available to the public. In the previous agenda, FTA had stated that it intended to withdraw the proposed amendment. However, upon further consideration, the agency has decided to hold this matter in abeyance pending reauthorization of the Transportation Equity Act for the 21st Century (TEA-21).

**Timetable:**

Action	Date	FR Cite
NPRM	05/03/99	64 FR 23590
NPRM Comment Period End	07/02/99	
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Governmental Jurisdictions**Government Levels Affected:** State, Local

## DOT—FTA

## Long-Term Actions

**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-AA67

### 2394. BUY AMERICA REQUIREMENTS; PERMANENT WAIVER FOR MICROCOMPUTERS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 97-424

**CFR Citation:** 49 CFR 661

**Legal Deadline:** None

**Abstract:** Section 165(b)(2) of the Surface Transportation Assistance Act of 1982 provides that a waiver of the Buy America requirements may be granted if materials and products being procured are not produced in the United States in sufficient and reasonable quantities and of satisfactory quality. Such a waiver was permanently granted in 1986 for microcomputers, as FTA grantees were experiencing difficulty in purchasing domestically produced microcomputer equipment appropriate to their needs. At that time, FTA reserved the right to reassess the need for a waiver based on the changing market for microcomputers. Since both the international and domestic market for microcomputers has changed since the permanent waiver was issued, FTA is soliciting comments as to whether this waiver should be revoked, modified or retained.

**Timetable:**

Action	Date	FR Cite
ANPRM	10/08/99	64 FR 54855
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State, Local, Tribal

**Agency Contact:** Meghan Ludtke, Attorney Advisor, Department of Transportation, Federal Transit Administration, Room 9316, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-4011

Fax: 202 366-3809

**RIN:** 2132-AA68

### 2395. STATE SAFETY OVERSIGHT; RAIL FIXED GUIDEWAY SYSTEMS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 5330

**CFR Citation:** 49 CFR 659

**Legal Deadline:** None

**Abstract:** Due to the receipt of an adverse comment, FTA withdrew the direct final rule issued on June 11, 2002, which would have amended the definition of "accident". The agency concluded that coordination with other stakeholders is warranted but has been required to expend its resources on other security initiatives during this last year. For these reasons, this rulemaking will be held in abeyance while the next course of action is determined.

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	04/03/02	67 FR 15725
Withdrawal of Direct Final Rule	07/01/02	67 FR 44091
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State, Local

**Federalism:** This action may have federalism implications as defined in EO 13132.

**Agency Contact:** Jerry Fisher, Department of Transportation, Federal Transit Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-2896

Meghan Ludtke, Attorney Advisor, Department of Transportation, Federal Transit Administration, Room 9316, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-4011  
Fax: 202 366-3809

**RIN:** 2132-AA69

### 2396. • +STATEWIDE TRANSPORTATION PLANNING; METROPOLITAN TRANSPORTATION PLANNING

**Priority:** Other Significant

**Legal Authority:** 23 USC 134; 23 USC 135; 23 USC 315; 49 USC 5305 to 5306

**CFR Citation:** 23 CFR 450; 49 CFR 1.48(b); 49 CFR 1.51

**Legal Deadline:** None

**Abstract:** On May 25, 2000, the FHWA and FTA jointly published an NPRM on statewide and metropolitan transportation planning (RIN 2125-AE62; 2132-AA66). The agencies have carefully considered all of the data, recommendations, and ongoing issues with respect to statewide and metropolitan transportation planning. In light of the current situation, the agencies are proposing to amend 23 CFR 450 to include provisions related to consultation with non-metropolitan, local officials and further refine processes related to public involvement.

The purpose of this proposal is to ensure that the concerns of local and rural transportation officials are adequately represented in Federal transportation planning activities. This proposal is in addition to the section on consultation with non-metropolitan local officials that was proposed in the NPRM in May 2000.

**Timetable:**

Action	Date	FR Cite
Supplemental NPRM	06/19/02	67 FR 41648
SNPRM Comment Period Extended	08/15/02	67 FR 53326
SNPRM Comment Period End	09/19/02	
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State

**Agency Contact:** Scott A. Biehl, Assistant Chief Counsel, Department of Transportation, Federal Transit Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-0952  
Fax: 202 366-3809

**Related RIN:** Related To 2125-AE95

**RIN:** 2132-AA75

**Department of Transportation (DOT)  
Federal Transit Administration (FTA)**
**Completed Actions**
**2397. +NEPA AND RELATED PROCEDURES FOR TRANSPORTATION DECISIONMAKING; PROTECTION OF PUBLIC PARKS, WILDLIFE AND WATERFOWL REFUGES, AND HISTORIC SITES**

**Priority:** Other Significant

**Legal Authority:** 23 USC 109, 128, 134, 138 and 315; 42 USC 2000d-2000d-4, 4321 et seq. and 7401 et seq.; 49 USC 303, 5301(e), 5303, 5309 and 5324(b) and (c); 49 CFR 1.48 and 1.51; 33 CFR 115.60(b); 40 CFR 1500 to 1508

**CFR Citation:** 23 CFR 771; 23 CFR 1420; 23 CFR 1430; 49 CFR 622; 49 CFR 623

**Legal Deadline:** None

**Abstract:** The agencies withdraw this proposed rulemaking proceeding that proposed to update and revise our National Environmental Policy Act (NEPA) implementation regulation for projects funded or approved by the FHWA or the FTA. The agencies intended to modify the regulation to reflect experience gained in administering these requirements and substantial changes in legislation that occurred since the regulations were issued in 1987. The agencies have determined that the proposed changes generated such diversity and disparity of comments that substantial further work is necessary to develop new proposals and accommodate these comments.

**Timetable:**

Action	Date	FR Cite
NPRM	05/25/00	65 FR 33960
NPRM Comment Period Extended	07/07/00	65 FR 41892
NPRM Comment Period End	09/23/00	
Withdrawn	09/20/02	67 FR 59225

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Additional Information:** The corresponding FHWA RIN is 2125-AE64. This incorporates the issues contained in RIN 2125-AD32.

**Agency Contact:** Scott A. Biehl, Assistant Chief Counsel, Department of Transportation, Federal Transit Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-0952  
Fax: 202 366-3809

**RIN:** 2132-AA43

**2398. +CLEAN FUELS FORMULA GRANT PROGRAM**

**Priority:** Other Significant

**Legal Authority:** PL 105-178, sec 3008; 49 USC 5308

**CFR Citation:** 49 CFR 624

**Legal Deadline:** None

**Abstract:** Section 3008 of the Transportation Equity Act for the 21st Century establishes the Clean Fuels Formula Grant Program. This grant program will assist transit systems in purchasing or leasing clean fuel vehicles; constructing clean fuel or electrical re-charging facilities; modifying existing garage facilities to accommodate clean fuel vehicles; repowering pre-1993 engines with clean fuel technology which meets the current bus emission standards; and retrofitting or rebuilding pre-1993 engines before their half-life for rebuilding. This provision requires the Secretary to issue an implementing regulation that sets forth eligibility requirements and an apportionment formula for eligible projects. In FY 1999, all funds were apportioned to earmarked projects. This action is considered significant because of considerable congressional and public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	08/28/01	66 FR 45551
NPRM Comment Period End	10/21/01	
Final Action	06/11/02	67 FR 40100
Correction	06/18/02	67 FR 41579
Final Action Effective	07/11/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Local

**Agency Contact:** Scheryl Portee, 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-AA64

**2399. +STATEWIDE TRANSPORTATION PLANNING; METROPOLITAN TRANSPORTATION PLANNING**

**Priority:** Other Significant

**Legal Authority:** 23 USC 134; 23 USC 135; 23 USC 315; 42 USC 7410 et seq.; 49 USC 5303 to 5305; 49 CFR 1.48 and 1.51

**CFR Citation:** 23 CFR 450; 23 CFR 1410; 49 CFR 613; 49 CFR 621

**Legal Deadline:** None

**Abstract:** FHWA and FTA partially withdraw the proposed rulemaking in which the agencies proposed to amend the requirements on Statewide and metropolitan planning. The partial withdrawal is based on the level of critical comment received and the development of alternate means for implementing the topics addressed in the NPRM and the pendency of reauthorization of the surface transportation program. The agencies withdraw this proposed rulemaking except for the sections that relate to "consultation with nonmetropolitan local officials," which is addressed in the SNPRM published on June 19, 2002, at 67 FR 41648.

**Timetable:**

Action	Date	FR Cite
NPRM	05/25/00	65 FR 33922
NPRM Comment Period Extended	07/07/00	65 FR 41891
NPRM Comment Period End	09/23/00	
Partial Withdrawal	09/20/02	67 FR 59219

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:** State, Local

**Additional Information:** The corresponding FHWA RIN is 2125-AE62.

**Agency Contact:** Scott A. Biehl, Assistant Chief Counsel, Department of Transportation, Federal Transit Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-0952  
Fax: 202 366-3809

**RIN:** 2132-AA66

## Department of Transportation (DOT)

Prerule Stage

## Research and Special Programs Administration (RSPA)

**2400. 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:** Part 175 is being revised and rewritten in order to simplify and clarify the requirements, further align them with the international requirements (ICAO) and eliminate obsolete requirements.

**Timetable:**

Action	Date	FR Cite
ANPRM	02/26/02	67 FR 8769
Comment Period Extended	05/13/02	67 FR 32002
ANPRM Comment Period End	05/31/02	
Comment Period End	11/00/02	

**Regulatory Flexibility Analysis  
Required:** No**Small Entities Affected:** Organizations, Businesses, Governmental Jurisdictions**Government Levels Affected:** None**Additional Information:** Docket No. HM-228; RSPA-02-11654.

