



# Federal Register

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**Monday,  
October 31, 2005**

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**Part LXI**

**Surface  
Transportation Board**

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**Semiannual Regulatory Agenda**

**SURFACE TRANSPORTATION BOARD (STB)**

**DEPARTMENT OF TRANSPORTATION**

**Surface Transportation Board**

**49 CFR Ch. X**

**[STB Ex Parte No. 536 (Sub-No. 19)]**

**Semiannual Regulatory Agenda**

**AGENCY:** Surface Transportation Board.

**ACTION:** Semiannual regulatory agenda.

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

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

**SUPPLEMENTARY INFORMATION:** The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* (RFA), sets forth a number of

requirements for agency rulemaking. Among other things, the RFA requires that, semiannually, each agency shall publish in the **Federal Register** a regulatory flexibility agenda, which shall contain:

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

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

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

Accordingly, a list of proceedings appears below containing information about subject areas in which the Board is currently conducting rulemaking proceedings or may institute such proceedings in the near future. It also contains information about existing

regulations being reviewed to determine whether to propose modifications through rulemaking.

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

The Board is publishing its fall 2005 regulatory flexibility agenda as part of the Unified Agenda of Federal Regulatory and Deregulatory Actions (Unified Agenda). The Unified Agenda is coordinated by the Office of Management and Budget (OMB), pursuant to Executive Order 12866. The Board is participating in the program voluntarily to assist OMB.

**Decided:** August 25, 2005.

By the Board, Chairman Nober, Vice Chairman Buttrey, and Commissioner Mulvey.

**Vernon A. Williams,**  
*Secretary.*

**Surface Transportation Board—Long-Term Actions**

Sequence Number	Title	Regulation Identifier Number
4223	Small Rate Guidelines, STB Ex Parte No. 646 .....	2140-AA70
4224	Class Exemption for Expedited Abandonment Procedure for Class II and Class III Railroads, STB Ex Parte No. 647 .....	2140-AA71
4225	Rail Rate Challenges Under The Stand-Alone Cost Methodology, STB Ex Parte No. 657 .....	2140-AA78

**Surface Transportation Board (STB)**

**Long-Term Actions**

**4223. SMALL RATE GUIDELINES, STB EX PARTE NO. 646**

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

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

**CFR Citation:** 49 CFR 1109; 49 CFR 1114

**Legal Deadline:** None

**Abstract:** The Board is seeking comments to revise the Simplified Guidelines (Rate Guidelines-Non-Coal Proceedings, 1 STB 1004 (1996)) to

provide small shippers meaningful access to regulatory relief in cases where a full stand-alone cost presentation is too costly.

**Timetable:**

Action	Date	FR Cite
Notice	04/07/03	68 FR 16862
Hearing	06/29/04	69 FR 15553
Hearing	07/02/04	69 FR 40470
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

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

**Agency Contact:** Joseph H. Dettmar, Deputy Director, Office of Proceedings, Surface Transportation Board, 1925 K Street NW., Washington, DC 20423-0001  
Phone: 202 565-1609

## STB

## Long-Term Actions

TDD Phone: 800 877-8339  
 Fax: 202 565-9002  
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**RIN:** 2140-AA70

**4224. CLASS EXEMPTION FOR EXPEDITED ABANDONMENT PROCEDURE FOR CLASS II AND CLASS III RAILROADS, STB EX PARTE NO. 647**

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

**Legal Authority:** 49 USC 10502; 49 USC 10903

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
ANPRM	08/13/03	68 FR 48332
Hearing	07/27/04	69 FR 44727
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No  
**Government Levels Affected:** None  
**URL For More Information:** stb.dot.gov

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

**Agency Contact:** Joseph H. Dettmar, Deputy Director, Office of Proceedings, Surface Transportation Board, 1925 K Street NW., Washington, DC 20423-0001  
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**RIN:** 2140-AA71

**4225. RAIL RATE CHALLENGES UNDER THE STAND-ALONE COST METHODOLOGY, STB EX PARTE NO. 657**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 49 USC 10701(d); 49 USC 721

**CFR Citation:** 49 CFR 1111

**Legal Deadline:** None

**Abstract:** The Board is soliciting comments, suggestions, and proposals

from rail shippers, railroads, and other interested parties regarding modifications to how the Board considers rail rate reasonableness under the stand-alone cost methodology.

**Timetable:**

Action	Date	FR Cite
Public Hearing	02/23/05	70 FR 8874
Hearing Postponed	03/22/05	70 FR 14493
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

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

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

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**RIN:** 2140-AA78

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**BILLING CODE** 4915-01-S