Federal Register

Monday,
April 24, 2000

Part XIV

Department of Transportation

Semiannual Regulatory Agenda

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

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

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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Background

Improvement of Government regulations is a prime goal of the Clinton Administration. 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 of Transportation (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 November 22, 1999 (64 FR 64682). The next one is scheduled for publication in the **Federal Register** in October 2000.

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, including those that establish conditions for financial assistance. 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 Executive Order 12866. 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, 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 January 13, 2000.

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

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Mandates Reform Act; and (14) whether the action is major under the congressional review provisions of the Small Business Regulatory Enforcement Fairness Act. If there is information that does not fit in the other 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.

Plain Language

The President's ''Plain Language in Government Writing'' memorandum of June 1, 1998, requires that we use plain language in rulemaking documents. We try to write clearly. However, we solicit your comments and suggestions for how to improve the clarity of our regulations and specific existing or proposed rules that need improvement.

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 April 4, 2000.

Rodney E. Slater,

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.

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.

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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.

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.

USCG - Pam Pelcovits, Office of Chief Counsel, 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 — Suzanne O'Malley, Office of Chief Counsel, 400 7th Street SW., Room 4223, Washington, DC 20590; telephone: (202) 366-1383.

FMCSA — Julie Rutledge, Office of Chief Counsel, 400 7th Street SW., Room 4223, Washington, DC 20590; telephone: (202) 366-1383.

FRA - Colleen Brennan, Office of Chief Counsel, 400 7th Street SW., Room 8128, Washington, DC 20590; telephone: (202) 493-6082.

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

FTA - Nancy Zaczek, 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) 366-0108.

RSPA - Edward Bonekemper, Office of Chief Counsel, 400 7th Street SW., Room 8405, Washington, DC 20590; telephone: (202) 366-4400.

MARAD - Edmund T. Sommer, Jr., Office of Chief Counsel, Maritime Administration, 400 7th Street SW., Room 7221, Washington, DC 20590; telephone: (202) 366-5181.

BTS - David Mednick, 400 7th Street SW., Room 3430, Washington, DC 20590; telephone: (202) 366-8871.

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: 9:00-5:00.

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. Finally, on June 1, 1998, the President also directed agencies to use plain language 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 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. The FHWA just developed a new plan, which is included in this Agenda for the first time. 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, Executive Order 12866, and the President's directive on plain language. FMCSA and FAA are using different approaches, which are described in Part II to this Appendix.

Changes to the Review Plan

Some reviews may be conducted earlier than scheduled. For example, to the extent resources permit, the plain language reviews will be conducted more quickly. Other events, such as accidents, may result in the need to conduct earlier reviews of some rules. Other factors may also result in the need to make changes; for example, we may make changes in response to public

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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

Year 1 - 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

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 October's 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

During this analysis year, 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 October's Agenda, the agency will also publish information on the results of the examinations completed during the previous year.

Second Year - Section 610 Review

During this year we will conduct the review to determine whether to revise or revoke the rule to lessen the impact or whether we must keep the rule unchanged. At the end of the review year, we plan to publish the results of our review. If no changes are warranted, we will publish a short explanation. If we are going to make a change, we will explain that. In most cases, this will involve changing the review entry to the Unified Agenda noting that we now plan rulemaking action.

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

The Federal Motor Carrier Safety Administration has underway a comprehensive, multi-year project to develop modern, uniform safety regulations that are up-to-date, clear, concise, easier to understand, and more performance oriented. The FMCSA has held 11 public outreach meetings, announced in the **Federal Register**, to solicit public involvement in this review; a total of 110 industry and government safety representatives participated in 14 one-day focus group sessions; over 2,000 comments have been received in the public docket so far.

On November 23, 1994, the FMCSA published a final rule removing obsolete and redundant regulations identified through this review. In addition, on June 18, 1998, the FMCSA published another final rule (63 FR 33254) removing and amending additional provisions of the Federal Motor Carrier Safety Regulations identified through zero-base review.

The FMCSA is now developing a notice of proposed rulemaking that would propose a complete revision of the Federal Motor Carrier Safety Regulations implementing the results of the FMCSA's zero-base review of those regulations. The FMCSA intends to propose a complete reorganization of the safety regulations and a rewrite of those regulations using plain language and a question-and-answer format to enhance the clarity and understandability of those regulations. In addition, the FMCSA intends to better focus the regulations on safety while adopting a performance-based approach to the regulations and reducing the paperwork associated with compliance with the regulations. The FMCSA believes that this effort will produce regulations which are simpler to understand and to comply with, especially for small motor carriers. Because of these long-term, ongoing efforts, FMCSA is not currently reviewing these rules.

Part III- List of Pending Section 610 Reviews

The Agenda identifies the pending DOT Section 610 Reviews by inserting

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''(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
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 1 (Fall 1998) List of Rules analyzed and a summary of the results

14 CFR part 200-Definitions and instructions
14 CFR part 201—Air Carrier authority under subtitle VII of title 49 USC
14 CFR part 204—Data to support fitness determinations
14 CFR part 205—Aircraft accident liability insurance
14 CFR part 206—Certificates of public convenience and necessity: Special authorizations and exemptions

- Section 610: No SEIOSNOSE. These rules apply to a substantial number of small entities but do not have a significant economic impact.
- Plain Language: Where confusing or wordy language is identified, we will make revisions.
- General: These rules have been amended several times over the past seven years to eliminate out-of-date language and make the rules easier for the public to understand and comply with. If additional updates become desirable, changes will be proposed.

14 CFR part 203—Waiver of Warsaw Convention liability limits and defenses

- Section 610: No SEIOSNOSE. Although the part applies to a substantial number of small entities, it does not have a significant economic impact.
- Plain Language: These are written in plain language.
- General: This rule may be amended to be consistent with the new Montreal Convention (signed May 28, 1999) and with inter-carrier agreements waiving the Warsaw Convention passenger liability limits in their entirety.

14 CFR part 211—Applications for permits to foreign air carriers
14 CFR part 212—Charter rules for U.S. and foreign air carriers

- Section 610: No SEIOSNOSE.
- Plain Language: This is written in plain language format.
- General: Part 212 was revised and updated during 1998. Part 211 is procedural and does not need to be revised.

Year 2 (Fall 1999) List of Rules that will be analyzed during the next year

14 CFR 213—Terms, conditions and limitations of foreign air carrier permits
14 CFR 214—Terms, conditions, and limitations of foreign air carrier permits authorizing charter transportation only
14 CFR 215—Use and change of names of air carriers, foreign air carriers and commuter air carriers
14 CFR 216—Commingling of blind sector traffic by foreign air carriers
14 CFR 217—Reporting traffic statistics by foreign air carriers in civilian scheduled, charter, and nonscheduled services
14 CFR 218—Lease by foreign air carrier or other foreign person of aircraft with crew
14 CFR 221—Tariffs
14 CFR 222—Intermodal cargo services by foreign air carriers
14 CFR 223—Free and reduced—rate transportation
14 CFR 232—Transportation of mail, review of orders of postmaster general

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

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UNITED STATES COAST GUARD (Continued)
SECTION 610 AND OTHER REVIEWS

Year	Regulations to be Reviewed	Analysis Year	Review Year
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 1 (Fall 1998) List of Rules analyzed and a summary of the results

33 CFR part 1-General provisions
33 CFR part 2—Jurisdiction
33 CFR part 3—Coast Guard areas, districts, marine inspection zones, and captain of the port zones
33 CFR part 4—OMB control numbers assigned pursuant to the Paperwork Reduction Act
33 CFR part 8—United States Coast Guard Reserve
33 CFR part 13—Decorations, medals, ribbons and similar devices
33 CFR part 17—United States Coast Guard general gift fund
33 CFR part 23—Distinctive markings for Coast Guard vessels and aircraft
33 CFR part 27—Adjustment of civil monetary penalties for inflation

- Section 610: No SEIOSNOSE. These rules describe internal agency organization and procedures or relate to internal personnel matters and have no impact on small entities.
- Plain Language: USCG will rewrite as resources permit.
- General: These rules are reviewed each year for necessary editorial and conforming amendments.

33 CFR part 5—Coast Guard Auxiliary

- Section 610: No SEIOSNOSE. These are organizational and procedural rules for the Coast Guard Auxiliary and have no impact on small entities.
- Plain Language: The upcoming revision will include a plain language rewrite.
- General: USCG will schedule this part for review and revision to implement recent statutory changes.

33 CFR part 6—Protection and security of vessels, harbors, and waterfront facilities

- Section 610: No SEIOSNOSE. This part relates to national defense and security measures and is used to provide necessary security for vessels, harbors, and waterfront facilities. These rules may affect some small entities, but will not have a significant effect.
- Plain Language: USCG will rewrite as resources permit.
- General: This part will be scheduled for general regulatory review and update.

33 CFR part 26 —Vessel bridge—to—bridge radiotelephone regulations
33 CFR part 81—72 COLREGS: Implementing Rules
33 CFR part 89—Inland navigation rules: implementing rules
33 CFR part 100—Marine events
33 CFR part 110—Anchorage regulations

- Section 610: Possible SEIOSNOSE. These rules have economic impacts on small entities. The extent of these impacts is at present unknown and, therefore, USCG will continue to analyze during the next year, and schedule next year for review if necessary.
- Plain Language: USCG will rewrite as resources permit.
- General: Continue to review and schedule for revisions if necessary.

33 CFR part 19—Waivers of navigation and vessel inspection laws and regulations

- Section 610: No SEIOSNOSE. This part affects no small entities.
- Plain Language: USCG will rewrite as resources permit.
- General: No revision necessary.

33 CFR part 20—Class II Civil Penalties
33 CFR part 25—Claims

- Section 610: No SEIOSNOSE. There are rules of practice and procedure.
- Plain Language: No rewrite necessary.
- General: No revision necessary.

33 CFR part 40—Cadets of the Coast Guard
33 CFR part 45—Enlistment of personnel
33 CFR part 49—Payment of amounts due mentally incompetent Coast Guards personnel
33 CFR part 50—Coast Guard Retiring Review Board
33 CFR part 51—Coast Guard Discharge Review Board
33 CFR part 52—Board for Correction of Military Records of the Coast Guard
33 CFR part 53—Coast Guard whistleblower protection
33 CFR part 54—Allotments from active duty pay for certain support obligations

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- Section 610: No SEIOSNOSE. These concern internal and administrative procedures.
- Plain Language: USCG will rewrite as resources permit.
- General: No revision necessary.

33 CFR part 62—United States aids to navigation system
33 CFR part 64—Marking of structures, sunken vessels and other obstructions
33 CFR part 66—Private aids to navigation
33 CFR part 67—Aids to navigation on artificial islands and fixed structures
33 CFR part 70—Interference with or damage to aids to navigation
33 CFR part 72—Marine Information
33 CFR part 74—Charges for Coast Guard aids to navigation work
33 CFR part 76—Sale and transfer of aids to navigation equipment

- Section 610: No SEIOSNOSE. Some small entities may be affected, but impact on these small entities is not significant.
- Plain Language: USCG will rewrite as resources permit.
- General: No revision necessary

33 CFR part 80 COLGREGS demarcation lines
33 CFR part 82 72 COLREGS: Interpretative Rules

- Section 610: No SEIOSNOSE. These rules implement the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) by defining where the Inland and International rules apply. Some small entities may be affected, but the impact on these small entities is not significant.
- Plain Language: These parts are required by international treaty or statute and we cannot change the language.
- General: No revision necessary.

33 CFR part 84—Annex I: Positioning and technical details of lights and shapes
33 CFR part 85—Annex II: Additional signals for fishing vessels fishing in close proximity
33 CFR part 86—Annex III: Technical details of sound signal appliances
33 CFR part 87—Annex IV: Distress signals
33 CFR part 88—Annex V: Pilot rules
33 CFR part 90—Inland rules: Interpretative rules

- Section 610: No SEIOSNOSE. Sections 13 and 15 of Part 88 have cost factors which may have small entity impacts, however the impact on these small entities is not significant
- Plain Language: No rewrite necessary.
- General: No revision necessary.

33 CFR part 95—Operating a vessel while intoxicated

- Section 610: No SEIOSNOSE. No smaller entities affected.
- Plain Language: No rewrite necessary.
- General: No revision necessary.

33 CFR part 96—Rules for the Safe Operation of Vessels and Safety Management Systems

- Section 610: No SEIOSNOSE. This part does not affect small entities.
- Plain Language: No rewrite necessary.
- General: No revision necessary — issued Dec. 1997

33 CFR part 109—General

- Section 610: No SEIOSNOSE. This concerns internal agency matters.
- Plain Language: No rewrite necessary.
- General: USCG will schedule this for review and possible redesignation of individual sections and removal.

33 CFR part 114—General

- Section 610: No SEIOSNOSE. This part has no impacts on small entities.
- Plain Language: No rewrite necessary.
- General: USCG will schedule this for review and possible redesignation of some sections.

33 CFR part 115—Bridge locations and clearances; administrative procedures

- Section 610: No SEIOSNOSE. This part sets out construction permit application process and internal agency procedures for processing applications. Some applicants may be small entities, but impact on these small entities is not significant.
- Plain Language: USCG will rewrite as resources permit.
- General: No revision necessary.

33 CFR part 116—Alteration of unreasonably obstructive bridges

- Section 610: No SEIOSNOSE. Some applicants may be small entities, but out of 18 projects since 1984, only one has been a small entity.
- Plain Language: USCG will rewrite as resources permit.
- General: No revision necessary.

33 CFR part 117—Drawbridge operation regulations

- Section 610: No SEIOSNOSE. No single drawbridge regulation has a significant effect on a substantial number of same entities. Individual regulations in Part B are geographically limited in effect.
- Plain Language: USCG will rewrite as resources permit.
- General: No revision necessary.

33 CFR part 118—Bridge lighting and other signals

- Section 610: No SEIOSNOSE. This part only affects bridge owners, though some may be small entities, but impact on these small entities is not significant.

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- Plain Language: USCG will rewrite as resources permit.
- General: No revision necessary.

33 CFR part 120—Security of passenger vessels
- Section 610: No SEIOSNOSE. These rules either affect only large entities or have no economic consequences.
- Plain Language: USCG will rewrite as resources permit.
- General: No revision necessary.