**Agency Contact:** Deborah Boothe, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-8553  
Email: rules@rspa.dot.gov

**RIN:** 2137-AD18**2401. +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

**Abstract:** This rulemaking will address requirements to reduce the risks associated with the retention of flammable liquid in unprotected product piping on a cargo tank motor vehicle during transportation (wetlines). It responds to an NTSB recommendation. It is significant because of industry concerns about its cost implications.

**Timetable:**

Action	Date	FR Cite
ANPRM	12/00/02	

**Regulatory Flexibility Analysis  
Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** HM Docket: HM-213B; RSPA-99-6223.

**Agency Contact:** Michael Stevens, Transportation Specialist, Department of Transportation, Research and Special Programs Administration, Washington, DC 20590

Phone: 202 366-8553

Email: rules@rspa.dot.gov

**RIN:** 2137-AD36**2402. HAZARDOUS MATERIALS:  
FRANGIBLE DISCS ON TANK CARS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 5101 to 5127**CFR Citation:** 49 CFR 173**Legal Deadline:** None

**Abstract:** RSPA is proposing to clarify current inspection requirements for frangible discs in pressure relief devices on rail tank cars used to transport hazardous materials.

**Timetable:**

Action	Date	FR Cite
ANPRM	11/00/02	

**Regulatory Flexibility Analysis  
Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** HM Docket: HM-216A

**Agency Contact:** Eileen Edmonson, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-8553

Email: rules@rspa.dot.gov

**RIN:** 2137-AD57**2403. PIPELINE SAFETY: ANNUAL  
UPDATE OF STANDARDS  
INCORPORATED BY REFERENCE****Priority:** Substantive, Nonsignificant**Unfunded Mandates:** Undetermined**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:** More than 70 voluntary consensus technical standards are incorporated by reference in the Federal gas pipeline, hazardous liquid pipeline, and liquefied natural gas (LNG) safety regulations. The Office of Pipeline Safety will propose to incorporate updated standards early in each calendar year.

**Timetable:**

Action	Date	FR Cite
ANPRM	03/00/03	

**Regulatory Flexibility Analysis  
Required:** No**Government Levels Affected:** None**Additional Information:** Docket No RSPA-02-11457.

**Agency Contact:** Richard D. Hurliaux, Director, Technology & Regulations, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-4565

**RIN:** 2137-AD68

**Department of Transportation (DOT)**  
**Research and Special Programs Administration (RSPA)**

**Proposed Rule Stage**

**2404. PIPELINE SAFETY: GAS GATHERING LINE DEFINITION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 60101 to 60125

**CFR Citation:** 49 CFR 192

**Legal Deadline:** Final, Statutory, October 24, 1994.

**Abstract:** The existing definition of "gathering line" would be clearly defined to eliminate confusion in distinguishing these pipelines from transmission lines in rural areas. The costs should be minimal since the definition will conform to prevailing practices in government and industry.

**Timetable:**

Action	Date	FR Cite
NPRM	09/25/91	56 FR 48505
Request for Comments	03/11/99	64 FR 12147
Electronic Public Meeting	04/13/99	64 FR 12147
Extension of Comment Period	04/30/99	64 FR 23256
Comment Period Ends Second NPRM	07/07/99 03/00/03	64 FR 23256

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** Docket No. RSPA-98-4868 (Formerly PS-122).

**ANALYSIS:** Regulatory Evaluation, 09/25/91, 56 FR 48505

**Agency Contact:** L.E. Herrick, Transportation Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-5523

**RIN:** 2137-AB15

**2405. PIPELINE SAFETY: PERIODIC UNDERWATER INSPECTIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 60101 to 60125

**CFR Citation:** 49 CFR 192; 49 CFR 195

**Legal Deadline:** Final, Statutory, October 24, 1995.

**Abstract:** This action would require operators of natural gas and hazardous liquid pipelines to conduct periodic underwater inspections of offshore pipelines and those in navigable

waterways. This action would also define what constitutes an exposed underwater pipeline and what constitutes a hazard to navigation.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Additional Information:** Docket No. RSPA-97-3001. This action could include requirements for the reburial of exposed pipelines. Under an OPS contract, Texas A&M University completed a study of the issues related to burial depth and inspection requirements for underwater pipelines.

An NPRM is being drafted that will incorporate the Texas A&M recommendation for a risk-based approach.

**Agency Contact:** L.E. Herrick, Transportation Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-5523

**RIN:** 2137-AC54

**2406. PIPELINE SAFETY: FURTHER REGULATORY REVIEW; GAS PIPELINE SAFETY STANDARDS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 60101 to 60125

**CFR Citation:** 49 CFR 192

**Legal Deadline:** None

**Abstract:** This action would change miscellaneous gas pipeline safety standards to provide clarity, eliminate unnecessary or overly burdensome requirements, and foster economic growth. The proposed changes result from RSPA's further review of the standards and changes recommended by the National Association of Pipeline Safety Representatives (NAPSR) in its November 1992 report on the standards and by the State Industry Regulatory Review Committee in its April 26, 1999 report. The proposed changes would reduce costs in the pipeline industry without compromising safety.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** Docket No. RSPA-02-13208. Formerly Docket No. PS-124. The NAPSR report was published November 9, 1993, at 58 FR 59431, as part of the earlier review of the standards.

Early in 1992, RSPA began an extensive review of the Federal gas pipeline safety regulations (49 CFR 192) and invited the public to participate (57 FR 4745; February 7, 1992). RSPA published a notice of proposed rulemaking (NPRM), proposing changes to 38 regulations in part 192 (Notice 1: 57 FR 39572; August 31, 1992). In addition, the National Association of Pipeline Safety Representatives (NAPSR) reported on a separate but related review of part 192. Because the NAPSR report concerned a few of the regulations covered by the NPRM and had similar objectives, we published the report and requested public comment on its various recommended rule changes (Notice 2: 58 FR 59431; November 9, 1992) and later extended the comment period (Notice 3: 58 FR 68382; December 27, 1993). A final rule was published on June 6, 1996.

However, not all the changes suggested by the commenters were incorporated in the final rule. A further review of the regulations in part 192, based on the record in this docket, was initiated in late 1996. This review identified proposals from the Gas Piping Technology Committee (GPTC), the ASME B31.8 (gas pipeline safety standards) committee, and NAPSR that have not yet been addressed.

In October 1997, NAPSR and the gas pipeline industry formed the State Industry Regulatory Review Committee (SIRRC) to discuss the regulatory proposals of NAPSR and other issues. On May 3, 1999, the SIRRC provided OPS a report on outcome of the discussion on 39 proposed changes in the gas pipeline safety regulations.

Most of the SIRRC recommendations will be addressed in a subsequent notice of proposed rulemaking. However, the welding recommendations are being adopted in



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the periodic update (Docket No. RSPA-99-6106 RIN 2137-AD35). And the corrosion control recommendations are being considered in a review of the gas pipeline corrosion regulations in RIN 2137-AD63.

**Agency Contact:** L.M. Furrow, Manager, Regulations, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-4559  
Fax: 202 366-4566  
Email: buck.furrow@rspa.dot.gov

**RIN:** 2137-AD01

**2407. HAZARDOUS MATERIALS: HAZARD COMMUNICATION REQUIREMENTS—PETITIONS FOR RULEMAKING AND MISCELLANEOUS AMENDMENTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 5101 to 5127

**CFR Citation:** 49 CFR 171; 49 CFR 172

**Legal Deadline:** None

**Abstract:** This rulemaking action would amend the Hazardous Materials Regulations (HMR) to continue improving the hazard communication requirements to better identify hazardous materials in transportation, in response to several petitions for rulemaking and RSPA initiatives. The primary areas addressed are shipping papers, marking, labeling, and placarding requirements. The proposed action is intended to improve safety for transportation workers, emergency responders, and the public. The effect of the proposed regulatory action would be to simplify, clarify, correct, or provide relief from certain regulatory requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** Docket No. HM-206B; RSPA-99-5005.

**Agency Contact:** Helen L. Engrum, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration,

400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-8553  
Email: rules@rspa.dot.gov

**RIN:** 2137-AD28

**2408. +HAZARDOUS MATERIALS SAFETY: 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:** RSPA proposes to amend the Hazardous Materials Regulations to 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 will 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	04/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Additional Information:** HM Docket: HM-224B. 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.

**Agency Contact:** John A. Gale, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-8553  
Email: rules@rspa.dot.gov

**RIN:** 2137-AD33

**2409. +PIPELINE SAFETY: PIPELINE INTEGRITY MANAGEMENT IN HIGH-CONSEQUENCE AREAS (GAS TRANSMISSION PIPELINE OPERATORS)**

**Regulatory Plan:** This entry is Seq. No. 111 in part II of this issue of the Federal Register.

**RIN:** 2137-AD54

**2410. HAZARDOUS MATERIALS: HARMONIZATION WITH THE UNITED NATIONS RECOMMENDATIONS, INTERNATIONAL MARITIME DANGEROUS GOODS CODE, AND INTERNATIONAL CIVIL AVIATION ORGANIZATION TECHNICAL INSTRUCTIONS**

**Priority:** Substantive, Nonsignificant

**Unfunded Mandates:** Undetermined

**Legal Authority:** 49 USC 5101 to 5127

**CFR Citation:** 49 CFR 171 to 180

**Legal Deadline:** None

**Abstract:** To amend the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to maintain alignment with international standards by incorporating numerous changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations and vessel stowage requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Docket HM-215E.

**Agency Contact:** Joan McIntyre, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-8553  
Email: rules@rspa.dot.gov

**RIN:** 2137-AD66

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**2411. • 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 is a joint rulemaking action. The Research and Special Programs Administration and the Federal Motor Carrier Safety Administration are examining the need for enhanced security requirements for motor carrier transportation of hazardous materials. The two agencies are seeking comments on the feasibility of specific security enhancements and the potential costs and benefits of deploying such enhancements.

**Timetable:**

Action	Date	FR Cite
ANPRM	07/16/02	67 FR 46622
ANPRM Comment Period End	10/15/02	
NPRM	04/00/03	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Undetermined**Federalism:** Undetermined**Additional Information:** FMCSA RIN 2136-AA71

Docket No. HM-232A

**Agency Contact:** Susan Gorsky, Senior Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-8553  
Email: rules@rspa.dot.gov

**RIN:** 2137-AD70**2412. • HAZARDOUS MATERIALS: MISCELLANEOUS REVISIONS TO THE HAZARDOUS MATERIALS REGULATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 5101 to 5127**CFR Citation:** 49 CFR 171 to 173; 49 CFR 177 to 178**Legal Deadline:** None

**Abstract:** This rule proposes to make miscellaneous amendments to the hazardous materials regulations based on petitions for rulemaking and RSPA's initiatives.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** HM Docket: HM-218B

**Agency Contact:** Gigi L. Corbin, Transportation Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW, Washington, DC 20590  
Phone: 202 366-8553  
Fax: 202 366-3012  
Email: rules@rspa.dot.gov

**RIN:** 2137-AD73**2413. • HAZARDOUS MATERIALS: TRANSPORTATION OF DIVISION 1.5 EXPLOSIVES (BLASTING AGENTS) AND AMMONIUM NITRATE MIXTURES IN BULK****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 5101 to 5127**CFR Citation:** 49 CFR 171 to 173**Legal Deadline:** None

**Abstract:** This rulemaking proposes to revise the packaging for Division 1.5 explosives (blasting agents) and current ammonium nitrate mixtures to authorize transportation in certain bulk packagings, currently authorized under exemptions.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/03	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Docket: HM-235

**Agency Contact:** Helen L. Engrum, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-8553  
Email: rules@rspa.dot.gov

**RIN:** 2137-AD75**2414. • PIPELINE SAFETY: NATIONAL PIPELINE MAPPING SYSTEM****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 5103, 60102, 60104, 60108, 60109, 60113, 60118; and 49 CFR 1.53.**CFR Citation:** 49 CFR 192; 49 CFR 195**Legal Deadline:** None

**Abstract:** RSPA aims to implement a requirement that all gas transmission and hazardous liquid operators submit pipeline geospatial data to the National Pipeline Mapping System (NPMS). This rule covers interstate and intrastate pipelines and offshore pipelines under the jurisdiction of the Research and Special Programs Administration. The proposed rule will address the procedures by which pipeline operators create, submit and maintain the data submitted to the NPMS.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Docket No. RSPA-97-2426.

**Agency Contact:** Steve Fischer, GIS Manager, Department of Transportation, Research and Special Programs Administration, Room 7128, 400 7th Street, SW, Washington, DC 20590  
Phone: 202 366-4566  
Email: steve.fischer@rspa.dot.gov

**RIN:** 2137-AD76

Department of Transportation (DOT)  
Research and Special Programs Administration (RSPA)

Final Rule Stage

**2415. +PIPELINE SAFETY: RESPONSE PLANS FOR ONSHORE OIL PIPELINES**

**Priority:** Other Significant

**Legal Authority:** 49 USC 60101 to 60125

**CFR Citation:** 49 CFR 194

**Legal Deadline:** Final, Statutory, August 18, 1992.

**Abstract:** The interim final rule established regulations requiring response plans for certain onshore oil pipelines. Those regulations are mandated by the Federal Water Pollution Control Act as amended by the Oil Pollution Act of 1990 (Pub. L. 101-380). Pipeline operators filed response plans under this interim final rule, and numerous tabletop exercises and area exercises have been conducted to validate the planning process. The purpose of these requirements is to improve response capabilities and minimize the impact of onshore oil spills from pipelines. This rule is significant because of substantial public and congressional interest. A final rule incorporating the comments will be published in December 2002.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	01/05/93	58 FR 244
Interim Final Rule Comment Period End	02/19/93	
Notice of Public Meeting	06/15/94	59 FR 30755
Notice of Public Hearing	11/29/96	61 FR 60679
Correction	01/21/97	62 FR 2989
Final Rule	12/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Docket No. PS-130.

ANALYSIS: Regulatory Evaluation, 01/05/93, 58 FR 244

**Agency Contact:** James Taylor, Response Plans Officer, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-8860

**RIN:** 2137-AC30

**2416. HAZARDOUS MATERIALS: RETENTION OF SHIPPING PAPERS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 5101 to 5127

**CFR Citation:** 49 CFR 172; 49 CFR 174; 49 CFR 175; 49 CFR 176; 49 CFR 177

**Legal Deadline:** None

**Abstract:** This action amends the Hazardous Materials Regulations by requiring shippers and carriers to retain a copy of the hazardous material shipping paper or an electronic image of the shipping paper for a period of 375 days. A one-year retention of shipping papers is a current statutory requirement in 49 U.S.C. 5110(e); this rule makes the public, which relies almost exclusively on the HMR, aware of this requirement.

**Timetable:**

Action	Date	FR Cite
NPRM	09/12/01	66 FR 47443
NPRM Comment Period End	11/13/01	
Final Action	07/12/02	67 FR 46123
Final Action Effective	08/12/02	
Response to Petitions	11/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

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

**Government Levels Affected:** None

**Additional Information:** Docket No. HM-207B; RSPA-01-10568.

**Agency Contact:** Deborah Boothe, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-8553

Email: rules@rspa.dot.gov

**RIN:** 2137-AC64

**2417. +APPLICABILITY OF THE HAZARDOUS MATERIALS REGULATIONS TO LOADING, UNLOADING, AND STORAGE**

**Priority:** Other Significant

**Legal Authority:** 49 USC 5101 to 5127

**CFR Citation:** 49 CFR 106 to 107; 49 CFR 171 to 180

**Legal Deadline:** None

**Abstract:** This rulemaking proposes to better define the applicability of the Federal Hazardous Materials

Regulations (HMR) in order to clarify the relationship among Federal, State, local, and tribal agencies in the regulation of hazardous materials. Under circumstances specified in Federal statutes, the regulations of other Federal agencies (EPA and OSHA) and non-Federal governments (States, localities, and Indian tribes) must be consistent with or defer to RSPA's regulation of the transportation of hazardous materials in commerce. However, other Federal and non-Federal requirements are generally not limited where hazardous materials are not in transportation. Activities relating to loading, unloading, and storage of hazardous materials have become areas of particular uncertainty and concern to both industry and non-Federal governments. This action is significant because of the substantial public interest in reducing uncertainty and avoiding conflicting regulations.

**Timetable:**

Action	Date	FR Cite
ANPRM	07/29/96	61 FR 39522
ANPRM Comment Period End	11/30/96	
SANPRM	04/27/99	64 FR 22718
SANPRM Comment Period End Extended to	08/25/1999	
NPRM	06/14/01	66 FR 32420
NPRM Comment Period Extended to	08/02/2001 & Public Meetings	66 FR 40174
NPRM Comment Period End	11/30/01	
Final Action	06/00/03	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** State, Local, Tribal, Federal

**Federalism:** This action may have federalism implications as defined in EO 13132.

**Additional Information:** Docket No. HM-223; RSPA-98-4952. As a result of comments received to the ANPRM, we have upgraded this rulemaking to significant.

**Agency Contact:** Susan Gorsky, Senior Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-8553

## DOT—RSPA

## Final Rule Stage

Email: rules@rspa.dot.gov

RIN: 2137-AC68

#### 2418. HAZARDOUS MATERIALS: REQUIREMENTS FOR CARGO TANKS

**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 revises and clarifies certain manufacturing, maintenance and use requirements pertaining to cargo tank motor vehicles that may be used for hazardous materials transportation. FMCSA inspections have resulted in a preliminary determination that these regulations need to be amended to make them more practical, understandable, and enforceable.

##### Timetable:

Action	Date	FR Cite
NPRM	12/04/01	66 FR 63905
NPRM Comment Period Extended	02/01/02	67 FR 4941
NPRM Comment Period End	04/04/02	
Final Action	12/00/02	

##### Regulatory Flexibility Analysis

**Required:** No

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

**Government Levels Affected:** None

**Additional Information:** HM-213; RSPA-98-3554.

**Agency Contact:** Michael Johnsen, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-8553

Email: rules@rspa.dot.gov

RIN: 2137-AC90

#### 2419. PIPELINE SAFETY: RECOMMENDATIONS TO CHANGE HAZARDOUS LIQUID PIPELINE SAFETY STANDARDS

**Priority:** Substantive, Nonsignificant

**Unfunded Mandates:** Undetermined

**Legal Authority:** 49 USC 60101 to 60128

**CFR Citation:** 49 CFR 195

**Legal Deadline:** None

**Abstract:** In 1995, the National Association of Pipeline Safety Representatives (NAPSR) completed its review of the hazardous liquid pipeline safety regulations. NAPSR provided RSPA with 28 recommendations for changes to 49 CFR part 195, the hazardous liquid pipeline regulations. NAPSR's recommendations are aimed at making the regulations more explicit, understandable, and enforceable. This action would address the need to change part 195 as NAPSR recommended.

##### Timetable:

Action	Date	FR Cite
NPRM	09/06/02	67 FR 56970
Final Rule	02/00/03	

##### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** Docket No. RSPA-97-2717.