Year 2 (Fall 1999) List of rules that will be analyzed during the next year

33 CFR part 125 — Identification credentials for persons requiring access to waterfront facilities or vessels
33 CFR part 126 — Handling of Class 1 (explosive) materials or other dangerous cargoes within or contiguous to waterfront facilities
33 CFR part 127 — Waterfront facilities handling liquefied natural gas and liquefied hazardous gas
33 CFR part 128 — Security of passenger terminals
33 CFR part 133 — Oil spill liability trust fund; state access
33 CFR part 135 — Offshore oil pollution compensation fund
33 CFR part 136 — Oil spill liability trust fund; claims procedures; designation source; and advertisement
33 CFR part 138 — Financial Responsibility for water pollution (vessels)
33 CFR part 140 — General
33 CFR part 141 — Personnel
33 CFR part 142 — Workplace safety and health
33 CFR part 143 — Design and equipment
33 CFR part 144 — Lifesaving appliances
33 CFR part 145 — Fire—fighting equipment
33 CFR part 146 — Operations
33 CFR part 147 — Safety zones
33 CFR part 148 — General
33 CFR part 149 — Design, construction, and equipment
33 CFR part 150 — Operations
33 CFR part 26 —Vessel bridge—to—bridge radiotelephone regulations
33 CFR part 81—72 COLREGS: Implementing Rules
33 CFR part 89—Inland navigation rules: implementing rules
33 CFR part 100—Marine events
33 CFR part 110—Anchorage regulations

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 part 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 1 (Fall 1998) List of Rules analyzed and a summary of the results

14 CFR part 1-Definitions and abbreviations
- Section 610: No SEIOSNOSE. This part provides definitions and abbreviations used in other parts of the regulations and do not have impact aside from the parts where they are used.
- 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.
- General: The impact of the definitions here will be considered in connection with the other parts in which they are used.

14 CFR part 11—General rulemaking procedures
14 CFR part 13—Investigatie and enforcement procedures
14 CFR part 14—Rules implementing the Equal Access to Justice Act of 1980
14 CFR part 15—Administrative claims under Federal Tort Claims Act
14 CFR part 16—Rules of practice for Federally—assisted airport enforcement proceedings
- For parts 11-16 above:

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- Section 610: No SEIOSNOSE. These are procedural.
- Plain Language: To the extent that the FAA's plain language study identified a need for revisions in these parts, revisions will be made when the FAA has the opportunity and resources to do so.
- General: It is not necessary to review these regulations at this time, since the FAA has no indication that changes are needed to make them less burdensome on small entities.

14 CFR 21 — Certification procedures for products and parts

- Section 610: SEIOSNOSE. A number of sections in this part have a SEIOSNOSE. A substantial number of small entities may incur significant costs in complying with these sections. Hence, the impact on these entities may be significant. The FAA intends to conduct a section 610 review of this part during the next year.
- 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.
- General: If changes are identified, they will be made.

Year 2 (Fall 1999) List of Rules that will be analyzed during the next year

14 CFR 23—Airworthiness standards: normal, utility, acrobatic, and commuter category airplanes
14 CFR 25—Airworthiness standards: transport category airplanes
14 CFR 27—Airworthiness standards: normal, utility, acrobatic, and commuter category rotorcraft
14 CFR 29—Airworthiness standards: transport category rotorcraft
14 CFR 31—Airworthiness standards: manned free balloons
14 CFR 33—Airworthiness standards: aircraft engines
14 CFR 34—Fuel venting and exhaust emission requirements for turbine engine powered airplanes

Section 610 Reviews resulting from Year 1 analysis: One

14 CFR 21—Certification procedures for products and parts

- The FAA intends to conduct a 610 review (a review under Section 610 of the Regulatory Flexibility Act) during the next year and a RIN number has been assigned to the Agenda to reflect this review. The public is invited to submit comments to the FAA by January 31, 2000, on whether any rules in this part can be amended or rescinded to reduce any SEIOSNOSE without reducing the level of safety provided by the rule.

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 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 3

23 CFR part 450-On going review of regulations governing Statewide and Metropolitan Transportation Planning
23 CFR part 771—On going review of regulations governing Assessment of Environmental Impact and Related procedures (NEPA Implementing Regulations)

Year 9

23 CFR part 1200—1252—Joint regulations with the National Highway Traffic Safety Administrations (NHTSA)

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, with limited exceptions discussed below. The FHWA solicits public comment on this preliminary conclusion.

In title 23, part 657, ''Certification of Size and Weight Enforcement,'' may have impacts on small governments or small businesses. The FHWA intends to publish an ANPRM to consider revisions to part 657 in FY 2000. Public comment will be solicited specifically

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on whether and how part 657 may be revised to reduce burdens on small entities.

FHWA, jointly with the Federal Transit Administration, will be proposing revisions to the regulations currently codified at 23 CFR parts 450 and 771. These regulations will be issued in a new chapter IV of 23 CFR as ''intermodal'' rules and renumbered respectively as 23 CFR part 1410 (planning assistance and standards) and 23 CFR part 1420 and 1430 (environmental impact and related matters). In the course of developing the notice of proposed rulemaking for each of these regulations, the FHWA and FTA will be soliciting comment on their potential for impact on small entities, including small governments.

Development of these revised regulations represents part of the FHWA's efforts to implement the Transportation Equity Act for the 21st Century (TEA-21), which reauthorizes Federal surface transportation programs. Additional implementation efforts under TEA-21 may offer further opportunities to reduce the burden of existing regulations on small entities, and comment on this possibility is requested.

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 1200's and 1300's and new parts and subparts under 23 CFR	2007	2008

Year 1 (Fall 1998) List of Rules analyzed and a summary of the results

49 CFR part 501-Organization and delegation of powers and duties
49 CFR part 509—OMB control numbers for information collection requirements
49 CFR part 510—Information gathering powers
49 CFR part 511—Adjudicative procedures
49 CFR part 512—Confidential business information
49 CFR part 520—Procedures for considering environmental impacts
49 CFR part 523—Vehicle Classification
49 CFR part 525—Exemptions from average fuel economy standards
49 CFR part 526—Petitions and plans for relief under the Automobile Fuel Efficiency Act of 1980.

- For parts 501-526 above:
- Section 610: No SEIOSNOSE. These are procedural or set up petition processes. Part 525 relates to small businesses since it sets up the petition process for exemptions for average fuel economy standards for low volume manufacturers. However, it only requires information which is available to the manufacturer, and does not have a significant economic impact.
- Plain Language: As resources permit, NHTSA will revise these rules where appropriate.
- General: No additional reviews are necessary.

49 CFR part 571.213—Child Restraint Systems

- Section 610: No SEIOSNOSE. Although, it has a significant economic impact on child restraint manufacturers, very few qualify as small entities.
- Plain Language: NHTSA will revise the standard where appropriate.
- General: NHTSA staff concluded that no changes to the standard are warranted.

Year 2 (Fall 1999) List of Rules that will be analyzed during the next year

49 CFR part 571.131—School bus pedestrian safety devices
49 CFR part 571.220—School bus rollover protection
49 CFR part 571.221—School bus body joint strength
49 CFR part 572.222—School bus passenger seating and crash protection

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

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FEDERAL RAILROAD ADMINISTRATION (Continued)
SECTION 610 AND OTHER REVIEWS

Year	Regulations to be Reviewed	Analysis Year	Review Year
4	49 CFR parts 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 1 (Fall 1998) List of Rules analyzed and a summary of the results
49 CFR part 200-Informal Rules of Practice for Passenger Service
49 CFR part 201—Formal Rules of Practice for Passenger Service
- Section 610: No SEIOSNOSE. These are procedural rules.
- Plain Language: FRA's plain language review of these rules indicates no need for substantial revision. As resources permit, FRA will make such changes as may be necessary.
- General: No additional reviews are necessary.

Year 2 (Fall 1999) List of Rules that will be analyzed during the next year
49 CFR part 207—Railroad police officers
49 CFR part 209—Railroad safety enforcement procedures
49 CFR part 211—Rules of practice
49 CFR part 215—Railroad freight car safety standards

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	49 CFR part 661	2000	2001
4	49 CFR parts 653 and 654	2001	2002
5	49 CFR part 665	2002	2003

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 parts 298	2001	2002
5	46 CFR parts 307 through 310	2002	2003
6	46 CFR parts 315 through 399	2003	2004
7	46 CFR part 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 1 (Fall 1998) List of Rules analyzed and a summary of the results
46 CFR part 201-Rules of practice and procedure
46 CFR part 202—Procedures relating to review by DOT Secretary of actions by Maritime Subsidy Board
46 CFR part 203—Procedures relating to conduct of certain hearings under the Merchant Marine Act, 1936, as amended
46 CFR part 204—Claims against the Maritime Administration under the Federal Tort Claims Act
- For parts 201—204 above:
- Section 610: No SEIOSNOSE. Rules are procedural and have minimal, if any, cost impact.
- Plain Language: As resources permit, MARAD will rewrite the regulations using plain language techniques.
- General: No changes are necessary since the requirements regulate in the most cost-effective manner, the benefits of the regulations justify their costs, and the regulations impose the least burden on society.

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46 CFR part 205—Audit appeals; policy and procedure
- Section 610: No SEIOSNOSE. Currently, MARAD uses the DOT Office of Inspector General to conduct audits, and these audits have minimal economic impact. Currently two entities are subject to audit.
- Plain Language: As resources permit, MARAD will rewrite any remaining regulations using plain language techniques.
- General: MARAD intends to eliminate and defer to the audit policies and procedures of the Department's Office of Inspector General.

46 CFR part 207—Statistical data for use in operating—differential subsidy application hearings
- Section 610: No SEIOSNOSE. The application hearing process will impact no entities because the Maritime Security Act of 1996 provided that such hearings would no longer apply to the operating-differential subsidy program. However, MARAD will eliminate this part (see ''General'' below).
- Plain Language: As resources permit, MARAD will rewrite using plain language techniques.
- General: MARAD will eliminate this part because of statutory changes of the Maritime Security Act of 1996 provided that a hearing process would no longer apply to the operating-differential subsidy program.

Year 2 (Fall 1999) List of Rules that will be analyzed during the next year

46 CFR part 221—Regulated transactions involving documented vessels and other maritime interests
46 CFR part 232—Uniform Financial Reporting Requirements

RESEARCH AND SPECIAL PROGRAMS ADMINSTRATION
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), and 190 (pipeline safety procedures)	1999	2000
3	49 CFR parts 174, 177 (rail and highway carriage) and 191 (gas pipeline transportation reports)	2000	2001
4	49 CFR parts 176 (vessel carriage) and 199 (pipeline employee drug and alcohol testing)	2001	2002
5	49 CFR parts 176 (vessel carriage) and 199 (pipeline employee drug and alcohol testing)	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 1 (Fall 1998) List of Rules analyzed and a summary of the results

49 CFR sections 171.15 and 171.16- Hazardous Materials Incident Reports
- Section 610: No SEIOSNOSE. These apply to a large number of parties but do not have a significant impact.
- Plain Language: Regulations and reporting form are being rewritten in plain language.
- General: Revised regulation and reporting form will stabilize reporting requirements for the next decade.

49 CFR parts 172, 173, 178, 180—Requirement for Cylinders
- This item is being moved to analysis year 6 because it is the subject of an open rulemaking at this time.

Year 2 (Fall 1999) List of Rules that will be analyzed during the next year

49 CFR part 106 and 107 —Hazardous materials safety procedures
49 CFR part 171—General hazmat requirements
49 CFR part 190—Pipeline safety procedures

BUREAU OF TRANSPORTATION STATISTICS
SECTION 610 AND OTHER REVIEWS

Year	Regulations to be Reviewed	Analysis Year	Review Year
1	14 CFR parts 241, Form 41	1998	1999
2	14 CFR parts 241, Schedule T-100, and part 217	1999	2000
3	14 CFR parts 298, 49 CFR 1249	2000	2001
4	14 CFR parts 241, section 19-7	2001	2002
5	14 CFR parts 291	2002	2003
6	14 CFR parts 234	2003	2004
7	24 CFR part 399 and 49 CFR parts 1 through 11	2004	2005
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

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Year 1 (Fall 1998) List of Rules analyzed and a summary of the results

14 CFR part 241, Form 41- Report of Financial and Operating Statistics for Large Certified Air Carriers

- Section 610: No SEIOSNOSE. It has a minor impact.
- Plain Language: In the future the agency plans to revise the rule to take into account the plain language initiative.
- General: In the future the agency plans to review the usefulness of and the costs and benefits of collecting these data.

Year 2 (Fall 1999) List of Rules that will be analyzed during the next year

14 CFR part 241, Schedule T—100—U.S. Air Carrier Traffic and Capacity Data by Nonstop Segment and On—Flight Market

14 CFR part 217—Reporting Traffic Statistics by Foreign Air Carriers in Civilian Scheduled, Charter, and Non—Scheduled Services

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

Year 1 (Fall 1998) List of Rules analyzed and a summary of the results

33 CFR part 401-Seaway regulations and rules

33 CFR part 402—Tariff of Tolls

33 CFR part 403—Rules of procedure of the Joint Tolls Review Board

- Section 610: No SEIOSNOSE. These apply almost exclusively to non-U.S. commercial vessel operations which are not small entities.
- Plain Language: These regulations are written plainly, consistent with drafting requirements of both the Canadian and U.S. governments.
- General: SLSDC anticipates no amendments with any effect on small entities of any of these joint regulations.

Year 2 (Fall 1999) List of Rules that will be analyzed during the next year

None.