**Agency Contact:** L. M. Furrow, Regulations Manager, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-4559

RIN: 2137-AD10

#### 2420. HAZARDOUS MATERIALS: REVISIONS TO INCIDENT REPORTING REQUIREMENTS AND DETAILED HAZARDOUS MATERIALS INCIDENT REPORT DOT FORM

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 5105 to 5127

**CFR Citation:** 49 CFR 171

**Legal Deadline:** None

**Abstract:** This rulemaking would revise the hazardous materials incident reporting regulations in 49 CFR part 171, including the hazardous materials incident report (form 5800.1). The goal of this rulemaking is to simplify, update and review the requirements while enhancing the ability of the Research and Special Programs Administration and the DOT modal administrations to gather information vital to increasing safety of transporting hazardous materials.

##### Timetable:

Action	Date	FR Cite
ANPRM	03/23/99	64 FR 13943

Action	Date	FR Cite
ANPRM Comment Period End	06/21/99	
NPRM	07/03/01	66 FR 35155
NPRM Comment Period End	10/01/01	
Final Action	04/00/03	

##### Regulatory Flexibility Analysis

**Required:** No

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

**Government Levels Affected:** Federal

**Additional Information:** Docket No. HM-229; RSPA-99-5013.

**Agency Contact:** Michael Johnsen, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-8553

Email: rules@rspa.dot.gov

RIN: 2137-AD21

#### 2421. HAZARDOUS MATERIALS: AIR CARRIER EMERGENCY TELEPHONE NUMBER REQUIREMENTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 5101 to 5127

**CFR Citation:** 49 CFR 172; 49 CFR 175

**Legal Deadline:** None

**Abstract:** The rulemaking addresses safety recommendations from the National Transportation Safety Board to require that air carriers transporting hazardous materials have the means, 24 hours per day, to quickly retrieve and provide to emergency responders consolidated specific information about the identity and location of all hazardous materials on an aircraft in a timely manner.

##### Timetable:

Action	Date	FR Cite
ANPRM	08/15/00	65 FR 49777
ANPRM Comment Period End	11/13/00	
NPRM	02/13/02	67 FR 6669
NPRM Comment Period End	04/26/02	
Final Action	12/00/02	

##### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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**Additional Information:** Docket No. HM-206C; RSPA-00-7762.

**Agency Contact:** Gigi L. Corbin, Transportation Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW, Washington, DC 20590  
Phone: 202 366-8553  
Fax: 202 366-3012  
Email: rules@rspa.dot.gov

**RIN:** 2137-AD29

#### 2422. PIPELINE SAFETY: PERIODIC UPDATES TO PIPELINE SAFETY REQUIREMENTS (1999)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 60101 et seq

**CFR Citation:** 49 CFR 190; 49 CFR 191; 49 CFR 192; 49 CFR 195

**Legal Deadline:** None

**Abstract:** This periodic update revises and updates the pipeline safety regulations to provide clarity and remove unnecessary burdens to the regulated pipeline community. Revisions include updated references to voluntary specifications and standards incorporated by reference in the pipeline safety regulations, and various clarifications and grammatical corrections. These updates reflect the most recent editions of each specification and standard incorporated by reference. These updates enable pipeline operators to utilize current technology, materials, and practices, thereby reducing costs and enhancing economic growth.

**Timetable:**

Action	Date	FR Cite
NPRM	03/22/00	65 FR 15290
NPRM Comment Period End	05/22/00	
Final Action	12/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Docket No. RSPA-99-6106

**Agency Contact:** Richard D. Huriaux, Director, Technology & Regulations, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-4565

**RIN:** 2137-AD35

#### 2423. PIPELINE SAFETY: PRODUCER-OPERATED OUTER CONTINENTAL SHELF GAS AND HAZARDOUS LIQUID PIPELINES THAT CROSS DIRECTLY INTO STATE WATERS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 60101 et seq

**CFR Citation:** 49 CFR 192; 49 CFR 195

**Legal Deadline:** None

**Abstract:** This proposed rule would implement a provision of the December 10, 1996 Memorandum of Understanding (MOU) between the Department of the Interior (DOI) and the Department of Transportation (DOT) regarding Outer Continental Shelf (OCS) Pipelines. This rule would address producer-operated pipelines that cross into State waters without first connecting with a transporting operator's facility on the OCS. It is complementary to the Direct Final Rule that addressed OCS oil or gas pipelines located upstream of the points at which operating responsibility for the pipelines transfers from a producing operator to a transporting operator (62 FR 61692, November 19, 1997; and 63 FR 126598, March 16, 1998). The proposed rule also would address the procedures by which producer and transportation pipeline operators would petition for permission to operate under either DOT or DOI regulations governing pipeline design, construction, operation, and maintenance according to the operational circumstances of their respective pipelines.

**Timetable:**

Action	Date	FR Cite
NPRM	04/05/02	67 FR 15355
Final Rule	12/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Docket No. RSPA-99-6132.

**Agency Contact:** L.E. Herrick, Transportation Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-5523

**RIN:** 2137-AD42

#### 2424. REVISIONS; DEFINITION OF ADMINISTRATOR

**Priority:** Info./Admin./Other

**Legal Authority:** 33 USC 1321; 49 USC 5101 to 5127, 44701, 60101 et seq; PL 104-121, sec 212 to 213; 49 CFR 1.45 and 1.53

**CFR Citation:** 49 CFR 171 to 180; 49 CFR 190 to 199

**Legal Deadline:** None

**Abstract:** Modifies or adds the definition of "Administrator" for clarification and consistency within the RSPA regulations.

**Timetable:**

Action	Date	FR Cite
Final Rule	11/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Agency Contact:** Astrid Lopez-Goldberg, Attorney, Department of Transportation, Research and Special Programs Administration  
Phone: 202 366-4400

**RIN:** 2137-AD43

#### 2425. HAZARDOUS MATERIALS: MISCELLANEOUS AMENDMENTS FOR UNLOADING IM PORTABLE TANKS ON A TRANSPORT VEHICLE—PETITION FOR RULEMAKING

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 5101 to 5127

**CFR Citation:** 49 CFR 177

**Legal Deadline:** None

**Abstract:** RSPA is responding to a petition for rulemaking regarding the requirements applicable to the unloading of intermodal (IM) portable tanks while on a transport vehicle.

**Timetable:**

Action	Date	FR Cite
NPRM	02/22/02	67 FR 8220
NPRM Comment Period End	04/08/02	
Final Action	12/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** HM-218A; RSPA-01-10533.

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## Final Rule Stage

**Agency Contact:** Joan McIntyre, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-8553

Email: rules@rspa.dot.gov

**RIN:** 2137–AD44

#### 2426. HAZARDOUS MATERIALS: TRANSPORTATION OF LITHIUM BATTERIES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 5101 to 5127

**CFR Citation:** 49 CFR 172 to 175

**Legal Deadline:** None

**Abstract:** RSPA is revising requirements applicable to lithium batteries for consistency with international requirements.

##### Timetable:

Action	Date	FR Cite
NPRM	04/02/02	67 FR 15510
NPRM Comment Period End	06/14/02	
Final Action	12/00/02	

##### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** HM Docket: HM-224C

**Agency Contact:** John A. Gale, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW, Washington, DC 20590

Phone: 202 366-8553

Email: rules@rspa.dot.gov

**RIN:** 2137–AD48

#### 2427. HAZARDOUS MATERIALS: REDUCTION OF REGISTRATION FEES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 5101 to 5127

**CFR Citation:** 49 CFR 107

**Legal Deadline:** None

**Abstract:** RSPA proposed to reduce the hazmat registration fee for all persons who transport or offer for transportation certain categories and quantities of hazmat, replace the reference to the standard industrial classification (SIC) code with the North American Industry

Classification System (NAICS), and clarify the registration fee for not-for-profit organizations. RSPA is delaying final action on these proposals because of their interaction with final action on the FY 2003 Federal budget.

##### Timetable:

Action	Date	FR Cite
NPRM	12/07/00	65 FR 76890
NPRM Comment Period End	02/02/01	
NPRM; Status Final Rule	05/02/01 03/00/03	66 FR 22080

##### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** Docket No. HM-208D; RSPA-00-8439.

**Agency Contact:** Deborah Boothe, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-8553

Email: rules@rspa.dot.gov

**RIN:** 2137–AD53

#### 2428. PIPELINE SAFETY: HAZARDOUS LIQUID PIPELINE OPERATOR ANNUAL REPORTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 5103; 49 USC 60102; 49 USC 60104; 49 USC 60108; 49 USC 60109; 49 USC 60118; 49 CFR 1.53

**CFR Citation:** 49 CFR 195

**Legal Deadline:** None

**Abstract:** This rulemaking would amend the pipeline safety regulations to require hazardous liquid pipeline operators to submit a Hazardous Liquid Operator Annual Report. The information on the hazardous liquid operator annual report form is needed to normalize hazardous liquid accident information for identifying safety trends in the accident data. The inventory information that the annual report would provide addresses a major deficiency in the current information collection. Through a separate rulemaking, RSPA is also improving the hazardous liquid accident form by expanding “failure cause” categories and collecting more detailed information about the impact of failed pipelines. Together with the improved

hazardous liquid accident report, the proposed Hazardous Liquid Operator Annual Report will address the concerns of RSPA/OPS, the National Transportation Safety Board (NTSB), Congress, and others, increase the overall usefulness of the data, and make analysis more efficient and meaningful.

##### Timetable:

Action	Date	FR Cite
NPRM	07/26/02	67 FR 48844
Final Rule	12/00/02	

##### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Docket No. RSPA-01-9832.