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
2007	+Update of Drug and Alcohol Procedural Rules	2105-AC49
2008	+Computer Reservations System Regulations Comprehensive Review	2105-AC65
2009	+Aviation Data Requirements Review and Modernization Program	2105-AC71
2010	Filing Periods for Responsive Pleadings; Rules of Practice in Aviation Economic Proceedings	2105-AC73
2011	Credit Assistance for Surface Transportation Projects	2105-AC84

+ DOT-designated significant regulation

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
2012	Direct Air Carrier Responsibility for Returning Stranded Charter Passengers	2105-AA40
2013	Air Travelers: Age Discrimination	2105-AA45
2014	Direct Flights	2105-AA73
2015	Diversion of Flights Within a Metropolitan Area	2105-AA78
2016	Simplified Aviation Exemption Procedures	2105-AA82
2017	Baggage Liability Notices in International Air Transportation	2105-AA84
2018	Simplified Airline Counter-Sign Notices	2105-AA88
2019	+Price Advertising	2105-AB50
2020	+Procedures for Transportation Workplace Drug-Testing Programs	2105-AB71
2021	Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations	2105-AC02
2022	Domestic Baggage Liability	2105-AC07
2023	Use of Direct Final Rulemaking	2105-AC11
2024	Overbooking of Flights: Elimination of Airport Notice Signs	2105-AC45
2025	Fees and Charges for Special Services: Reinvention	2105-AC47

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Office of the Secretary—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
2026	Amendments to Modal Alcohol Testing Rules: Pre-Employment Testing	2105-AC50
2027	Repeal of Traffic Restrictions to North Korea	2105-AC70
2028	+Participation by Disadvantaged Business Enterprises in Airport Concessions	2105-AC76
2029	Electronic Filing Option in DOT Proceedings	2105-AC79
2030	Nondiscrimination in Air Travel; Boarding Where Level-Entry Is Unavailable	2105-AC81
2031	Standard Time Zone Boundary in the State of Nevada: Proposed Relocation	2105-AC82
2032	+Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations	2105-AC83

+ DOT-designated significant regulation

Office of the Secretary—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
2033	Policy Statement on Airline Preemption	2105-AA46
2034	+Statement of Enforcement Policy on Rebating	2105-AB39
2035	Smoking Aboard Aircraft	2105-AB58
2036	+Accessibility of Passenger Vessels to Individuals With Disabilities	2105-AB87
2037	+Transportation for Individuals With Disabilities (Accessibility Guidelines)	2105-AC06
2038	Use of Oxygen by Air Carrier Passengers	2105-AC29
2039	+Domestic Passenger Manifest Information	2105-AC62
2040	+Enforcement Policy: Unfair Exclusionary Conduct in the Air Transportation Industry	2105-AC72
2041	Standard Time Zone Boundary in the State of Kentucky; Proposed Relocation	2105-AC80

+ DOT-designated significant regulation

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identification Number
2042	Rules of Practice in Aviation Economic Proceedings: Reinvention	2105-AC48
2043	Substance Abuse Professional Definition Change	2105-AC78

U.S. Coast Guard—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
2044	Vessel Identification System (USCG-1999-6420)	2115-AD35
2045	Reporting Marine Casualties (USCG-2000-6927)	2115-AD98
2046	+Marine Transportation - Related Facility Response Plans for Hazardous Substances (USCG-1999-5705)	2115-AE87
2047	Numbering of Undocumented Barges (CGD 93-091) (USCG-1998-3798)	2115-AF13
2048	Outer Continental Shelf Activities (USCG-1998-3868)	2115-AF39
2049	Carriage of Bulk Solid Materials Requiring Special Handling (USCG-2000-6932)	2115-AF47
2050	+Fire-Suppression Systems and Voyage-Planning for Towing Vessels (USCG-2000-6931)	2115-AF53
2051	Pollution Prevention for Oceangoing Ships and Certain Vessels in Domestic Service (CGD 97-072)	2115-AF56
2052	+Salvage and Firefighting Equipment; Vessel Response Plans (USCG-1998-3417)	2115-AF60
2053	Deepwater Ports (USCG 1998-3884)	2115-AF63
2054	Commercial Diving Operations (USCG-1998-3786)	2115-AF64
2055	Safety of Uninspected Passenger Vessels Under the Passenger Vessel Safety Act of 1993 (USCG-1999-5040)	2115-AF69
2056	Certification of Navigation Lights on Recreational Vessels (USCG 1999-6580) Previous Docket (CGD 97-060)	2115-AF70
2057	Vessel Documentation (USCG-1998-4784)	2115-AF71
2058	Revision to Federal Blood Alcohol (BAC) Concentration Standard For Recreational Vessel Operators (USCG-1998-4593)	2115-AF72
2059	Vessel Traffic Service Lower Mississippi River (USCG-1998-4399)	2115-AF75

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U.S. Coast Guard—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
2060	Vapor Control Systems (USCG-1999-5150)	2115-AF78
2061	Training and Qualifications for Personnel on Passenger Ships (USCG:1999-5610)	2115-AF83
2062	Oil Pollution Act of 1990 Phase-out Requirements for Single Hull Tank Vessels (USCG-1999-6164)	2115-AF86
2063	Raising the Threshold of Property Damage for Reports of Accidents Involving Recreational Vessels (USCG-1999-6094)	2115-AF87
2064	Eligibility of U.S.-Flag Vessels Measuring Less Than 100 Feet To Obtain Commercial Fisheries Documents (USCG-1999-6095)	2115-AF88
2065	Marine Shipboard Electrical Cable Standards (USCG-1999-6096)	2115-AF89
2066	Great Lakes Pilotage Rates (USCG-1999-6098)	2115-AF91
2067	Safety Zone; Outer Continental Shelf Platforms in the Gulf of Mexico (CGD08-99-023)	2115-AF93
2068	Revision of Auxiliary Regulations (USCG-1999-6712)	2115-AF94
2069	Alternate Hull Examination Program For Certain Passenger Vessels, and Underwater Surveys For Passenger, Nautical School, and Sailing School Vessels (USCG-2000-6858)	2115-AF95
2070	Cargo Securing on Vessels Operating in U.S. Waters	2115-AF97

+ DOT-designated significant regulation

U.S. Coast Guard—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
2071	Permits for the Transportation of Municipal and Commercial Wastes (CGD 89-014)	2115-AD23
2072	Handling of Explosives or Other Dangerous Cargoes Within or Contiguous to Waterfront Facilities (CGD 92-026)(USCG-1998-4302)	2115-AE22
2073	**+**Tank Vessel Response Plans for Hazardous Substances (USCG-1998-4354)	2115-AE88
2074	Regattas and Marine Parades (CGD 95-054)	2115-AF17
2075	Licensing and Manning for Officers of Towing Vessels (CGD 94-055)(USCG 1999-6224)	2115-AF23
2076	Limited Service Domestic Voyage Load Lines for River Barges on Lake Michigan (CGD 95-015) (USCG-1998-4623)	2115-AF38
2077	Traffic Separation Scheme in the Approaches to Delaware Bay (CGD 97-004)	2115-AF42
2078	Rules of Practice, Procedure, and Evidence for Administrative Proceedings of the Coast Guard (USCG-1998-3472)	2115-AF59
2079	**+**Fire Protection Measures for Towing Vessels (USCG-1998-4445)	2115-AF66
2080	**+**Response Plans for Marine Transportation-Related Facilities Handling Non-Petroleum Oils (1999-USCG-5149)	2115-AF79
2081	Anchorage Ground; Safety Zone; Speed Limit; Tongass Narrows and Ketchikan, AK (CGD17-99-002)	2115-AF81
2082	Traffic Separation Schemes: Off San Francisco, in the Santa Barbara Channel, in the Approaches to Los Angeles-Long Beach, California (USCG-1999-5700)	2115-AF84
2083	Noxious Liquid Substances, Obsolete Hazardous Materials in Bulk, and Current Hazardous Materials in Bulk	2115-AF96

+ DOT-designated significant regulation

U.S. Coast Guard—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
2084	Safety/Security Zone Regulations	2115-AA97
2085	Special Anchorage Areas/Anchorage Grounds Regulations	2115-AA98
2086	**+**Discharge-Removal Equipment for Vessels Carrying Oil (USCG-1998-4858)	2115-AD66
2087	Claims Procedures Under the Oil Pollution Act of 1990 (CGD 91-035)	2115-AD90
2088	**+**Escort Vessels for Certain Tankers (CGD 91-202)	2115-AE10
2089	State Access to the Oil Spill Liability Trust Fund (CGD 92-014)	2115-AE19
2090	Amendments to Hull Identification Number Regulations (CGD 92-065)	2115-AE37
2091	Regatta Regulations	2115-AE46
2092	Drawbridge Regulations	2115-AE47
2093	**+**Escort Vessels in Certain U.S. Waters (CGD 91-202a)	2115-AE56
2094	Regulated Navigation Areas	2115-AE84

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U.S. Coast Guard—Long-Term Actions (Continued)

Sequence Number	Title	Regulation Identification Number
2095	+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
2096	Propeller Injury Prevention Aboard Rental Boats (CGD 95-041)	2115-AF28
2097	Implementation of the National Invasive Species Act of 1996 (CGD 97-068)(USCG-1998-3423)	2115-AF55
2098	+Emergency Response Plans for Passenger Vessels (USCG-1998-3473)	2115-AF61
2099	+Emergency Control Measures for Tank Barges (USCG-1998-4443)	2115-AF65
2100	+Improvements to Maritime Safety Puget Sound-Area Waters (USCG-1998-4501)	2115-AF68
2101	Barges Carrying Bulk Liquid Hazardous Material (USCG-1999-5117) **(Section 610 Review)**	2115-AF77
2102	Mandatory Ship Reporting System Off the Northeast and the Southeast Coasts of the United States (USCG-1999-5525)	2115-AF82
2103	Federal Pilotage Foreign-Trade Vessels in Maryland (USCG-1999-6097)	2115-AF90

+ DOT-designated significant regulation

U.S. Coast Guard—Completed Actions

Sequence Number	Title	Regulation Identification Number
2104	Frequency of Inspection (USCG-1999-4976)	2115-AF73
2105	Standard Measurement System Exemption From Gross Tonnage (USCG-1999-5118)	2115-AF76
2106	Update of Standards From American Society for Testing and Materials (ASTM) (USCG-1999-5151)	2115-AF80
2107	Vessel Traffic Service (VTS) Puget Sound Sector Boundary Change (USCG-1999-6141)	2115-AF92

Federal Aviation Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
2108	+Improved Survival Equipment for Inadvertent Water Landings	2120-AC72
2109	+Retrofit of Improved Seats in Air Carrier Transport Category Airplanes	2120-AC84
2110	+Corrosion Control Program	2120-AE92
2111	Flight Attendant English Language Proficiency	2120-AE98
2112	+Flight Operational Quality Assurance Program	2120-AF04
2113	+National Air Tour Safety Standards	2120-AF07
2114	+Overflights of Units of the National Park System	2120-AF46
2115	+Flight Crewmember Duty Period Limitations, Flight Time Limitations, and Rest Requirements	2120-AF63
2116	+False and Misleading Statements Regarding Aircraft Parts	2120-AG08
2117	+Licensing and Safety Requirements for Launch From a Non-Federal Launch Site	2120-AG37
2118	+Child Restraint Systems	2120-AG43
2119	+Air Tour Operations in the State of Hawaii	2120-AG44
2120	Revision of Air Carrier Crewmember and Training Regulations	2120-AG57
2121	Use of Electronic Signatures	2120-AG63
2122	Training in the Recognition of Hazardous Material	2120-AG75
2123	+Emergency Medical Equipment	2120-AG89
2124	+Traffic Alert and Collision Avoidance Systems	2120-AG90
2125	+Improved Flammability Standards for Thermal/Acoustic Insulation Materials Used in Transport Category Airplanes	2120-AG91
2126	FAR/JAR Harmonization Actions	2120-AG92
2127	+Certification of Airports	2120-AG96

+ DOT-designated significant regulation

Federal Aviation Administration—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
2128	Objects Affecting Navigable Airspace	2120-AA09

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Federal Aviation Administration—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
2129	Miscellaneous Amendments	2120-AA50
2130	+Revision of Part 108, Airplane Operator Security	2120-AD45
2131	+Revision of Part 107, Airport Security	2120-AD46
2132	+Aging Aircraft Safety	2120-AE42
2133	+Revised Access to Type III Exits	2120-AF01
2134	Los Angeles, CA, Class B Airspace	2120-AF16
2135	+Type Certification Procedures for Changed Products	2120-AF68
2136	Operational and Structural Difficulty Reports	2120-AF71
2137	Repair Assessment for Pressurized Fuselages	2120-AF81
2138	Bird Ingestion Standards	2120-AF84
2139	License Requirements for Operation of a Launch Site	2120-AG15
2140	Revised Precision Approach Landing Systems Policy	2120-AG16
2141	+Fees for Air Traffic Services for Certain Flights Through U.S.-Controlled Airspace and for Aeronautical Studies	2120-AG17
2142	+Prohibition of the Transportation of Devices Designed as Chemical Generators as Cargo in Aircraft	2120-AG35
2143	+Terrain Awareness and Warning System	2120-AG46
2144	+Screening of Checked Baggage on Flights Within the United States	2120-AG51
2145	Parachute Operations	2120-AG52
2146	+Policy Regarding Airport Rates and Charges	2120-AG58
2147	Commercial Space Transportation Reusable Launch Vehicle and Reentry Licensing Regulations	2120-AG71
2148	Revised Landing Gear Shock Absorption Test Requirements	2120-AG72
2149	+Grand Canyon National Park; Limits on Air Tour Operations	2120-AG73
2150	+Modification of the Airspace for Grand Canyon National Park	2120-AG74
2151	Revision of Braking Systems Airworthiness Standards to Harmonize With European Airworthiness Standards for Transport Category Airplanes	2120-AG80
2152	+Certification of Screening Companies	2120-AG84
2153	High Density Rule	2120-AG85
2154	+Additional Flight Data Recorder Improvements for Certain B-737 Airplanes	2120-AG87
2155	+Certification Procedures for Products and Parts **(Section 610 Review)**	2120-AG93
2156	Special Visual Flight Rules	2120-AG94
2157	Special Flight Rules in the Vicinity of Grand Canyon National Park	2120-AG97

+ DOT-designated significant regulation

Federal Aviation Administration—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
2158	+Fuel System Vent Fire Protection	2120-AA49
2159	Airworthiness Standards; Crash-Resistant Fuel Systems	2120-AA57
2160	IFR Altitudes; Miscellaneous Amendments	2120-AA63
2161	Airworthiness Directives	2120-AA64
2162	Standard Instrument Approach Procedures; Miscellaneous Amendments	2120-AA65
2163	Airspace Actions	2120-AA66
2164	Low Fuel Quantity Alerting System	2120-AB46
2165	Aircraft Engines: Fuel and Induction Systems	2120-AB76
2166	Review of Part 47, Aircraft Registration, and Part 49, Recording of Aircraft Titles and Security Documents	2120-AC17
2167	+Part 145 Review: Repair Stations	2120-AC38
2168	Installation of Crashworthy Fuselage Fuel Tanks and Fuel Lines	2120-AC87
2169	+Drug Enforcement Assistance	2120-AD16
2170	+Sole Radio Navigation System; Minimum Standards for Certification	2120-AD26
2171	Airplane Engine Cowling Retention	2120-AD34
2172	1-G Stalling Speed as a Basis for Compliance With Part 25 of the Federal Aviation Regulations	2120-AD40
2173	+Cost of Services and Transfer of Fees to Part 187 From Parts 47, 49, 61, 63, 65, and 143	2120-AD91
2174	Type Certificates for Some Surplus Aircraft of the Armed Forces	2120-AE41
2175	+Airport Noise Compatibility Planning	2120-AE64
2176	+Aircraft Ground Deicing and Anti-Icing Program	2120-AE70
2177	Air Traffic Control Radar Beacon System and Mode S Transponder Requirements in the National Airspace System	2120-AE81
2178	Civil Penalty Assessment Procedures	2120-AE84