**Agency Contact:** Roger Little, Department of Transportation, Research and Special Programs Administration  
Phone: 202 366-4569

**RIN:** 2137–AD59

#### 2429. HAZARDOUS MATERIALS: SECURITY REQUIREMENTS FOR OFFERORS AND TRANSPORTERS OF HAZARDOUS MATERIALS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 5101 to 5127

**CFR Citation:** 49 CFR 107; 49 CFR 172; 49 CFR 173; 49 CFR 177; 49 CFR 397

**Legal Deadline:** None

**Abstract:** This interim final rule will establish certain requirements designed to enhance the security of hazardous materials in transportation.

##### Timetable:

Action	Date	FR Cite
NPRM	05/02/02	67 FR 22028
Comment Period Extended	05/23/02	67 FR 36138
NPRM Comment Period End	07/03/02	
Final Action	12/00/02	

##### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Docket HM-232; RSPA-02-12064.

**Agency Contact:** Susan Gorsky, Senior Regulations Specialist, Department of Transportation, Research and Special

## DOT—RSPA

## Final Rule Stage

Programs Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-8553  
Email: rules@rspa.dot.gov  
RIN: 2137-AD67

**2430. • HAZARDOUS MATERIALS: REVISION TO PERIODIC TIRE CHECK REQUIREMENT 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 is a joint rulemaking. The Research and Special Programs Administration and the Federal Motor Carrier Safety Administration are proposing to eliminate an outdated requirement for operators of motor vehicles transporting hazardous materials to stop periodically to check tires.

**Timetable:**

Action	Date	FR Cite
NPRM	07/16/02	67 FR 46624

Action	Date	FR Cite
NPRM Comment Period End	08/15/02	
Final Action	11/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Docket No. HM-232B; RSPA-02-12773.

**Agency Contact:** Susan Gorsky, Senior Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-8553  
Email: rules@rspa.dot.gov

RIN: 2137-AD69

**2431. • HAZARDOUS MATERIALS: REVISION TO PENALTY GUIDELINES**

**Priority:** Info./Admin./Other

**Legal Authority:** 49 USC 5101 et seq

**CFR Citation:** 49 CFR app A to subpart D

**Legal Deadline:** None

**Abstract:** This final rule will make revisions to RSPA's guidelines in appendix A to 49 CFR part 107, subpart D, which set forth policy and procedures for assessing civil penalties for violations of the Federal Hazardous Materials Transportation Law and the Hazardous Materials Regulations. This rule will add baseline penalty amounts for additional violations, adjust baseline penalty amounts for other violations, and state that RSPA now considers prior violations for 6 years rather than 5.

**Timetable:**

Action	Date	FR Cite
Final Action	11/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Nancy Machado, Attorney, Department of Transportation, Research and Special Programs Administration  
Phone: 202 366-4400  
Fax: 202 366-7041

RIN: 2137-AD71

## Department of Transportation (DOT)

## Long-Term Actions

## Research and Special Programs Administration (RSPA)

**2432. PIPELINE SAFETY: PASSAGE OF INTERNAL INSPECTION DEVICES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 60101 to 60125

**CFR Citation:** 49 CFR 192; 49 CFR 195

**Legal Deadline:** None

**Abstract:** A final rule (59 FR 17275; April 12, 1994) amended the gas and hazardous liquid pipeline safety regulations to require that new and certain replacement pipelines be designed and constructed to accommodate the passage of instrumented internal inspection devices ('smart pigs'). This action was in response to a mandate in the pipeline Safety Reauthorization Act of 1988. The intended effect of amended regulations was to improve the safety of gas, hazard liquid, and carbon dioxide pipelines by permitting their inspection by 'smart pigs' using the latest technology for detecting and recording abnormalities in the pipe

wall. This rule required new and replacement pipelines to be capable of passing a 'pig' for internal inspection.

In response to two petitions for reconsideration, Notice 2 (59 FR 49896; September 30, 1994) was published to extend the compliance date for existing gas transmission lines and to modify the requirements for modification of line sections based on partial replacement of gas transmission pipelines located offshore and in rural areas. Subsequently, Notice 3 (60 FR 7133; February 7, 1995) was published to suspend enforcement of the final rule requirements for new and existing offshore gas transmission lines and for modifications to line segments based on partial replacement of pipe in existing onshore gas transmission lines. Nonetheless, hazardous liquid pipelines, carbon dioxide pipelines, new onshore gas transmission lines, and the actual replaced components in existing onshore gas transmission lines must comply with the final rule of

April 1994. The next action is undetermined.

**Timetable:**

Action	Date	FR Cite
NPRM	11/20/92	57 FR 54745
NPRM Comment Period End	01/19/93	
Final Rule	04/12/94	59 FR 17275
NPRM	09/30/94	59 FR 49896
NPRM Correction	10/19/94	59 FR 52863
Limited Suspension of Enforcement	02/07/95	60 FR 7133

Next Action Undetermined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** Docket No. PS-126. The integrity testing proposal in Proposals for Pipeline Safety, RIN 2137-AB27, was consolidated, in part, into this rulemaking. The final rule (59 FR 17275; April 12, 1994) amended the gas and hazardous liquid pipeline safety regulations to require that new and

## DOT—RSPA

## Long-Term Actions

certain replacement pipelines be designed and constructed to accommodate the passage of instrumented internal inspection devices ('smart pigs'). This action was in response to a mandate in the Pipeline Safety Reauthorization Act of 1988. The intended effect of these amended regulations was to improve the safety of gas, hazardous liquid, and carbon dioxide pipelines by permitting their inspection by 'smart pigs' using the latest technology for detecting and recording abnormalities in the pipe wall. This rule required new and replacement pipelines to be capable of passing a 'pig' for internal inspection.

**ANALYSIS:** Regulatory Evaluation, 04/12/94, 59 FR 17275

**Agency Contact:** Richard D. Huriaux, Director, Technology & Regulations, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-4565

**RIN:** 2137-AB71

### 2433. +SAFEGUARDING FOOD FROM CONTAMINATION DURING TRANSPORTATION

**Priority:** Other Significant

**Legal Authority:** 49 USC 5701 to 5714

**CFR Citation:** 49 CFR 1

**Legal Deadline:** Final, Statutory, August 1, 1991.

**Abstract:** The Sanitary Food Transportation Act of 1990 (49 USC 5701 et seq.) requires the Secretary of Transportation, in consultation with the Secretaries of Agriculture and Health and Human Services and the Administrator of the Environmental Protection Agency, to issue regulations concerning the transportation of food, food additives, drugs, devices, and cosmetics in motor and rail vehicles also used to transport nonfood products that could pose an unreasonable danger to human or animal health when so transported. This rulemaking will implement the statutory requirements. This rulemaking is significant because of substantial public and congressional interest. RSPA's next action is undetermined because it has requested personnel resources from Congress necessary to perform these food safety functions.

#### Timetable:

Action	Date	FR Cite
ANPRM	02/20/91	56 FR 6934
ANPRM Comment Period Extended to 04/29/1991	03/21/91	56 FR 11982
NPRM	05/21/93	58 FR 29698
Notice of Public Hearing	05/21/93	58 FR 29698
NPRM Comment Period End	10/18/93	
Next Action Undetermined		

#### Regulatory Flexibility Analysis Required: No

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

**Government Levels Affected:** None

**Additional Information:** ANALYSIS: Regulatory Evaluation, 05/21/93, 58 FR 29698

**Agency Contact:** Michael Johnsen, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-8553  
Email: rules@rspa.dot.gov

**RIN:** 2137-AC00

### 2434. HAZARDOUS MATERIALS: CARGO TANK ROLLOVER REQUIREMENTS

**Priority:** Substantive, Nonsignificant

**Unfunded Mandates:** Undetermined

**Legal Authority:** 49 USC 5101 to 5127

**CFR Citation:** 49 CFR 178

**Legal Deadline:** None

**Abstract:** The purpose of this advance notice of proposed rulemaking is to request comments concerning the need, if any, for amending the Hazardous Materials Regulations with regard to standards for cargo tank rollover protection devices on specification DOT 406, 407 and 412 cargo tank motor vehicles.

#### Timetable:

Action	Date	FR Cite
ANPRM	11/16/99	64 FR 62161
ANPRM Comment Period End	05/15/00	
Next Action Undetermined		

#### Regulatory Flexibility Analysis Required: Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** HM Docket: HM-213A; RSPA-99-5921.

**Agency Contact:** Michael Stevens, Transportation Specialist, Department of Transportation, Research and Special Programs Administration, Washington, DC 20590  
Phone: 202 366-8553  
Email: rules@rspa.dot.gov

**RIN:** 2137-AD34

### 2435. HAZARDOUS MATERIALS: ADOPTION OF LATEST IAEA AND OTHER MISCELLANEOUS REVISIONS AND CLARIFICATIONS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 5101 to 5127

**CFR Citation:** 49 CFR 171 to 180

**Legal Deadline:** None

**Abstract:** This rulemaking proposes to harmonize the requirements for the packaging and transportation of Class 7 (radioactive) materials with the International Atomic Energy Agency (IAEA) regulations for the safe transportation of radioactive material and the United Nations recommendations.

#### Timetable:

Action	Date	FR Cite
ANPRM	12/28/99	64 FR 72633
ANPRM Comment Period Extended	03/01/00	65 FR 11028
ANPRM Comment Period End	03/29/00	
ANPRM Comment Period End	06/29/00	
NPRM	04/30/02	67 FR 21328
NPRM Comment Period End	07/29/02	
Final Action	10/00/03	

#### Regulatory Flexibility Analysis Required: No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** HM-230; RSPA-99-6283.