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Federal Aviation Administration—Long-Term Actions (Continued)

Sequence Number	Title	Regulation Identification Number
2179	+Training and Checking in Ground Icing Conditions	2120-AF09
2180	+Revision of Emergency Evacuation Demonstration Procedures To Improve Participant Safety	2120-AF21
2181	+Controlled Rest on the Flight Deck	2120-AF54
2182	+Passenger Facility Charges	2120-AF69
2183	Miscellaneous Cabin Safety Changes	2120-AF77
2184	Revision of Hydraulics Systems Airworthiness Standards To Harmonize With European Airworthiness Standards for Transport Category Airplanes	2120-AF79
2185	Bird Strike	2120-AF80
2186	+Security Programs of Foreign Air Carriers and Foreign Operators of U.S. Registered Air Carriers Engaged in Common Carriage	2120-AG13
2187	+Noise Limitations for Aircraft Operations in the Vicinity of Grand Canyon National Park	2120-AG34
2188	+Protection of Voluntarily Submitted Information	2120-AG36
2189	+Revised Standards for Cargo or Baggage Compartments in Transport Category Airplanes	2120-AG42
2190	+Transport Airplane Fleet Fuel Tank Ignition Source Review; Flammability Reduction, and Maintenance and Inspection Requirements	2120-AG62
2191	Financial Responsibility Requirements for Licensed Reentry Activities	2120-AG76
2192	Pilot Certificates Issued or Validated on the Basis of a Bilateral Air Safety Agreement	2120-AG81
2193	General Rulemaking Procedures	2120-AG95

+ DOT-designated significant regulation

Federal Aviation Administration—Completed Actions

Sequence Number	Title	Regulation Identification Number
2194	+Anti-Drug and Alcohol Misuse Prevention Programs for Employees of Foreign Air Carriers Engaged in Specified Aviation Activities	2120-AE79
2195	+Suspension of Certain Aircraft Operations From the Transponder With Automatic Pressure Altitude Reporting Capability Requirement	2120-AF30
2196	+Submission to Drug Tests	2120-AF64
2197	Revision of Certification Requirements: Aircraft Dispatchers	2120-AG04
2198	+Duration Between Examinations for First- and Second-Airman Medical Certificates	2120-AG06
2199	Fees for Aeromedical Education Training Services	2120-AG07
2200	Civil Penalties: Streamlined Enforcement Test and Evaluation Program; Security; Drug and Alcohol Abatement	2120-AG49
2201	+High Density Airports; Allocation of Slots	2120-AG50
2202	Flight Plan Requirements for Helicopter Operations Under Instrument Flight Rules	2120-AG53
2203	Licensing and Training of Pilots, Flight Instructors, and Ground Instructors Outside the United States	2120-AG66
2204	Reduced Vertical Separation Minimum	2120-AG82

+ DOT-designated significant regulation

Federal Highway Administration—Prerule Stage

Sequence Number	Title	Regulation Identification Number
2205	Certification of Size and Weight Enforcement	2125-AC60
2206	Highway Beautification	2125-AD24

Federal Highway Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
2207	Truck Length and Width Exclusive Devices	2125-AC30
2208	Parts and Accessories Necessary for Safe Operation: Intermodal Cargo Containers	2125-AC74
2209	Work Zone Safety	2125-AE29

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Federal Highway Administration—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
2210	National Standards for Traffic Control Devices; MUTCD; Minimum Retroreflectivity Requirements for Traffic Signs	2125-AE39
2211	Administration of Engineering and Design Related Services Contracts	2125-AE45
2212	+Statewide Metropolitan Planning	2125-AE62
2213	Standards for Dedicated Short Range Communications (DSRC) Applications for Use by Commercial Vehicles in Intelligent Transportation Systems Projects	2125-AE63
2214	+NEPA and Related Procedures for Transportation Decisionmaking; Protection of Public Parks, Wildlife and Waterfowl Refuges and Historic Sites	2125-AE64
2215	Intelligent Transportation Systems Architecture and Standards	2125-AE65
2216	Revision of the MUTCD; Regulatory Signs, Traffic Control for Low Volume Rural Roads; Traffic Control for Highway-Rail Grade Crossings	2125-AE66
2217	Utilities	2125-AE68

+ DOT-designated significant regulation

Federal Highway Administration—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
2218	Advanced Construction of Federal Aid Projects	2125-AD59
2219	Federal-Aid Highway Systems	2125-AD74
2220	Mitigation of Impacts to Wetlands	2125-AD78
2221	Railroad Highway Projects	2125-AD86
2222	Traffic Control Devices, Markings, Signals, and Systems for Railroad-Highway Grade Crossings	2125-AE11
2223	+Federal Motor Carrier Safety Regulations; Definition of Commercial Motor Vehicle	2125-AE22
2224	Revision of Manual on Uniform Traffic Control Devices; General Provisions and Traffic Control for School Areas	2125-AE25
2225	Emergency Relief Program — $500,000 Disaster Eligibility Threshold	2125-AE27
2226	Revision of the Manual on Uniform Traffic Control Devices; Part II — Signs	2125-AE38
2227	Revision of the Manual on Uniform Traffic Control Devices; Tourist Oriented Directional Signs, Recreation and Cultural Interest Signs, and Traffic Controls for Bicycle Facilities	2125-AE50
2228	Indian Reservation Road Bridge Program	2125-AE57
2229	Revision of the Manual on Uniform Traffic Control Devices; Warning Signs and Traffic Controls for Highway-Light Rail Grade Crossings	2125-AE58
2230	+Revision of Color Specifications for Signs and Pavement Marking Retroreflective Materials	2125-AE67
2231	Revision of the Manual on Uniform Traffic Control Devices; General Provisions, Markings, and Signals	2125-AE71
2232	Revision of the MUTCD - Proposed Amendments for Temporary Traffic Control	2125-AE72

+ DOT-designated significant regulation

Federal Highway Administration—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
2233	+Application of the National Transportation Communications for ITS Protocol (NTCIP) Standards in ITS Projects	2125-AE21
2234	Procedures for Abatement of Highway Traffic Noise and Construction Noise	2125-AE51
2235	+Federal Lands Highway Program; Transportation Planning Procedures and Management Systems Pertaining to the National Park Service, Including the Park Roads and Parkways Program	2125-AE52
2236	+Federal Lands Highway Program; Transportation Planning Procedures and Management Systems Pertaining to the Bureau of Indian Affairs, Including the Indian Reservations Road Program	2125-AE53
2237	+Federal Lands Highway Program; Transportation Planning Procedures and Management Systems Pertaining to the Fish and Wildlife Service, Including the Refuge Roads Program	2125-AE54
2238	+Federal Lands Highway Program; Transportation Planning Procedures and Management Systems Pertaining to the Forest Service, Including the Forest Highways Program	2125-AE55

+ DOT-designated significant regulation

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Federal Highway Administration—Completed Actions

Sequence Number	Title	Regulation Identification Number
2239	+Qualification of Drivers; Diabetes	2125-AB91
2240	Acquisition of Real Property for Rights-of-Way	2125-AC17
2241	+Commercial Driver's License Standards; Biometric Identifier	2125-AC24
2242	+Federal Motor Carrier Safety Regulations; General; Periodic Registration Requirements for Motor Carriers	2125-AC28
2243	Periodic Inspection Requirements	2125-AC47
2244	Commercial Learner Permits and CDL Effectiveness	2125-AC54
2245	+Qualification of Drivers; Vision	2125-AC62
2246	Revision of Medical Examination Form and Procedures	2125-AC63
2247	+Federal Motor Carrier Safety Regulations; General Transportation of Hazardous Materials	2125-AC78
2248	+Minimum Training Requirements for Operators and Training Instructors of Multiple Trailer Combination Vehicles	2125-AC92
2249	+Training for Entry-Level Drivers of Commercial Motor Vehicles	2125-AD05
2250	+Commercial Driver Physical Fitness as Part of the CDL Process	2125-AD20
2251	+Qualifications of Drivers: Hearing Deficiencies	2125-AD22
2252	Parts and Accessories Necessary for Safe Operation; Sleeper Berths on Motor Coaches	2125-AD25
2253	Motor Carrier Safety Assistance Program (MCSAP) Allocation Formula	2125-AD30
2254	+Department of Transportation NEPA and Related Procedures for Transportation Decisionmaking	2125-AD32
2255	+Federal Motor Carrier Safety Regulations; General; Motor Vehicle Marking	2125-AD49
2256	+Hours of Service of Drivers; Supporting Document Recordkeeping	2125-AD52
2257	Rules of Practice for Motor Carrier Proceedings; Investigations; Disqualifications and Penalties	2125-AD64
2258	+Advanced Technology in Commercial Motor Vehicle Operations **(Section 610 Review)**	2125-AD65
2259	Safety Performance History of New Drivers	2125-AD66
2260	Standards for Center Line and Edge Line Markings on Streets and Highways	2125-AD68
2261	+Railroad Grade Crossing Safety	2125-AD75
2262	Parts and Accessories Necessary for Safe Operation; Television Receivers and Data Display Units	2125-AD76
2263	+Transportation of Migrant Workers	2125-AD81
2264	Inspection, Repair, and Maintenance	2125-AD82
2265	+Motor Carrier Replacement Information/Registration System	2125-AD91
2266	+Hours of Service of Drivers **(Section 610 Review)**	2125-AD93
2267	Electronic Filing of Surety Bonds, Trust Fund Agreements, Insurance Certificates; Cancellations	2125-AD94
2268	General Jurisdiction Over Freight Forwarder Service	2125-AE00
2269	Registration of For-Hire Motor Carriers, Property Brokers, and Freight Forwarders	2125-AE01
2270	+Development of a North American Standard for Protection Against Shifting and Falling Cargo	2125-AE05
2271	+Qualifications of Motor Carriers To Self-Insure Their Operations and Fees To Support the Approval and Compliance Process	2125-AE06
2272	+Federal Motor Carrier Safety Regulations; Hours-of-Service and CDL Exemptions	2125-AE09
2273	Minimum Levels of Financial Responsibility for Mexican Motor Carriers	2125-AE14
2274	+English Language Requirement; Qualifications of Drivers	2125-AE19
2275	Transportation of Household Goods; Consumer Protection Regulations	2125-AE30
2276	+Revision of Application Form for Mexican Motor Carriers: Commercial Zones	2125-AE31
2277	+Revision of Application Form for Mexican Motor Carriers: NAFTA	2125-AE32
2278	+Accelerated Safety Monitoring System and Compliance Initiative for Mexican Motor Carriers Operating in the United States	2125-AE33
2279	Out-of-Service Criteria	2125-AE35
2280	Safety Fitness Procedures	2125-AE37
2281	+General Requirements; Inspection, Repair, and Maintenance; Intermodal Container Chassis and Trailers	2125-AE40
2282	+Federal Motor Carrier Safety Regulations; Zero-Base Revision	2125-AE42
2283	Right-of-Way Program Administration	2125-AE44
2284	Motor Carrier Safety Assistance Program (MCSAP)	2125-AE46
2285	Federal Motor Carrier Safety Regulations; Waivers, Exemptions, and Pilot Programs; Rules and Procedures	2125-AE48
2286	+Safety Fitness Procedures—Unsatisfactory Safety Ratings	2125-AE56
2287	Safety Fitness Procedures; Amendments to Safety Fitness Rating Methodology (SFRM) Appendix	2125-AE59
2288	+Federal Motor Carrier Safety Regulations; Requirements for Operators of Small Passenger Carrying Commercial Motor Vehicles	2125-AE60
2289	Federal Motor Carrier Safety Regulations; Technical Amendment	2125-AE61

+ DOT-designated significant regulation

DOT

Federal Motor Carrier Safety Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
2290	+Federal Motor Carrier Safety Regulations; General; Periodic Registration Requirements for Motor Carriers	2126-AA02
2291	Commercial Learner Permits	2126-AA03
2292	+Minimum Training Requirements for Operators and Training Instructors of Multiple Trailer Combination Vehicles	2126-AA08
2293	+Training for Entry-Level Drivers of Commercial Motor Vehicles	2126-AA09
2294	+Commercial Driver Physical Fitness as Part of the CDL Process	2126-AA10
2295	+Advanced Technology in Commercial Motor Vehicle Operations	2126-AA16
2296	Safety Performance History of New Drivers	2126-AA17
2297	Parts and Accessories Necessary for Safe Operation; Television Receivers and Data Display Units	2126-AA19
2298	+Motor Carrier Replacement Information/Registration System	2126-AA22
2299	+Hours of Service of Drivers; Driver Rest and Sleep for Safe Operations	2126-AA23
2300	Registration of For-Hire Motor Carriers, Property Brokers, and Freight Forwarders	2126-AA26
2301	+Development of a North American Standard for Protection Against Shifting and Falling Cargo	2126-AA27
2302	+Federal Motor Carrier Safety Regulations; Hours-of-Service and CDL Exemptions	2126-AA29
2303	Minimum Levels of Financial Responsibility for Mexican Motor Carriers	2126-AA30
2304	+Revision of Application Form for Mexican Motor Carriers: Commercial Zones	2126-AA33
2305	+Revision of Application Form for Mexican Motor Carriers: NAFTA	2126-AA34
2306	+Accelerated Safety Monitoring System and Compliance Initiative for Mexican Motor Carriers Operating in the United States	2126-AA35
2307	Safety Fitness Procedures	2126-AA37
2308	+Federal Motor Carrier Safety Regulations; Zero-Base Revision	2126-AA39
2309	Brake Performance Requirements for CMVs Inspected by Performance-Based Brake Testers	2126-AA46
2310	+Post-Accident Controlled Substances and Alcohol Test Results; Reporting Requirements for the Fatality Analysis Reporting System	2126-AA50
2311	+Federal Motor Carrier Safety Regulations; Commercial Van Operations That Transport Nine to Fifteen Passengers Across the U.S.-Mexico Border	2126-AA52

+ DOT-designated significant regulation

Federal Motor Carrier Safety Administration—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
2312	Revision of Medical Examination Form and Procedures	2126-AA06
2313	+Federal Motor Carrier Safety Regulations; General; Motor Vehicle Marking	2126-AA14
2314	Rules of Practice for Motor Carrier Proceedings; Investigations; Disqualifications and Penalties	2126-AA15
2315	+Railroad Grade Crossing Safety	2126-AA18
2316	+Qualifications of Motor Carriers To Self-Insure Their Operations and Fees To Support the Approval and Compliance Process	2126-AA28
2317	Transportation of Household Goods; Consumer Protection Regulations	2126-AA32
2318	Motor Carrier Safety Assistance Program (MCSAP)	2126-AA40
2319	Federal Motor Carrier Safety Regulations; Waivers, Exemptions, and Pilot Programs; Rules and Procedures	2126-AA41
2320	+Safety Fitness Procedures—Unsatisfactory Safety Ratings	2126-AA42
2321	Safety Fitness Procedures; Amendments to Safety Fitness Rating Methodology (SFRM) Appendix	2126-AA43
2322	+Federal Motor Carrier Safety Regulations; Requirements for Operators of Small Passenger Carrying Commercial Motor Vehicles	2126-AA44
2323	Federal Motor Carrier Safety Regulations; Technical Amendment	2126-AA45
2324	+Federal Motor Carrier Safety Regulations; Definition of Commercial Motor Vehicle	2126-AA51

+ DOT-designated significant regulation

Federal Motor Carrier Safety Administration—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
2325	+Qualification of Drivers; Diabetes	2126-AA00
2326	+Commercial Driver's License Standards; Biometric Identifier	2126-AA01
2327	+Qualification of Drivers; Vision	2126-AA05

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

Sequence Number	Title	Regulation Identification Number
2328	+Federal Motor Carrier Safety Regulations; General Transportation of Hazardous Materials	2126-AA07
2329	Parts and Accessories Necessary for Safe Operation; Sleeper Berths on Motor Coaches	2126-AA12
2330	Electronic Filing of Surety Bonds, Trust Fund Agreements, Insurance Certificates; Cancellations	2126-AA24
2331	General Jurisdiction Over Freight Forwarder Service	2126-AA25
2332	+English Language Requirement; Qualifications of Drivers	2126-AA31
2333	Out-of-Service Criteria	2126-AA36
2334	+General Requirements; Inspection, Repair, and Maintenance; Intermodal Container Chassis and Trailers	2126-AA38

+ DOT-designated significant regulation

Federal Motor Carrier Safety Administration—Completed Actions

Sequence Number	Title	Regulation Identification Number
2335	Certification of Size and Weight Enforcement	2126-AA04
2336	+Qualifications of Drivers: Hearing Deficiencies	2126-AA11
2337	Motor Carrier Safety Assistance Program (MCSAP) Allocation Formula	2126-AA13
2338	Inspection, Repair, and Maintenance	2126-AA20
2339	Railroad Highway Projects	2126-AA21
2340	Motor Carrier Safety Regulations	2126-AA47
2341	Federal Motor Carrier Safety Administration (Renaming Title of Chapter III)	2126-AA48
2342	Rules of Practice for Motor Carrier Proceedings; Violations of Commercial Regulations	2126-AA49

+ DOT-designated significant regulation

National Highway Traffic Safety Administration—Prerule Stage

Sequence Number	Title	Regulation Identification Number
2343	Review: Passenger-Car Back Seat Occupant Protection	2127-AE95
2344	Review: Odometer Fraud	2127-AF53
2345	+Review: Side Impact Protection	2127-AF54
2346	Review: American Automobile Labeling Act	2127-AG18
2347	Convex Cross-View Mirrors	2127-AG41
2348	Child Restraints for Older Children	2127-AH14
2349	Public Participation in Activities Relating to the Agreement on Global Technical Regulations: Statement of Policy	2127-AH29
2350	Ejection Mitigation Using Advanced Glazing	2127-AH50
2351	Use of Universal Child Seats in Aircraft	2127-AH56
2352	Side Impact Protection Test Procedures	2127-AH66
2353	Special Purpose Vehicles	2127-AH75
2354	Brake Hoses	2127-AH79
2355	Headlamp Glare	2127-AH81
2356	Neck Lateral Bending for 50th Percentile Male Side Impact Dummy Hybrid III (SID/HIII)	2127-AH87
2357	Child Restraint Systems **(Section 610 Review)**	2127-AH90
2358	Motorcycle Headlamp System	2127-AH92
2359	Guildlines for States on Enforcement of Light Transmission	2127-AH97

+ DOT-designated significant regulation

National Highway Traffic Safety Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
2360	Procedures for Considering Environmental Impacts	2127-AB79
2361	+Wheelchair Lifts	2127-AD50
2362	Radiator Safety Cap	2127-AE59

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

Sequence Number	Title	Regulation Identification Number
2363	Upgrade Fuel Integrity Performance Requirements	2127-AF36
2364	Door Latch Exemption for Vehicles Equipped With Wheelchair Lifts and Ramps	2127-AG16
2365	Upgrade Roof Crashworthiness	2127-AG51
2366	Hybrid III 95th Percentile Male	2127-AG79
2367	Signal Lamps Used With Light Emitting Diodes	2127-AG88
2368	Motorcycle Mounted Reflex Reflector Height	2127-AG92
2369	+Allocation of Fuel Economy Credits	2127-AG97
2370	Buy American Requirements	2127-AG99
2371	Political Subdivision Participation in State Highway Safety Programs and State Highway Safety Agency	2127-AH00
2372	+Harmonization of Head Restraints	2127-AH09
2373	Definition of Community Transportation Vehicles	2127-AH23
2374	Metric Conversion—Phase III	2127-AH27
2375	Upgrade Door Retention Performance	2127-AH34
2376	Administrative Rewrite of the Lighting Requirements Other Than Headlamps	2127-AH37
2377	Exemption for Inconsequential Defect or Noncompliance	2127-AH58
2378	Upper Interior Impact	2127-AH61
2379	Compliance and Enforcement	2127-AH63
2380	Registered Importers of Vehicles not Originally Manufactured to Conform with the Federal Motor Vehicle Safety Standards	2127-AH67
2381	Accelerator Control Systems	2127-AH71
2382	Frontal Offset Protection	2127-AH73
2383	Insurer Reporting Requirements for October 2000	2127-AH77
2384	Low-Speed Vehicle Performance Requirements	2127-AH80
2385	Stowable or Fold-Away Child Restraint Anchorages	2127-AH85
2386	Defect Reporting and Notification	2127-AH89
2387	Clarify Test Procedures for Brake Fluids	2127-AH96

+ DOT-designated significant regulation

National Highway Traffic Safety Administration—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
2388	+Rollover Protection	2127-AC64
2389	Brake Lining	2127-AC66
2390	Seating Systems Performance	2127-AD08
2391	Electric Vehicle Safety	2127-AF43
2392	Alternative Geometric Visibility Requirements for Lamps	2127-AF75
2393	Power-Operated Windows: Roof Panels	2127-AF83
2394	Automotive Fuel Economy Reports	2127-AG00
2395	Dealer Notification of Defect or Noncompliance Determination	2127-AG27
2396	Power Window Safety Switches	2127-AG36
2397	Modified Vehicles To Accommodate a Person's Disability	2127-AG40
2398	Seat Belt Positioning Devices	2127-AG49
2399	Transition Procedures From Current to New National Driver Register	2127-AG68
2400	+Advanced Air Bags	2127-AG70
2401	Hybrid III Type 3-Year-Old Size	2127-AG77
2402	CRABI 12-Month-Old Size	2127-AG78
2403	Glare Reduction From Daytime Running Lamps	2127-AG86
2404	Administrative Rewrite for Headlamp Requirements	2127-AG87
2405	Uniform Tire Quality Grading Test Procedures	2127-AG96
2406	Placement of Wheelchair Restraints on Buses	2127-AH03
2407	Incorporate the 1996 Revision of the American National Standards Institute (ANSI)	2127-AH08
2408	Truck Air Braking Requirements	2127-AH11
2409	Motorcycle Braking Requirements	2127-AH15
2410	Heavy Vehicle Antilock Brake System (ABS) Performance Requirement	2127-AH16
2411	+Safety Incentive Grants for Use of Seat Belts	2127-AH38
2412	Occupant Protection Incentive Grants	2127-AH40

DOT

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

Sequence Number	Title	Regulation Identification Number
2413	Open Container Requirements	2127-AH41
2414	Alcohol-Impaired Driving Countermeasures Incentive Grants	2127-AH42
2415	State Highway Safety Data Improvements Incentive Grants	2127-AH43
2416	Minimum Penalties for Repeat Offenders	2127-AH47
2417	Extension of Compliance Date for ABS Malfunction Indicator Lamp	2127-AH55
2418	Parking Brake Warning System on School Buses	2127-AH57
2419	Requirements for Low-Speed Vehicles (LSV)	2127-AH69
2420	Compressed Natural Gas Fuel Container Integrity	2127-AH72
2421	Vehicles With Raised Roofs	2127-AH74
2422	Theft Data for Calendar Year 1998	2127-AH76
2423	High-Theft Lines for Model Year 2001	2127-AH78
2424	Interior Trunk Release	2127-AH83
2425	School Bus Body Joint Strength	2127-AH84
2426	Child Restraint Anchorage Systems - Part 2	2127-AH86
2427	Offset Deformable Barrier	2127-AH93
2428	Bonfire Test Procedure	2127-AH94
2429	+Light Truck Fuel Economy Standards for Model Year 2002	2127-AH95

+ DOT-designated significant regulation

National Highway Traffic Safety Administration—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
2430	+Crashworthiness Ratings	2127-AA03
2431	+Flammability of Interior Materials—School Buses	2127-AA44
2432	Certification Requirements of Multistage Vehicles	2127-AE27
2433	Review: Heavy Truck Conspicuity	2127-AG19
2434	State Issued Identification Documents	2127-AG91
2435	Review: Child Safety Seat Registration	2127-AG93
2436	Review: Air Bag On-Off Switches	2127-AH12
2437	Review: Redesigned Air Bags	2127-AH13
2438	Review: Head Restraints for Light Trucks	2127-AH98

+ DOT-designated significant regulation

National Highway Traffic Safety Administration—Completed Actions

Sequence Number	Title	Regulation Identification Number
2439	Fifth Percentile Female Dummy	2127-AG66
2440	Hybrid III Type 6-Year-Old Size	2127-AG76
2441	Transmission Control Levers	2127-AH21
2442	+Uniform Criteria for State Observational Surveys of Seat Belt Use	2127-AH46
2443	Dynamically Deploying Head Protection Systems	2127-AH60
2444	Brake Testing Procedures	2127-AH64

+ DOT-designated significant regulation

Federal Railroad Administration—Prerule Stage

Sequence Number	Title	Regulation Identification Number
2445	+Hours of Service Electronic Recordkeeping Project	2130-AB04
2446	Tourist and Historic Working Group Regulatory Review	2130-AB12

+ DOT-designated significant regulation

DOT

Federal Railroad Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
2447	+Whistle Bans at Highway-Rail Grade Crossings	2130-AA71
2448	Locomotive Cab Working Conditions	2130-AA89
2449	+Positive Train Control	2130-AA94
2450	Locomotive Crashworthiness	2130-AB23
2451	Crane Safety Standards	2130-AB27
2452	Roadway Equipment Safety	2130-AB28
2453	Event Recorder Crashworthiness	2130-AB34
2454	Revision to Railroad Safety Enforcement Procedures	2130-AB35
2455	Rules of Practice	2130-AB36
2456	+Application of Alcohol and Drug Regulations to Foreign Railroads Operating in the United States	2130-AB39
2457	+Requirements for Proficiency in the Use of the English Language and for the Use of English Units of Measurements in Communications About Railroad Operations in the United States	2130-AB40

+ DOT-designated significant regulation

Federal Railroad Administration—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
2458	Local Rail Freight Assistance to States	2130-AA60
2459	Maintenance, Inspection, and Testing of Grade-Crossing Signal Systems	2130-AA97
2460	Statement of Policy Regarding Safety of Railroad Bridges	2130-AA99
2461	Reinvention of Regulations Addressing Discontinuance or Modification of Signal Systems	2130-AB05
2462	Reinvention of Signal System Reporting Requirements	2130-AB06
2463	Florida Overland Express High Speed Rail Rule of Particular Applicability	2130-AB14
2464	Small Railroads; Policy Statement on Enforcement Program	2130-AB15
2465	+Power Brake Regulations: Freight Power Brake Revisions	2130-AB16
2466	+Regulations on Safety Integration Plans Governing Railroad Consolidations, Mergers, Acquisitions of Control and Start-Up Operations	2130-AB24
2467	Bridge Worker Safety Standards	2130-AB25
2468	+Amendment of Regulations Governing Railroad Rehabilitation and Improvement Financing	2130-AB26
2469	Annual Adjustment of Monetary Threshold for Reporting Rail Equipment Accidents/Incidents	2130-AB30
2470	Determination of Minimum Testing Rate for Random Drug and Alcohol Testing	2130-AB31
2471	Track Safety Standards Amendment To Address Gage Restraint Measurement Systems	2130-AB32
2472	+Joint Statement of Safety Policy for Shared Use of General Railroad System Trackage by Conventional Railroad and Rail Transit Trains	2130-AB33
2473	+Locational Requirement for Dispatching of United States Rail Operations	2130-AB38

+ DOT-designated significant regulation

Federal Railroad Administration—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
2474	+Freight Car Safety Standards: Maintenance-of-Way Equipment	2130-AA68
2475	AMTRAK Waste Disposal	2130-AA84
2476	Blue Signal and Related Protections	2130-AA90
2477	Use of One-Person Crews in Rail Operations	2130-AB18
2478	Railroad Car Conspicuity	2130-AB41

+ DOT-designated significant regulation

DOT

Federal Railroad Administration—Completed Actions

Sequence Number	Title	Regulation Identification Number
2479	Reinvention of Steam Locomotive Inspection Regulations	2130-AB07
2480	Planning Activities Under the Magnetic Levitation Transportation Technology Deployment Program	2130-AB29
2481	Revised Docket Filing Procedures for Federal Railroad Administration Rulemaking and Adjudicatory Dockets	2130-AB37