**Agency Contact:** Charles E. Betts, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-8553  
Email: rules@rspa.dot.gov

**RIN:** 2137-AD40



## DOT—RSPA

## Long-Term Actions

**2436. HAZARDOUS MATERIALS: REVISION OF THE REQUIREMENTS FOR HAZARDOUS WASTE MANIFESTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 5101-5127**CFR Citation:** 49 CFR 172**Legal Deadline:** None**Abstract:** The NPRM proposed to update the Hazardous Waste Manifest requirements to accommodate changes the Environmental Protection Agency has proposed, including the use of

electronic versions of the Hazardous Waste Manifest and electronic signatures.

**Timetable:**

Action	Date	FR Cite
NPRM	08/08/01	66 FR 41490
NPRM Comment Period End	10/04/01	
Final Action	12/00/03	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** State, Local, Tribal, Federal**Additional Information:** HM Docket: HM-206E; RSPA-01-10292.**Agency Contact:** Michael Johnsen, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-8553

Email: rules@rspa.dot.gov

**RIN:** 2137-AD50

## Department of Transportation (DOT)

## Completed Actions

## Research and Special Programs Administration (RSPA)

**2437. +HAZARDOUS MATERIALS: REQUIREMENTS FOR CYLINDERS****Priority:** Other Significant**Legal Authority:** 49 USC 5101 to 5127**CFR Citation:** 49 CFR 172; 49 CFR 173; 49 CFR 178**Legal Deadline:** None**Abstract:** This rulemaking proposed to amend the Hazardous Materials Regulations (HMR) by updating and consolidating requirements for the manufacture, maintenance, requalification, repair, and use of compressed gas cylinders. Because of significant adverse comment, this rulemaking will be terminated. RSPA will address the proposals in this rulemaking applicable to maintenance, requalification and repair of DOT specification cylinders; approval for cylinder requalifiers, independent inspection agencies, and non-domestic chemical analyses and tests in a final rule under RIN 2137-AD58. Cylinder manufacturing issues will be addressed in a separate rulemaking action.**Timetable:**

Action	Date	FR Cite
NPRM	10/30/98	63 FR 58460
NPRM Comment Period Extended to 09/30/1999	05/28/99	64 FR 28065
NPRM Comment Period End	05/28/99	
Withdrawn	02/13/02	67 FR 6667

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Additional Information:** Formerly entitled Review: Consolidation of

Specifications for High-Pressure Seamless Cylinders. Docket No. HM-220.

**Agency Contact:** Charles E. Betts, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-8553

Email: rules@rspa.dot.gov

**RIN:** 2137-AA92**2438. DOT 3AL ALUMINUM CYLINDERS; SAFETY PROBLEMS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 5101 to 5127**CFR Citation:** 49 CFR 178**Legal Deadline:** None**Abstract:** Certain DOT 3AL cylinders made of aluminum alloy 6351 have developed cracks during service, and occasionally leaks developed resulting in loss of contents. The ANPRM was intended to alert and inform all persons possessing these cylinders of the problems, identify those cylinders at risk, and suggest steps to minimize risks. Safety issues will be handled and this rulemaking addressed under RIN 2137-AD58.**Timetable:**

Action	Date	FR Cite
ANPRM	07/10/87	52 FR 26027
ANPRM Comment Period End	08/10/87	
Final Action	08/08/02	67 FR 51626
Final Action Effective	10/01/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:** Undetermined**Additional Information:** Docket No. HM-176A. Safety issues originally considered by this action are being addressed in Docket HM-220D, RIN 2137-AD58.

ANALYSIS: Regulatory Evaluation

**Agency Contact:** Charles E. Betts, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-8553

Email: rules@rspa.dot.gov

**RIN:** 2137-AB51**2439. +HAZARDOUS MATERIALS: REVISIONS TO STANDARDS FOR INFECTIOUS SUBSTANCES AND GENETICALLY MODIFIED MICROORGANISMS****Priority:** Other Significant**Legal Authority:** 33 USC 1321; 49 USC 5101 to 5127**CFR Citation:** 49 CFR 171; 49 CFR 172; 49 CFR 173; 49 CFR 174; 49 CFR 175; 49 CFR 176; 49 CFR 177; 49 CFR 178**Legal Deadline:** None**Abstract:** This rulemaking amends the Hazardous Materials Regulations to provide for the transport of infectious medical waste in bulk packagings, remove the blanket exception for transporting biological products and diagnostic specimens, and revises the

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## Completed Actions

definition, hazardous communication, and packaging requirements for other infectious substances and genetically modified microorganisms to make them consistent with international transportation requirements. RSPA held a public meeting on the ANPRM via the Internet.

**Timetable:**

Action	Date	FR Cite
ANPRM	09/02/98	63 FR 46844
ANPRM Comment Period End	12/01/98	
NPRM	01/22/01	66 FR 7942
NPRM Comment Period End	04/23/01	
Final Action	08/14/02	67 FR 53118
Final Rule Correction	08/27/02	67 FR 54967
Final Action Effective	02/14/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** None

**Additional Information:** Docket No. HM-226. DMS Docket No. RSPA- 98-3971.

**Agency Contact:** Susan Gorsky, Senior Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-8553  
Email: rules@rspa.dot.gov

**RIN:** 2137-AD13

#### 2440. HAZARDOUS MATERIALS: REVISED AND CLARIFIED HAZARDOUS MATERIALS SAFETY RULEMAKING AND PROGRAM PROCEDURES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 5101 to 5127

**CFR Citation:** 49 CFR 106; 49 CFR 107

**Legal Deadline:** None

**Abstract:** This rulemaking makes minor substantive changes to 49 CFR parts 106 and 107 of the hazardous materials procedural regulations, and results in a revision of those parts in language that is easier to understand. This action was taken to update RSPA's hazardous materials procedural regulations and to rewrite the current requirements to be more user-friendly.

**Timetable:**

Action	Date	FR Cite
NPRM	12/11/98	63 FR 68624

Action	Date	FR Cite
NPRM Comment Period End	02/09/99	
Final Rule	06/25/02	67 FR 42948
Final Rule Effective	07/25/02	

**Regulatory Flexibility Analysis**

**Required:** No

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

**Government Levels Affected:** None

**Additional Information:** Docket No. RSPA-98-3974. (RSP-4)

**Agency Contact:** Karin V. Christian, Attorney, Room 8407, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-4400  
Email: rules@rspa.dot.gov

**RIN:** 2137-AD20

#### 2441. PIPELINE SAFETY: ENFORCEMENT PROCEDURES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 60101 to 60125

**CFR Citation:** 49 CFR 190.209; 49 CFR 190.213

**Legal Deadline:** None

**Abstract:** This action sought to revise RSPA's pipeline safety enforcement procedures to minimize paperwork in uncontested cases where a person pays a proposed civil penalty or agrees to a proposed compliance order. The procedures will be changed to show that both responses are considered offenses in determining any future civil penalty assessments. These changes have been made without the need for a rulemaking. Therefore, this action is terminated.

**Timetable:**

Action	Date	FR Cite
NPRM	08/12/99	64 FR 43972
NPRM Comment Period End	10/12/99	
Withdrawn	08/16/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Docket No. RSPA-98-4284. The changes to part 190 modify agency rules of practice and procedure.

**Agency Contact:** Linda Daugherty, Enforcement Officer, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-4577  
Email: daugherll@rspa.dot.gov

**RIN:** 2137-AD22

#### 2442. PIPELINE SAFETY: PRESSURE TESTING OLDER PIPELINES IN TERMINALS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 60101 to 60125

**CFR Citation:** 49 CFR 195.302

**Legal Deadline:** None

**Abstract:** Certain older pipelines in terminals and tank farms must be pressure tested before December 7, 2003. Based on a petition, RSPA is reconsidering this testing requirement in light of the risk and low operating stress of these pipelines. RSPA has stayed enforcement of the testing requirement against pipelines designed not to operate above 20 percent of specified minimum yield strength. Because of the new integrity management rules issued in other dockets, there is no longer a need to separately address the risks and testing requirements for terminals and tank farms. Therefore, this action is terminated.

**Timetable:**

Action	Date	FR Cite
Withdrawn	08/16/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:**

Undetermined

**Additional Information:** Docket No. RSPA-98-4316. Notice requesting comment 2/10/98 (63 FR 6677) in Docket No. PS-121. Enforcement Stay (63 FR 63210; November 12, 1998).

**Agency Contact:** Mike Israni, General Engineer, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-4571  
Email: mike.israni@rspa.dot.gov

**RIN:** 2137-AD26

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## Completed Actions

**2443. HARMONIZATION WITH UNITED NATIONS RECOMMENDATIONS, INTERNATIONAL MARITIME DANGEROUS GOODS CODE, AND INTERNATIONAL CIVIL AVIATION ORGANIZATION'S TECHNICAL INSTRUCTIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 5101 to 5127**CFR Citation:** 49 CFR 171 to 180**Legal Deadline:** None

**Abstract:** In a final rule published on June 21, 2001, RSPA amended the Hazardous Materials Regulations (HMR) to maintain alignment with international standards, promulgated by the United Nations, the International Maritime Organization, the International Civil Aviation Organization, and the International Atomic Energy Agency, by incorporating numerous changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air-transport quantity limitations and vessel stowage requirements.

In a final rule published in the Federal Register on February 1, 2001, RSPA adopted some of the standards proposed in the NPRM.

**Timetable:**

Action	Date	FR Cite
NPRM	10/23/00	65 FR 63294
NPRM Comment Period End	12/23/00	
Final Rule	02/01/01	66 FR 8644
Final Rule	06/21/01	66 FR 33316
Correction	04/03/02	67 FR 15736
Final Action Effective	04/03/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** HM-215D. Docket No. RSPA-00-7702.