Federal Transit Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
2482	+NEPA and Related Procedures for Transportation Decisionmaking; Protection of Public Works, Wildlife and Waterfowl Refuges and Historic Sites	2132-AA43
2483	+Clean Fuels Formula Grant Program	2132-AA64
2484	+Statewide Metropolitan Planning	2132-AA66
2485	State Safety Oversight; Rail Fixed Guideway Systems	2132-AA69
2486	Requirement for Third-Party Contracting with FTA Recipients	2132-AA70
2487	Prevention of Alcohol Misuse and Drug Use in Transit Operations	2132-AA71

+ DOT-designated significant regulation

Federal Transit Administration—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
2488	+Bus Testing	2132-AA30
2489	Charter Services Demonstration Program	2132-AA58
2490	Buy America Requirements; Amendment to Certification Procedures	2132-AA62
2491	+Major Capital Investment Projects	2132-AA63
2492	School Bus Operations	2132-AA67
2493	+Joint Statement of Safety Policy for Shared Use of General Railroad System Trackage by Conventional Railroad and Rail Transit Systems	2132-AA73

+ DOT-designated significant regulation

Federal Transit Administration—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
2494	Buy America Requirements; Permanent Waiver for Microcomputers	2132-AA68

Federal Transit Administration—Completed Actions

Sequence Number	Title	Regulation Identification Number
2495	Responsibilities of the Administrator	2132-AA74

Research and Special Programs Administration—Prerule Stage

Sequence Number	Title	Regulation Identification Number
2496	Hazardous Materials: Revision of Requirements for Carriage by Aircraft	2137-AD18
2497	Hazardous Materials: Air Carrier Emergency Telephone Number Requirements	2137-AD29
2498	Hazardous Materials: Cargo Tank Rollover Requirements	2137-AD34

DOT

Research and Special Programs Administration—Prerule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
2499	Hazardous Materials: Adoption of latest IAEA and Other Miscellaneous Revisions and Clarifications	2137-AD40

Research and Special Programs Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
2500	Pipeline Safety: Gas Gathering Line Definition	2137-AB15
2501	DOT 3AL Aluminum Cylinders; Safety Problems	2137-AB51
2502	Areas Unusually Sensitive to Environmental Damage (USAs)	2137-AC34
2503	+Increased Inspection Requirements	2137-AC38
2504	+Emergency Flow Restricting Devices	2137-AC39
2505	Pipeline Safety: Periodic Underwater Inspections	2137-AC54
2506	+Applicability of the Hazardous Materials Regulations to Loading, Unloading, and Storage	2137-AC68
2507	Hazardous Materials: Requirements for Cargo Tanks	2137-AC90
2508	Pipeline Safety: Further Regulatory Review; Gas Pipeline Safety Standards	2137-AD01
2509	+Pipeline Safety: Recommendations To Change Hazardous Liquid Pipeline Safety Standards	2137-AD10
2510	Hazardous Materials: Revisions to Standards for Infectious Substances	2137-AD13
2511	Hazardous Materials: Revision of Requirements for Carriage by Rail Car and Motor Vehicle	2137-AD19
2512	Hazardous Materials: Revisions to the Incident Reporting Requirements and the Detailed Hazardous Materials Incident Report DOT Form	2137-AD21
2513	Pipeline Safety: Corrosion Control on Gas and Hazardous Liquid Pipelines	2137-AD24
2514	Pipeline Safety: Pressure Testing Older Pipelines in Terminals	2137-AD26
2515	Hazardous Materials: Hazard Communication Requirements — Petitions for Rulemaking and Miscellaneous Amendments	2137-AD28
2516	Hazardous Materials: Revised and Clarified Hazardous Materials Exemptions Procedures	2137-AD30
2517	+Hazardous Materials Safety: Transportation of Oxygen Cylinders on Aircraft	2137-AD33
2518	Pipeline Safety: Periodic Updates to Pipeline Safety Requirements (1999)	2137-AD35
2519	+Hazardous Materials: Safety Requirements for Retention of Hazardous Materials in External Product Piping (Wetlines) on Cargo Tank Motor Vehicles	2137-AD36
2520	Harmonization With the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization's Technical Instructions	2137-AD41
2521	Pipeline Safety: Producer-Operated Outer Continental Shelf Gas and Hazardous Liquid Pipelines That Cross Directly Into State Waters	2137-AD42
2522	Hazardous Materials: Miscellaneous Amendments for Unloading IM Portable Tanks on a Transport Vehicle	2137-AD44
2523	Pipeline Safety: Pipeline Integrity Management in High Consequence Areas	2137-AD45
2524	Hazardous Materials: Relocation of Registration and Training Requirements	2137-AD46
2525	Hazardous Materials: Transportation of Lithium Batteries	2137-AD48

+ DOT-designated significant regulation

Research and Special Programs Administration—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
2526	Quantity Limitations Aboard Aircraft	2137-AA85
2527	+Requirements for Cylinders	2137-AA92
2528	Passage of Internal Inspection Devices	2137-AB71
2529	Tank Cars and Cargo Tank Motor Vehicles: Attendance Requirements	2137-AC24
2530	+Response Plans for Onshore Oil Pipelines	2137-AC30
2531	Pipeline Safety: Underwater Abandoned Pipeline Facilities	2137-AC33
2532	Filling of Propane Cylinders	2137-AC86
2533	+Hazardous Materials: Safety Standards for Unloading Cargo Tank Motor Vehicles in Liquefied Compressed Gas Service	2137-AD07
2534	Pipeline Safety: Adoption of Industry Standards for Liquefied Natural Gas Facilities	2137-AD11
2535	Transportation of Hazardous Materials; Miscellaneous Amendments	2137-AD16
2536	+Hazardous Materials Transportation: Registration and Fee Assessment Program	2137-AD17

DOT

Research and Special Programs Administration—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
2537	Hazardous Materials: Revised and Clarified Hazardous Materials Safety Rulemaking and Program Procedures	2137-AD20
2538	Pipeline Safety: Enforcement Procedures	2137-AD22
2539	Hazardous Materials: Limited Extension of Requirements for Labeling Certain Shipments of Materials Poisonous by Inhalation (PIH)	2137-AD37
2540	Hazardous Materials: Hazardous Substances—Additions, Revisions and Deletions	2137-AD39
2541	Revisions; Definition of Administrator	2137-AD43
2542	Hazardous Materials: Editorial Corrections and Clarification	2137-AD47

+ DOT-designated significant regulation

Research and Special Programs Administration—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
2543	+Maps and Records of Pipeline Locations and Characteristics; Notification of State Agencies; Pipe Inventory	2137-AB48
2544	+Safeguarding Food From Contamination During Transportation	2137-AC00
2545	Regulated Gas and Hazardous Liquid Gathering Lines	2137-AC53
2546	Retention of Shipping Papers	2137-AC64

+ DOT-designated significant regulation

Research and Special Programs Administration—Completed Actions

Sequence Number	Title	Regulation Identification Number
2547	Determining the Extent of Corrosion on Exposed Gas Pipelines	2137-AB50
2548	+Prohibition of Oxidizers Aboard Aircraft	2137-AC92
2549	Pipeline Safety: Gas and Hazardous Liquid Pipeline Repair	2137-AD25
2550	Hazardous Materials: Editorial Corrections and Clarifications	2137-AD38

+ DOT-designated significant regulation

Maritime Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
2551	+Cargo Preference Regulations—Carriage of Agricultural Exports	2133-AB37
2552	Appeal Procedures for Determinations Concerning Compliance With Service Obligations, Deferments, and Waivers	2133-AB41

+ DOT-designated significant regulation

Maritime Administration—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
2553	Putting Customers First in the Title XI Program: Ship Financing Guarantees	2133-AB32
2554	+Eligibility of U.S.-Flag Vessels of 100 Feet or Greater To Obtain Commercial Fisheries Documents	2133-AB38

+ DOT-designated significant regulation

DOT

Maritime Administration—Completed Actions

Sequence Number	Title	Regulation Identification Number
2555	Administrative Waivers of the Coastwise Trade Laws for Eligible Vessels	2133-AB39

Bureau of Transportation Statistics—Prerule Stage

Sequence Number	Title	Regulation Identification Number
2556	Modernizing the Passenger Origin-Destination Survey	2139-AA01

Bureau of Transportation Statistics—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
2557	Amendment to the Definitions of Revenue and Nonrevenue Passengers	2139-AA07

DEPARTMENT OF TRANSPORTATION (DOT) — Proposed Rule Stage

Office of the Secretary (OST)

2007. +UPDATE OF DRUG AND ALCOHOL PROCEDURAL RULES (COMPLETION OF A SECTION 610 REVIEW)

Priority: Other Significant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

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 40

Legal Deadline: None

Abstract: The Department is reviewing its procedural rules for drug and alcohol testing. This review is intended to lead to a notice of proposed rulemaking that will not include major substantive changes to how we test but rather to update and clarify provisions of the rules. This ANPRM asked for suggestions for possible changes to the regulation and the focus is expected to be on drug testing. As part of this action, a small entities review under 5 USC section 610 will be included.

Timetable:

Action	Date	FR Cite
ANPRM	04/29/96	61 FR 18713
ANPRM Comment Period End	07/29/96	
NPRM	12/09/99	64 FR 69076
NPRM Comment Period End	04/07/00	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State, Local, Tribal, Federal

Additional Information: This change would apply to regulated parties through each of the six DOT operating administrations' rules (FAA, FHWA, FTA, FRA, USCG, and RSPA). It is expected that the NPRM to be issued in this action will withdraw an NPRM in a related action, RIN 2105-AB71, Procedures for Transportation Workplace Drug-Testing Programs. The NPRM will also incorporate all comments received in a related ANPRM issued under RIN 2105-AC78 6/3/99, 64 FR 29831, Substance Abuse Professional Definition Change.

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: 202 366-9306
TDD Phone: 202 755-7687

RIN: 2105–AC49

2008. +COMPUTER RESERVATIONS SYSTEM REGULATIONS COMPREHENSIVE REVIEW

Priority: Other Significant

Legal Authority: 49 USC 41712; 49 USC 40101(a); 49 USC 40113(a); 49 USC 40105

CFR Citation: 14 CFR 255

Legal Deadline: Final, Statutory, December 31, 1997.

Abstract: The Department regulates computer reservations systems owned by airlines or airline affiliates that are used by travel agencies. The current rules are designed to prevent the systems from unreasonably prejudicing the competitive position of other airlines and to ensure that travel agencies can provide accurate and unbiased information to the public. The Department is reexamining its rules to see whether they should be readopted and, if so, whether they should be changed. As part of this action, we will be looking at ways to lessen impacts on small entities.

Timetable:

Action	Date	FR Cite
ANPRM	09/10/97	62 FR 47606
Notice Extending Comment Period	10/30/97	62 FR 58700
Request for Comments	11/07/97	62 FR 60195
ANPRM Comment Period End	11/10/97	
Extended Comment Period End	12/09/97	
Notice Extending Reply Comment Period	01/23/98	63 FR 3491
Extended Comment Period End	02/03/98	
NPRM	12/00/00	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Thomas Ray, Office of General Counsel, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-4731

RIN: 2105–AC65

2009. +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 databases; 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	11/00/00	

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

2010. FILING PERIODS FOR RESPONSIVE PLEADINGS; RULES OF PRACTICE IN AVIATION ECONOMIC PROCEEDINGS

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 5111; 39 USC 5402; 42 USC 4321; 49 USC 40101; 49 USC 41101; 49 USC 41301; 49 USC 41501; 49 USC 41701; 49 USC 41901; 49 USC 46101; 49 USC 46301

CFR Citation: 14 CFR 302

Legal Deadline: None

Abstract: This action stems from an NPRM to revise rules of practice in aviation economic proceedings published 2/3/97 (63 FR 5094) RIN 2105-AC48. The Department received a number of comments seeking changes in filing periods for responsive pleadings to various types of applications. Based on comments there will be a reevaluation of the time periods for filing documents. Since changes in the time periods were outside the scope of the original notice, a supplemental notice will be published on this narrow question.

Timetable:

Action	Date	FR Cite
SNPRM	12/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Carol A. Woods, Analyst, Air Carrier Fitness Division, Department of Transportation, Office of the Secretary, X-56, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-2340

RIN: 2105–AC73

2011. ● CREDIT ASSISTANCE FOR SURFACE TRANSPORTATION PROJECTS

Priority: Substantive, Nonsignificant

Unfunded Mandates: Undetermined

Legal Authority: PL 105-206, 112 Stat 685, 849

CFR Citation: 49 CFR 80

Legal Deadline: None

Abstract: The DOT proposes to revise certain provisions of the regulation concerning the Transportation Infrastructure Finance and Innovation Act (TIFIA) as follows: assign specific weights to each of the eight statutory selection criteria; specify that loan servicing fees are to be paid by the borrower; modify the time period for audited financial statements from 120 days to 180 days; provide that, consistent with the statutory intent of the TIFIA program, administrative offset will be employed only in cases of fraud, misrepresentation, or criminal acts, but will not be employed as a result of revenue shortfall; require that the borrower enter into an escrow agreement; provide for a waiver of regulatory provisions by the Secretary; define and clarify the use of a master

credit agreement and subsequent series loan agreements to fund a secured (direct) loan or a line of credit; and clarify that the borrower must satisfy the stature's investment grade rating requirement prior to both execution of a master credit agreement and execution of subsequent series loan agreements and must obtain ongoing credit surveillance for the life of the TIFIA credit instrument. These proposed revisions are made at the DOT's initiative to clarify certain aspects of the regulation based on experience from the first year of program implementation.

Timetable:

Action	Date	FR Cite
NPRM	10/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Stephanie Kaufman, Department of Transportation, Office of the Secretary, B-10, 400 Seventh Street, SW, Washington, DC 20590
Phone: 202 366-9654

RIN: 2105–AC84

DEPARTMENT OF TRANSPORTATION (DOT) — Final Rule Stage

Office of the Secretary (OST)

2012. DIRECT AIR CARRIER RESPONSIBILITY FOR RETURNING STRANDED CHARTER PASSENGERS

Priority: Substantive, Nonsignificant

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 will be 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	
To Be Withdrawn	10/00/00	

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: 202 366-9306

RIN: 2105–AA40

2013. 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 will be 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	
To Be Withdrawn	04/00/00	

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: 202 366-9306
TDD Phone: 202 755-7687

RIN: 2105–AA45

2014. 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	10/00/00	

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: 202 366-9306

RIN: 2105–AA73

2015. 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	
To Be Withdrawn	10/00/00	

Regulatory Flexibility Analysis Required: No

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: 202 366-9306

RIN: 2105–AA78

2016. 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 will be withdrawn.