**Agency Contact:** Joan McIntyre, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-8553  
Email: rules@rspa.dot.gov

**RIN:** 2137-AD41**2444. PIPELINE SAFETY: PIPELINE INTEGRITY MANAGEMENT IN HIGH-CONSEQUENCE AREAS (HAZARDOUS LIQUID OPERATORS WITH LESS THAN 500 MILES OF PIPELINE)****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 5121; 49 USC 60102 to 60104; 49 USC 60117 to 60118; 49 USC 60124; 49 CFR 1.53**CFR Citation:** 49 CFR 195**Legal Deadline:** None

**Abstract:** The rule will apply to hazardous liquid pipeline operators who own or operate less than 500 miles of pipelines. The rule will require integrity assessment of pipeline segments that could affect high-consequence areas, and consideration of additional preventive and mitigative actions to protect these locations from pipeline spills. OPS is proposing that an operator develop and follow an integrity management program that continually assesses and evaluates the integrity of those pipelines that could affect a high-consequence area, through internal inspection or pressure testing, and data integration and analysis.

**Timetable:**

Action	Date	FR Cite
NPRM	03/21/01	66 FR 15821
NPRM Comment Period End	05/21/01	
Final Action	01/16/02	67 FR 2136

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Additional Information:** Docket No. RSPA-00-7408.

**Agency Contact:** L.M. Furrow, Manager, Regulations, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-4559  
Fax: 202 366-4566  
Email: buck.furrow@rspa.dot.gov

**RIN:** 2137-AD49**2445. HAZARDOUS MATERIALS: REQUIREMENTS FOR MAINTENANCE, QUALIFICATION, AND REPAIR OF DOT SPECIFICATION CYLINDERS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 5101 to 5127**CFR Citation:** 49 CFR 107; 49 CFR 171 to 173; 49 CFR 177 to 178; 49 CFR 180**Legal Deadline:** None

**Abstract:** The rulemaking makes changes to the Hazardous Materials Regulations to revise the requirements for maintenance, requalification and repair of all DOT specification cylinders. In addition it revises the requirements for approval of cylinder requalifiers, independent inspection agencies, and nondomestic chemical analysis and tests, and revises certain requirements in certain cylinder inspections. Certain cylinder manufacturing proposals will be handled in a separate rulemaking action. The NPRM was under RIN 2127-AA92.

**Timetable:**

Action	Date	FR Cite
NPRM	10/30/98	63 FR 38460
NPRM Comment Period End	09/30/99	64 FR 28965
Final Action	08/08/02	67 FR 51626
Final Action - Extension of Compliance Dates and Corrections	09/30/02	67 FR 61287
Final Action Effective	10/01/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** HM Docket: HM-220D; RSPA-01-10373.

**Agency Contact:** Charles E. Betts, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-8553  
Email: rules@rspa.dot.gov

**RIN:** 2137-AD58**2446. PIPELINE SAFETY: INTEGRITY MANAGEMENT COMMUNICATION****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 5103, 60102, 60104, 60108, 60110, 601132, 60118; 49 CFR 1.53**CFR Citation:** 49 CFR 192; 49 CFR 195**Legal Deadline:** None

**Abstract:** In connection with the series of rules on Pipeline Integrity Management in High-Consequence

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Areas, the Office of Pipeline Safety (OPS) had planned to propose related rules governing operator communications with local public officials and agencies. The issuance of integrity management rules for hazardous liquid pipelines and the upcoming proposed rule for gas transmission pipelines, along with voluntary communications efforts by the pipeline industry and regulators, eliminates the need for action in this docket. Therefore, this action is terminated.

**Timetable:**

Action	Date	FR Cite
Withdrawn	08/16/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Docket No. RSPA-00-7795.

**Agency Contact:** Mike Israni, General Engineer, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-4571  
Email: mike.israni@rspa.dot.gov

**RIN:** 2137-AD62

**2447. PIPELINE SAFETY: CONTROLLING CORROSION ON GAS PIPELINES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 5103, 60102, 60104, 60108, 60109, 60113, 60118; 49 CFR 1.53

**CFR Citation:** 49 CFR 192

**Legal Deadline:** None

**Abstract:** The corrosion-control regulations for gas pipelines would be revised to incorporate the latest safety practices for corrosion protection of steel pipe. Any changes would be comparable to the requirements for hazardous liquid and carbon dioxide pipelines in 49 CFR part 195. At this time, the gas pipeline corrosion regulations are consistent with the latest standards. Therefore, no action is needed and this matter is terminated.

**Timetable:**

Action	Date	FR Cite
Withdrawn	08/16/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Docket No. RSPA-01-10337. Information in Docket No. RSPA-97-2762 (RIN 2137-AD24) will be considered in this proceeding.

**Agency Contact:** L.M. Furrow, Manager, Regulations, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-4559  
Fax: 202 366-4566  
Email: buck.furrow@rspa.dot.gov

**RIN:** 2137-AD63

**2448. PIPELINE SAFETY: HIGH CONSEQUENCE AREAS FOR GAS TRANSMISSION OPERATORS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 5103, 60102, 60104, 60108, 60109, 60118 and 49 CFR 1.53

**CFR Citation:** 49 CFR 192

**Legal Deadline:** None

**Abstract:** The Office of Pipeline Safety (OPS) considers "high-consequence" areas (HCA) to be areas where the potential consequences of a gas pipeline accident may be significant, including the risk of significant harm to people and property. For gas transmission pipelines, this rulemaking proposes to define HCAs to include all Class 3 and 4 areas (as specified in part 192); any areas within 660 feet of the pipeline (or within 1,000 feet where the pipeline is greater than 30 inches in diameter and operates at maximum allowable operating pressure (MAOP) of 100 pounds per square inch (psig) or greater) where there are hospitals, schools, day-care centers, retirement homes, prisons, or other hard-to-evacuate places occupied by 20 or more persons where at least 20 people congregate at least 50 days in any 12-month period (such as beaches, recreational facilities, camping grounds and museums, etc.).

**Timetable:**

Action	Date	FR Cite
NPRM	01/09/02	67 FR 1108
Final Rule	08/06/02	67 FR 50824
Final Rule Effective	09/05/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State

**Additional Information:** Docket No. RSPA-00-7666. This proceeding relates to RIN 2137-AD54.

**Agency Contact:** Mike Israni, General Engineer, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-4571  
Email: mike.israni@rspa.dot.gov

**RIN:** 2137-AD64

**2449. HAZARDOUS MATERIALS: HAZARDOUS SUBSTANCES—ADDITIONS, REVISIONS AND DELETIONS**

**Priority:** Routine and Frequent

**Legal Authority:** 49 USC 5101 to 5127

**CFR Citation:** 49 CFR 172

**Legal Deadline:** None

**Abstract:** RSPA is making minor revisions, additions, and deletions to the Hazardous Substances Reportable Quantities (RQ) Table to reflect changes in the 42 CFR section 302.4 table which designates hazardous substances and their reportable quantities under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). This action is necessary to comply with the Superfund Amendments and Reauthorization Act (LSARA) of 1986 which amended CERCLA (1980) to mandate RSPA to regulate, under the HMR, all hazardous substances designated by the Environmental Protection Agency (EPA).

**Timetable:**

Action	Date	FR Cite
Final Action	03/05/02	67 FR 9926
Correction	03/25/02	67 FR 13680
Final Action Effective	10/01/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** HM Docket: HM-145M; RSPA-02-11675.

**Agency Contact:** Michael Johnsen, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-8553

## DOT—RSPA

## Completed Actions

Email: rules@rspa.dot.gov

RIN: 2137-AD65

**2450. • HAZARDOUS MATERIALS: MINOR EDITORIAL CORRECTIONS AND CLARIFICATIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 5101 to 5127

**CFR Citation:** 49 CFR 105; 49 CFR 107; 49 CFR 171 to 180

**Legal Deadline:** None

**Abstract:** This final rule corrects editorial errors, makes minor regulatory changes, and, in response to requests for clarification, improves the clarity of certain provisions in the Hazardous Materials Regulations.

**Timetable:**

Action	Date	FR Cite
Final Rule	09/27/02	67 FR 61006
Final Rule Effective	09/27/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** HM Docket: HM-189T

**Agency Contact:** Eileen Edmonson, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-8553

Email: rules@rspa.dot.gov

RIN: 2137-AD72

**2451. • HAZARDOUS MATERIALS: MISCELLANEOUS REVISIONS TO THE REGISTRATION REQUIREMENTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 5191 to 5127

**CFR Citation:** 49 CFR 107

**Legal Deadline:** None

**Abstract:** RSPA is amending its regulations by making miscellaneous revisions to the registration requirements in the hazardous materials regulations. The revisions address use of the Small Business Administration's North American Industry Classification System to determine if an entity is a small business, provide that not-for-profit

organizations will pay the fee assessed on small businesses, and clarify other registration procedures. These revisions were proposed under RSPA-00-8439 (HM-208D); RIN 2137-AD53.