Timetable:

Action	Date	FR Cite
NPRM	10/05/84	49 FR 39337
NPRM Comment Period End	12/04/84	
To Be Withdrawn	10/00/00	

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: 202 366-9306

RIN: 2105–AA82

2017. 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	
To Be Withdrawn	10/00/00	

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: 202 366-9306

RIN: 2105–AA84

2018. 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 will be 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	
To Be Withdrawn	10/00/00	

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: 202 366-9306

RIN: 2105–AA88

2019. +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 is withdrawing it.

Timetable:

Action	Date	FR Cite
NPRM	07/26/89	54 FR 31052
NPRM Comment Period Extended	08/23/89	54 FR 35005
NPRM Comment Period End	08/25/89	
Extended Comment Period End	09/25/89	
To Be Withdrawn	10/00/00	

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: 202 366-9306

RIN: 2105–AB50

2020. +PROCEDURES FOR TRANSPORTATION WORKPLACE DRUG-TESTING PROGRAMS

Priority: Other Significant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

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	
To Be Withdrawn	10/00/00	

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: 202 366-9306
TDD Phone: 202 755-7687

RIN: 2105–AB71

2021. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND AGREEMENTS WITH INSTITUTIONS OF HIGHER EDUCATION, HOSPITALS, AND OTHER NONPROFIT ORGANIZATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 322(a)

CFR Citation: 49 CFR 19

Legal Deadline: None

Abstract: This action implements OMB Circular A-110, providing uniform guidance for administering grants to institutions of higher education, hospitals, and other nonprofit organizations. 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.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/04/94	59 FR 15637
Comment Period End	06/03/94	
Final Action	11/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: State, Local

Agency Contact: Robert G. Taylor, Chief, Grants Management Division, Senior Procurement Executive, Department of Transportation, Office of the Secretary, M-62, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-4289

RIN: 2105–AC02

2022. DOMESTIC BAGGAGE LIABILITY

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 40101 et seq

CFR Citation: 14 CFR 254.4; 14 CFR 254.5

Legal Deadline: None

Abstract: The Department is proposing to amend its rule governing the amount by which certain U.S. air carriers may limit their liability to passengers for lost, damaged, and delayed baggage. This action is in response to a petition by Public Citizen and Aviation Consumer Action Project to increase the minimum liability limit from $1,250 to $2,500 with a mechanism that would provide periodic updates every two years per passenger.

Timetable:

Action	Date	FR Cite
NPRM	09/30/94	59 FR 49867
NPRM Comment Period End	11/29/94	
NPRM Comment Period Extended	11/29/94	59 FR 60926
SNPRM	06/28/99	64 FR 34592
SNPRM Comment Period End	08/27/99	
Final Action	10/00/00	

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: 202 366-9306

RIN: 2105–AC07

2023. USE OF DIRECT FINAL RULEMAKING

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

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 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	10/00/00	

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: 202 366-9306

RIN: 2105–AC11

2024. OVERBOOKING OF FLIGHTS: ELIMINATION OF AIRPORT NOTICE SIGNS

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will eliminate existing text in the CFR.

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	04/00/00	

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

2025. FEES AND CHARGES FOR SPECIAL SERVICES: REINVENTION

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

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	11/00/00	

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

2026. AMENDMENTS TO MODAL ALCOHOL TESTING RULES: PRE-EMPLOYMENT TESTING

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

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	
Final Action	10/00/00	

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: 202 366-9306
TDD Phone: 202 755-7687

RIN: 2105–AC50

2027. REPEAL OF TRAFFIC RESTRICTIONS TO NORTH KOREA

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 322; 49 USC 1653; 50 USC app 2154; 50 USC app 2071; EO 12919

CFR Citation: 44 CFR 403; 49 CFR 1

Legal Deadline: None

Abstract: The Departments of Commerce and Transportation are proposing to amend their restrictions on shipping to North Korea. Currently, United States ships and aircraft are prohibited from traveling to or transporting goods to, or destined for, North Korea. In view of the U.S. policy to facilitate the gradual improvement of relations with North Korea, the two departments are proposing to provide for waivers under narrowly defined circumstances such as shipments for humanitarian relief. Shipments such as routine commercial trade would remain prohibited. This action includes a delegation of authority from the Secretary of Transportation to the Assistant Secretary of Transportation for Aviation and International Affairs to grant waivers of these restrictions.

Timetable:

Action	Date	FR Cite
Final Rule	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Jeff D. Rupp, Office of the General Counsel for International Law, Department of Transportation, Office of the Secretary, 400 Seventh Street SW, Washington, DC 20593
Phone: 202 366-2972

Kip Tourtellot, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 472-5621

RIN: 2105–AC70

2028. +PARTICIPATION BY DISADVANTAGED BUSINESS ENTERPRISES IN AIRPORT CONCESSIONS

Priority: Other Significant

Legal Authority: PL 102-581; PL 97-248

CFR Citation: 49 CFR 23

Legal Deadline: None

Abstract: This action would implement changes to the Airport and Airway Improvement Act to allow airport sponsors to count new forms of disadvantaged business enterprise (DBE) participation toward the overall goals of a DBE concession plan. These new forms include purchases from DBEs of goods and services used in operating a concession, as well as management contracts and subcontracts with DBEs. This action was initially begun in an NPRM 10/6/93, 58 FR 52050, RIN 2105-AB99. It was then combined in the DBE general update and comments were received in response to an SNPRM of 5/30/95, 62 FR 29548. However, when the general update rule was published 2/2/99, 64 FR 5096, RIN 2105-AB92, the airport concessions issue was once again separated. This action is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
SNPRM (Published under RIN 2105-AB92)	05/30/97	62 FR 29548
Final Action	09/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: 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: 202 366-9306
TDD Phone: 202 755-7687

RIN: 2105–AC76

2029. 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
Notice Requesting Comment	05/26/98	63 FR 28545
Comment Period End	07/27/98	
Final Action	12/00/00	

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

2030. 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 by individuals with disabilities on aircraft. 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	11/00/00	

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: 202 366-9306
TDD Phone: 202 755-7687

RIN: 2105–AC81

2031. STANDARD TIME ZONE BOUNDARY IN THE STATE OF NEVADA: PROPOSED RELOCATION

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 260 to 267

CFR Citation: 49 CFR 71; 49 CFR 159(a)

Legal Deadline: None

Abstract: This action responds to a request of the City of West Wendover, Nevada. It would relocate the boundary between Pacific and Mountain time in the State of Nevada to move West Wendover, Nevada from the Pacific Time Zone to the Mountain Time Zone.

Timetable:

Action	Date	FR Cite
NPRM	07/26/99	64 FR 40331
NPRM Comment Period End	09/24/99	
Final Action	10/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: A hearing was held in West Wendover, Nevada on August 11, 1999.

Agency Contact: Joanne Petrie, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-9306

RIN: 2105–AC82

2032. ● +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 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 Cirular A-110. An interim final rule was issued because of the limited ability to change the requirements from those in the Circular.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/00	

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: 202 366-9306
TDD Phone: 202 755-7687

RIN: 2105–AC83

DEPARTMENT OF TRANSPORTATION (DOT) — Long-Term Actions

Office of the Secretary (OST)

2033. 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 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
Request for Comments on Interim Rule	02/15/79	44 FR 9953
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

2034. +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: The Department is proposing to provide formal notice to the public of its enforcement policy concerning the rebating of international air fares by adopting that policy as a Policy Statement in the regulations. No change in the substance of that policy is intended. The Department also proposes to revoke an existing Policy Statement on the advertising of rebates that is contrary to DOT's current enforcement policy. The proposal responds to a request for such action by the American Society of Travel Agents. The proposed regulation is significant because it involves important departmental policies and substantial industry interest.

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

2035. SMOKING ABOARD AIRCRAFT

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 1324; 49 USC 1374; 49 USC 1377; 49 USC 1386; PL 101-164

CFR Citation: 14 CFR 252

Legal Deadline: None

Abstract: This interim final rule amends the rules governing smoking aboard aircraft to incorporate a statutory ban on smoking aboard most U.S. flight segments. The statutory ban applies to both U.S. and foreign air carriers. This rulemaking proposed to clarify the current rule and make other minor changes. The interim final rule was significant because of substantial public interest. The present action would merely finalize that already taken and is, therefore, not considered significant.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/13/90	55 FR 4991
Interim Final Rule Effective	02/25/90	
Interim Final Rule Comment Period End	04/16/90	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: ANALYSIS: Regulatory Evaluation, 02/13/90, 55 FR 4991

Agency Contact: Joanne Petrie, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-9306

RIN: 2105–AB58

2036. +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: 202 366-9306
TDD Phone: 202 755-7687

RIN: 2105–AB87

2037. +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. Further DOT action is pending ATBCB/Justice Department action. This action is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	06/20/94	59 FR 31818
NPRM Comment Period End	08/19/94	
Next Action Undetermined		

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: 202 366-9306
TDD Phone: 202 755-7687

RIN: 2105–AC06

2038. 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 all carriers do not 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

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: 202 366-9306
TDD Phone: 202 755-7687

RIN: 2105–AC29

2039. +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
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

2040. +ENFORCEMENT POLICY: UNFAIR EXCLUSIONARY CONDUCT IN THE AIR TRANSPORTATION INDUSTRY

Priority: Other Significant

Legal Authority: 49 USC 41712

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: This proposed statement was developed in consultation with the Department of Justice and sets forth tentative findings and guidelines for use by DOT in evaluating whether major air carriers' competitive responses to new entry warrant enforcement action. This action is significant because it is a major policy initiative of the Department.

Timetable:

Action	Date	FR Cite
Request for Comments	04/10/98	63 FR 17919
Comment Period Extended	05/21/98	63 FR 28021
Comment Period End	06/09/98	
Extended Comment Period End	07/24/98	
Reply Comment Period End	09/08/98	
Reply Comment Period Extended	09/14/98	63 FR 49150

Action	Date	FR Cite
Extended Reply Comment Period End	09/25/98	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Additional Information: The Department co-sponsored with the publishers of Aviation Week and Space Technology, the ''Deregulation 20 Summit'' on September 23 and 24, 1998 in Washington, DC.

Agency Contact: Randall Bennett, Deputy Director, Office of Aviation Analysis, Department of Transportation, Office of the Secretary, X-51, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-1053

RIN: 2105–AC72

2041. STANDARD TIME ZONE BOUNDARY IN THE STATE OF KENTUCKY; PROPOSED RELOCATION

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 260 to 267

CFR Citation: 49 CFR 71

Legal Deadline: None

Abstract: This action responds to the request of the Wayne County, Kentucky, Fiscal Court. It relocates the boundary between eastern time and central time in the State of Kentucky. It would move Wayne County from the central time zone to the eastern time zone.

Timetable:

Action	Date	FR Cite
NPRM	06/21/99	64 FR 33035
NPRM Comment Period End	08/20/99	
Final Action	10/21/99	64 FR 56705
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: A public hearing was held in Monticello, Kentucky 6/24/99.

Agency Contact: Joanne Petrie, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-9306

RIN: 2105–AC80

DEPARTMENT OF TRANSPORTATION (DOT) Completed Actions

Office of the Secretary (OST)

2042. RULES OF PRACTICE IN AVIATION ECONOMIC PROCEEDINGS: REINVENTION

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 5 USC 511; 39 USC 5402; 42 USC 4321; 49 USC 40101; 49 USC 41101; 49 USC 41301; 49 USC 41501; 49 USC 41701; 49 USC 41901; 49 USC 46101; 49 USC 46301

CFR Citation: 14 CFR 302

Legal Deadline: None

Abstract: This action would reorganize in a more logical fashion, regulations that govern the conduct of all aviation economic proceedings before the Department. It would also streamline the regulation to remove redundancies. Procedures relating only to oral evidentiary hearings are being grouped together separate from procedures pertaining only to non-hearing cases. Updates to terminology will be made to reflect the revision and recodification of the Federal Aviation Act. This rule has not been comprehensively updated since 1985 and the revisions will take the form of a complete reissuance of part 302. In response to the NPRM, comments were received. They seek changes in the filing periods for responsive pleadings to various types of applications. Since these were outside the scope of the original notice, a supplemental notice will be issued. See RIN 2105-AC73.

Timetable:

Action	Date	FR Cite
NPRM	02/03/97	62 FR 5094
NPRM Comment Period End	04/04/97	
Final Action	02/09/00	65 FR 6445

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Carol A. Woods, Analyst, Air Carrier Fitness Division, Department of Transportation, Office of the Secretary, X-56, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-2340

RIN: 2105–AC48

2043. SUBSTANCE ABUSE PROFESSIONAL DEFINITION CHANGE

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 102

CFR Citation: 49 CFR 40

Legal Deadline: None

Abstract: This action seeks comments on a proposal that organizations certifying substance abuse professionals (SAPs) could use to have members included in the Department's definition. The proposal would require these organizations to obtain a National Commission for Certifying Agencies accreditation as a prerequisite for having the DOT review their petitions for inclusion of their members as SAPs in the Department's drug and alcohol testing program.

Timetable:

Action	Date	FR Cite
ANPRM	06/03/99	64 FR 29831
ANPRM Comment Period End	08/02/99	
Combined with OST-99-6578 NPRM	12/09/99	64 FR 69076

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: The comments received are expected to be included in the NPRM for the Department's Update of Drug and Alcohol Procedural Rules RIN 2105-AC49.

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: 202 366-9306
TDD Phone: 202 755-7687

RIN: 2105–AC78

DEPARTMENT OF TRANSPORTATION (DOT) — Proposed Rule Stage

U.S. Coast Guard (USCG)

2044. VESSEL IDENTIFICATION SYSTEM (USCG-1999-6420)

Priority: Substantive, Nonsignificant

Legal Authority: 46 USC 2103; 46 USC 12501

CFR Citation: 33 CFR 174; 33 CFR 187

Legal Deadline: None

Abstract: Shipping legislation requires the Secretary of Transportation to establish a Vessel Identification System (VIS). This rulemaking prescribes the manner and form for participating States to make information available for VIS; to establish guidelines for State vessel titling systems; and to establish procedures for certifying compliance with those guidelines. This rulemaking supports the Coast Guard's strategic goal of mobility of commercial and recreational vessels.