**Timetable:**

Action	Date	FR Cite
Final Action	09/16/02	67 FR 58343
Final Action Effective	01/16/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** HM Docket: HM208E the NPRM for this rulemaking was issued under RIN: 2137-AD53 RSPA-008439 (HM-208D)

**Agency Contact:** Deborah Boothe, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-8553

Email: rules@rspa.dot.gov

RIN: 2137-AD74

## Department of Transportation (DOT)

## Proposed Rule Stage

## Maritime Administration (MARAD)

**2452. +CARGO PREFERENCE REGULATIONS—CARRIAGE OF OCEANGOING CARGO GENERATED BY GOVERNMENT PROGRAMS**

**Priority:** Other Significant

**Legal Authority:** 46 app USC 1101; 1114(b), 1122(d), 1241

**CFR Citation:** 46 CFR 381; 49 CFR 1.66

**Legal Deadline:** None

**Abstract:** This action proposes to clarify the Maritime Administration's cargo preference regulations governing the carriage of oceangoing cargo generated by Government programs. The rulemaking will concern, among other issues: (1) incorporating into part

381 MARAD's existing rules on priority of service of various U.S.-flag services; (2) clarifying how shipper agencies should comply with the existing provisions of the regulations regarding geographic areas and booking cargo on U.S.-flag vessels before foreign-flag vessels; (3) redefining certain terms for clarity to bring them in line with commercial practices; and (4) other related issues. This rule is significant because of public interest.

**Timetable:**

Action	Date	FR Cite
ANPRM	01/28/99	64 FR 4382
ANPRM Comment Period End	03/29/99	
NPRM	11/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Thomas W. Harrelson, Director, Office of Cargo Preference, Room 8118, Department of Transportation, Maritime Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-5515

RIN: 2133-AB37

**Department of Transportation (DOT)**  
**Maritime Administration (MARAD)**

Final Rule Stage

**2453. REQUIREMENTS TO DOCUMENT U.S.-FLAG FISHING INDUSTRY VESSELS OF 100 FEET OR GREATER IN REGISTERED LENGTH AND TO HOLD PREFERRED MORTGAGE ON SUCH VESSELS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 107-20

**CFR Citation:** 46 CFR 356

**Legal Deadline:** None

**Abstract:** The Maritime Administration is amending its regulations at 46 CFR part 356 which implement the U.S. citizenship requirements set forth in the American Fisheries Act of 1998 (AFA) for vessels of 100 feet or greater in registered length for which a fishery endorsement to the vessel's documentation is sought.

On July 24, 2001, Congress passed a package of amendments to the AFA as part of the Supplemental Appropriations Act, 2001, section 2202, PL 107-20. This final rule will implement those new statutory requirements for owners and mortgagees of Fishing Vessels, Fish Processing Vessels and Fish Tender Vessels of 100 feet or greater (collectively referred to as "Fishing Industry Vessels"), amend the requirements to hold a preferred mortgage on such Fishing Industry Vessels, and make other minor amendments to the regulations to address issues that arose during the early stages of MARAD's implementation of the new AFA regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	04/16/02	67 FR 18547
NPRM Comment Period End	06/17/02	
Final Rule	11/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** John T. Marquez Jr., Attorney Advisor, Division of Maritime Assistance Programs, Department of Transportation, Maritime Administration, Room 7228, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-5320

Email: john.marquez@marad.dot.gov

**RIN:** 2133-AB46

**Department of Transportation (DOT)**  
**Maritime Administration (MARAD)**

Completed Actions

**2454. AMENDMENT OF MARAD'S REGULATIONS ESTABLISHING AND ADMINISTERING DEPOSIT FUNDS AUTHORIZED BY SECTION 1109 OF MERCHANT MARINE ACT, 1936, AS AMENDED**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 107-107

**CFR Citation:** 46 CFR 298

**Legal Deadline:** None

**Abstract:** Recent legislation added section 1109 of the Merchant Marine Act, 1936, as amended. Section 1109 now authorizes the Secretary of Transportation to deposit with the United States Treasury and invest in obligations of the United States, funds

belonging to Title XI obligors as collateral for the United States. As a consequence, MARAD will no longer deposit Title XI funds (held as collateral) in private banks. This final rule makes changes to existing procedures for establishing Construction Funds and Reserve Funds. The intended effect of the amendments is to simplify, reduce costs of, and expedite Title XI closings.

**Timetable:**

Action	Date	FR Cite
NPRM	06/12/02	67 FR 40260
NPRM Comment Period End	08/12/02	
Final Rule	09/30/02	67 FR 61280
Final Rule Effective	10/30/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Richard M. Lorr, Assistant Chief Counsel for Ship Financing, Department of Transportation, Maritime Administration, 400 Seventh St., SW, Washington, DC 20590

Phone: 202 366-5882

Fax: 202 366-7485

Email: richard.lorr@marad.dot.gov

**RIN:** 2133-AB47

**Department of Transportation (DOT)**  
**Bureau of Transportation Statistics (BTS)**

Prerule Stage

**2455. MODERNIZING THE PASSENGER ORIGIN-DESTINATION SURVEY**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 41708; 49 USC 41709

**CFR Citation:** 14 CFR 241

**Legal Deadline:** None

**Abstract:** Historically, the source document for the Passenger Origin-Destination Survey was the auditor's coupon of the ticket. Until recently, these coupons provided all the information that was needed for the Survey. In the last few years, the carriers have begun using trip passes in conjunction with the tickets, thereby eliminating some of the data that is required to be reported in the Survey.

Other innovations used by the industry, such as change-of-gauge flights and code-sharing, have impacted the Survey and obscured some of the data that is required to be reported, such as change of planes and junction points. This rulemaking will explore whether there are alternative sources for the data and modernize the collection system to keep pace with the industry.

## DOT—BTS

## Prerule Stage

**Timetable:**

Action	Date	FR Cite
ANPRM	04/00/03	
NPRM	10/00/03	

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

**Additional Information:** This action is related to and may be affected by RIN 2105-AC71. This action was formerly under RIN 2137-AB92 but is now being administered by the Bureau of Transportation Statistics (BTS) under RIN 2139-AA01 since the Office of Aviation Information has been transferred to BTS from RSPA.

**Agency Contact:** M. Clay Moritz, Jr., Acting Chief, Regulations Division, Office of Airline Information, K-14, Department of Transportation, Bureau of Transportation Statistics, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-4385

**RIN:** 2139-AA01

## Department of Transportation (DOT)

## Final Rule Stage

## Bureau of Transportation Statistics (BTS)

**2456. +AMENDMENT TO PART 234 TO COLLECT CAUSAL INFORMATION FOR AIRLINE DELAYS AND CANCELLATIONS****Priority:** Other Significant**Legal Authority:** PL 106-181, sec 227**CFR Citation:** 14 CFR 234**Legal Deadline:** None

**Abstract:** DOT proposes to collect information on the causes of airline delays and cancellations. The information will be used by the Office of the Secretary, the Federal Aviation

Administration, air carriers and airport operators to identify specific problem areas within the national aviation system. With this knowledge, the appropriate party or parties can take action to reduce or rectify the problem.

**Timetable:**

Action	Date	FR Cite
NPRM	12/27/01	66 FR 66833
NPRM Comment Period End	02/25/02	
Final Action	12/00/02	

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

**Agency Contact:** M. Clay Moritz Jr., Acting Chief, Regulations Division, Office of Airline Information, Department of Transportation, Bureau of Transportation Statistics, K-14, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-4385

**RIN:** 2139-AA09

## Department of Transportation (DOT)

## Completed Actions

## Bureau of Transportation Statistics (BTS)

**2457. AMENDMENT TO DEFINITIONS OF REVENUE AND NONREVENUE PASSENGERS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 329**CFR Citation:** 14 CFR 217; 14 CFR 241; 14 CFR 298**Legal Deadline:** None

**Abstract:** This action revises the definitions of revenue passenger and nonrevenue passenger. It specifies that a passenger traveling on a ticket or voucher received as compensation for denied boarding or as settlement of a consumer complaint is considered a revenue passenger. The revised definitions harmonize Departmental regulations with those adopted by the International Civil Aviation Organization (ICAO). This change prevents air carriers from being required to keep two sets of traffic enplanement statistics.

**Timetable:**

Action	Date	FR Cite
NPRM	08/22/00	65 FR 50946
NPRM Comment Period End	10/23/00	
Final Action	09/18/02	67 FR 58691
Final Action Effective	10/18/02	

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

**Agency Contact:** M. Clay Moritz Jr., Acting Chief, Regulations Division, Office of Airline Information, Department of Transportation, Bureau of Transportation Statistics, K-14, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-4385

**RIN:** 2139-AA07**2458. AIR CARRIER TRAFFIC AND CAPACITY DATA BY NONSTOP SEGMENT AND ON-FLIGHT MARKET****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 41708**CFR Citation:** 14 CFR 217; 14 CFR 241; 14 CFR 291; 14 CFR 298**Legal Deadline:** None

**Abstract:** The Department of Transportation has modified certain parts of the Traffic Reporting System to require operating carriers to report joint-service operations. This final rule requires a report change for small certificated, commuter, and all-cargo air carriers on their air traffic activity. This requires U.S. carriers to report the detailed market and segment information for all their military, domestic all-cargo, and domestic charter flights.

**Timetable:**

Action	Date	FR Cite
NPRM	08/28/01	66 FR 45201

## DOT—BTS

## Completed Actions

Action	Date	FR Cite
NPRM Comment Period End	11/26/01	
Final Action	07/30/02	67 FR 49217

**Regulatory Flexibility Analysis****Required:** No

**Small Entities Affected:** Businesses  
**Government Levels Affected:** None  
**Agency Contact:** M. Clay Moritz Jr.,  
Acting Chief, Regulations Division,  
Office of Airline Information,  
Department of Transportation, Bureau  
of Transportation Statistics, K-14, 400

Seventh Street SW., Washington, DC  
20590

Phone: 202 366-4385

**RIN:** 2139-AA08

[FR Doc. 02-27761 Filed 12-06-02; 8:45 am]

**BILLING CODE 4910-62-S**