Timetable:

Action	Date	FR Cite
ANPRM	09/15/89	54 FR 38358
ANPRM Comment Period End	12/14/89	
NPRM	10/05/93	58 FR 51920
Correction	10/15/93	58 FR 53624
NPRM Comment Period End	01/03/94	
NPRM Comment Period Reopened	02/24/94	59 FR 8881
NPRM Comment Period End	03/28/94	
Interim Rule	04/25/95	60 FR 20310
Comment Period End	07/24/95	
NPRM Comment Period Reopened	10/17/95	60 FR 53727
NPRM Comment Period End	12/31/95	
Change in Effective Date	02/23/96	61 FR 6943
NPRM Comment Period Reopened	10/20/97	62 FR 54385
Change in Effective Date	04/21/98	63 FR 19657
IR Change in Effective Date	04/19/99	64 FR 19039
Final Rule Removing Subpart D	10/22/99	64 FR 56965
Supplemental NPRM	02/16/00	65 FR 7926
SNPRM Comment Period End	05/16/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: The effective date of April 24, 1996, applies to all provisions in this interim final rule other than 33 CFR part 187, subpart D, which was withdrawn October 22,1999, 64 FR 56965. Subpart D will be proposed in an SNPRM.

ANALYSIS: Regulatory Evaluation, 10/05/93, 58 FR 51920

This rulemaking was previously docketed under CGD 89-050.

Agency Contact: ENS Chris Williammee, Project Manager, G-MRI, Department of Transportation, U.S. Coast Guard, 2100 SECOND ST. SW,., WASHINGTON, DC 20593-0001
Phone: 202 267-6989

RIN: 2115–AD35

2045. 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	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: This rulemaking was formerly docketed under (CGD 91-216).

Agency Contact: ENS Edward Jackson, Project Manager, G-MSR-2, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001
Phone: 202 267-6884

RIN: 2115–AD98

2046. +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 response plan requirements for tank vessels. Resources were committed to initially publish an NPRM for the Tank Vessel Response Plans for Hazardous Substances rulemaking. That expertise will now be used to draft the NPRM for this related rulemaking. This project supports Coast Guard strategic goals of marine 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.

Statement of Need: This rulemaking is intended to reduce the impact from hazardous substance spills from vessels and marine transportation-related facilities.

Summary of Legal Basis: Section 4202(a) of the Oil Pollution Act of 1990 (OPA 90), codified at 33 U.S.C. 1321(j)(5), mandates that the President issue regulations requiring the preparation of oil and hazardous substance discharge response plans. Although section 4202(b)(4) of OPA 90 established an implementation schedule for these response plans for oil, it did not establish a deadline for submission or approval of hazardous substances response plans. The Coast Guard has issued separate final rules governing response plan requirements for vessels carrying oil in bulk as cargo and facilities that handle, store, or transport oil in bulk. Under 33 U.S.C. 1321, ''hazardous substances'' are designated by the Administrator of the Environmental Protection Agency. The Administrator has designated 297 chemicals as hazardous substances under this section. The Coast Guard has identified 82 hazardous substances currently carried in bulk by vessels, and transferred to or from marine transportation-related facilities.

Alternatives: The Coast Guard intends to determine what types of response strategies would be required to address spills of different types of hazardous substances. For some substances, containment and recovery may be the appropriate response. However, some spilled substances may not be recoverable from the water and other actions may be necessary. Plans would be required, by statute, to address responses to a ''worst case discharge.'' For facilities, a ''worst case discharge'' is ''the largest foreseeable discharge in adverse weather conditions.''

Anticipated Cost and Benefits: The potential costs of this rulemaking may include the costs of developing and implementing a hazardous substance response plan, maintaining contracts for response resources, reviewing and updating hazardous substance response plans, maintaining any required equipment, and training and exercising response personnel. Potential benefits include reduced risk of human exposure and enhanced environmental quality from improved ability to respond to, contain, and recover spilled hazardous substances. The draft analysis indicates that this project will not be economically significant. A regulatory assessment addressing costs and benefits of this rule will be available in the public docket when the NPRM is published.

Risks: Response plans are required by statute. A response plan will not prevent a discharge of a hazardous substance, but it may improve the response and help to minimize personal injury and damage to the environment. This rule should not affect the economic viability of facilities involved in transferring hazardous substances in bulk or have a significant impact on the volume of hazardous substances shipped by marine transportation-related facilities. Most facilities involved in transferring hazardous substances in bulk have developed plans, but there have not been requirements for standardization.

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	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Public hearings regarding this rulemaking were held in Washington, DC on July 30, 1996; Houston, TX on August 5, 1996; and in Houston, TX on February 26 and 27, 1997.

Agency Contact: LT Michael Roldan, Project Manager, G-MSO, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW., Washington, DC 20593-0001
Phone: 202 267-0106

RIN: 2115–AE87

2047. NUMBERING OF UNDOCUMENTED BARGES (CGD 93-091) (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 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	04/00/00	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Thomas Willis, Project Manager, National Vessel Documentation Center, Department of Transportation, U.S. Coast Guard, 2039 Stonewall Jackson Drive, Washington, WV 25419-9502
Phone: 304 271-2506

RIN: 2115–AF13

2048. 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, or development 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. This project supports the Coast Guard's Marine Safety and Environmental Protection program's goal of reducing deaths and injuries and the amount of oil discharged into the marine environment. It also supports the Coast Guard's strategic goal of safety.

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 End	04/05/00	
Final Action	06/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: The Notice of Request for Comments published 27 June 1995, was assigned Coast Guard docket number 95-016. Following the request for comments this docket was terminated. This project continues under docket CGD 96-068 and RIN 2115-AF39.

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

2049. CARRIAGE OF BULK SOLID MATERIALS REQUIRING SPECIAL HANDLING (USCG-2000-6932)

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 33 USC 1321; 46 USC 3306; 46 USC 3703; 46 USC 5111; 46 USC 6101; 49 USC 1804; EO 11735; EO 12234

CFR Citation: 46 CFR 90; 46 CFR 97; 46 CFR 148

Legal Deadline: None

Abstract: This project will add materials carried with Special Permits issued under Coast Guard regulations and other materials contained in the International Maritime Organization Code of Safe Practice for Solid Bulk Cargoes (IMO Bulk Solids Code, or ''BC Code''), including coal, to the list of materials permitted under the regulations. The special handling procedures associated with these materials are also included in the new rules. The revisions will harmonize U.S. regulations with recommended international practice, and eliminate the need to apply for Special Permits, except for newly classified hazardous materials. This project supports the Coast Guard's strategic goal of safety and mobility.

Timetable:

Action	Date	FR Cite
NPRM	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Federalism: Undetermined

Additional Information: This project was initiated with an ANPRM (28 April 1989), and further developed in an NPRM (12 April 1994). In prioritizing resources, it was terminated on April 13, 1995. This regulatory project can now be reinitiated. Based on comments to the docket (previously CGD 87-069 and CGD 97-037), this is a non-controversial amendment to existing regulations.

Agency Contact: Brian Robinson, Project Manager, G-MSO-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001
Phone: 202 267-0018

RIN: 2115–AF47

2050. +FIRE-SUPPRESSION SYSTEMS AND VOYAGE-PLANNING FOR TOWING VESSELS (USCG-2000-6931)

Priority: Other Significant

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. This project supports the Coast Guard's strategic goals of maritime safety and protection of natural resources. This project is significant because of congressional and public interest.

Timetable:

Action	Date	FR Cite
NPRM	10/06/97	62 FR 52057
Comment Period End	01/05/98	
Reopening of Comment Period	02/27/98	63 FR 9980
Notice of Public Meeting	02/27/98	
Comment Period End	05/11/98	
SNPRM	04/00/00	
Second NPRM Comment Period End	07/00/00	
Final Action	12/00/00	

Regulatory Flexibility Analysis Required: Yes

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 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).

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: 202 267-1099

RIN: 2115–AF53

2051. POLLUTION PREVENTION FOR OCEANGOING SHIPS AND CERTAIN VESSELS IN DOMESTIC SERVICE (CGD 97-072)

Priority: Substantive, Nonsignificant

Legal Authority: 46 USC 2103; 46 USC 3306; 46 USC 3703; 33 USC 1231; 33 USC 1321(j); 33 USC 1903

CFR Citation: 33 CFR 151; 33 CFR 155; 33 CFR 157; 46 CFR 170; 46 CFR 172

Legal Deadline: None

Abstract: This rulemaking concerns pollution prevention and the operational discharge of oil from vessels. It will align existing regulations on oil-water separators, operational discharge, damage and intact stability, and term of validity of International Oil Pollution Prevention Certificates with recent amendments under the International Convention for the Prevention of Pollution from Ships, 1973 (MARPOL). It will affect U.S.-flagged tank ships of 150 gross tons or more and other U.S.-flagged ships of four hundred gross tons or more. It will eliminate or reduce requirements for shore connections on certain vessels of one hundred gross tons or more. This project supports the Coast Guard's Marine Safety and Environmental Protection program's goal to reduce the amount of oil discharged into United States waters from maritime sources by 20 percent, and the Coast Guard's strategic goals of marine safety and protection of natural resources.

Timetable:

Action	Date	FR Cite
NPRM	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Federalism: Undetermined

Additional Information: No additional information.

Agency Contact: LT Diane Kalina, Project Manager, G-MSO, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001
Phone: 202 267-0226

RIN: 2115–AF56

2052. +SALVAGE AND FIREFIGHTING EQUIPMENT; VESSEL RESPONSE PLANS (USCG-1998-3417)

Priority: Other Significant

Legal Authority: 33 USC 1321

CFR Citation: 33 CFR 155

Legal Deadline: None

Abstract: Current vessel response plan regulations require that the owners or operators of vessels carrying groups I through V petroleum oil as a primary cargo identify in their response plans a salvage company with expertise and equipment, and a company with firefighting capability that can be deployed to a port nearest to the vessel's operating area within 24 hours of notification (groups I-IV) or a discovery of a discharge (group V). Numerous requests for clarification revealed widespread misunderstanding and confusion regarding the regulatory language, which will make the implementation of this requirement difficult. Based on comments received after the vessel response plan final rule publication (61 FR 1052; January 12, 1996) and during a Coast Guard hosted workshop, the Coast Guard intends to better define the terms ''salvage expertise and equipment'' and ''vessel firefighting capability'' requirements and will reconsider the 24-hour deployment requirement which was scheduled to go into effect on February 18, 1998. Therefore, the Coast Guard suspended the effective dates of the 24 hour deployment requirements as published in the final rule. The Coast Guard will continue with this project to better define the requirements. This rulemaking supports the Coast Guard's strategic goals of maritime safety and protection of the natural resources. This rulemaking is DOT significant because it concerns a matter of substantial public interest or controversy.

Timetable:

Action	Date	FR Cite
Final Rule:Partial Suspension	02/18/98	63 FR 7069
NPRM	09/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Partial suspension of regulations created through the vessel response plan final rule, docket No. 91-034, RIN 2115-AD81

Agency Contact: LCDR Roger Laferriere, Project Manager, G-MOR-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001
Phone: 202 267-0448

RIN: 2115–AF60

2053. DEEPWATER PORTS (USCG 1998-3884)

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 1503

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 Deepwater Port current regulations. These regulations were developed in the 1970's 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 twenty 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 goal of maritime safety.

Timetable:

Action	Date	FR Cite
ANPRM	08/29/97	62 FR 45774
ANPRM Comment Period End	10/13/97	
NPRM	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: ANPRM was published under docket (USCG-1998-4441). This docket number is replaced with (USCG-1998-3884).

Agency Contact: LT Diane Kalina, Project Manager, G-MSO, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001
Phone: 202 267-0226

RIN: 2115–AF63

2054. 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 and Environmental Protection Program's goal to reduce deaths and injuries on U.S. commercial vessels and the Coast Guard's strategic goal of 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	
NPRM	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: LT Diane Kalina, Project Manager, G-MSO, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001
Phone: 202 267-0226

RIN: 2115–AF64

2055. 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	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

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

RIN: 2115–AF69

2056. CERTIFICATION OF NAVIGATION LIGHTS ON RECREATIONAL VESSELS (USCG 1999-6580) PREVIOUS DOCKET (CGD 97-060)

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 2071; 33 USC 1602

CFR Citation: 33 CFR 84; 46 CFR 111

Legal Deadline: None

Abstract: This project will place navigation lights for recreational and uninspected vessels under regulatory control similar to that already in place for inspected vessels. Specifically, the rule will propose regulations requiring certification that navigation lights are in compliance with the Navigation Rules specifications, as evidenced by laboratory testing to a performance standard; this level of control is currently in place for all other items of safety equipment. This action is in accordance with recommendations made by the National Boating Safety Advisory Council (NBSAC), the Navigation Safety Advisory Council (NAVSAC),and the National Association of Boating Law Administrators (NASBLA). This project supports the Coast Guard's strategic goal of marine safety.

Timetable:

Action	Date	FR Cite
NPRM	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Randolph J. Doubt, Project Manager, G-OPB-3, Department of Transportation, U.S. Coast Guard, 2100 Second Steet SW, Washington, DC 20593-0001

Phone: 202 267-6810

RIN: 2115–AF70

2057. VESSEL DOCUMENTATION (USCG-1998-4784)

Priority: Substantive, Nonsignificant

Legal Authority: 46 USC 12103(d); 46 USC 31321(a)

CFR Citation: 46 CFR 67

Legal Deadline: None

Abstract: This rulemaking will propose regulations to: (1) combine a Manufacturer's Certificate of Origin (MCO) with the Builder's Certificate (form CG12-1261); (2) require that the Hull Identification Number (HIN) be included on the Application for Documentation of recreational vessels for those vessels required to have an assigned HIN; (3) require the submission of the original State title, or if not a title State, the original State registration and/or official replacements issued by a titling/registering authority when documentation is based on those methods of establishing title and; (4) establish procedures for electronic submission of instruments. These four initiatives offer increased efficiency of the vessel documentation process and increased fraud protection for vessel owners; implement statutory changes from the Coast Guard Authorization Act of 1996, (Pub. L.104-324); and implement statutory changes from the Coast Guard Authorization of 1998 (Pub. L.105-383). This rulemaking supports the Coast Guard strategic goal of maritime mobility.

Timetable:

Action	Date	FR Cite
NPRM	05/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Federalism: Undetermined

Agency Contact: Dennis Nelson, Project Manager, Department of Transportation, U.S. Coast Guard, National Vessel Documentation Center, 2039 Stonewall Jackson Drive, Falling Waters, WV 25419
Phone: 304 271-2400

RIN: 2115–AF71

2058. REVISION TO FEDERAL BLOOD ALCOHOL (BAC) CONCENTRATION STANDARD FOR RECREATIONAL VESSEL OPERATORS (USCG-1998-4593)

Priority: Substantive, Nonsignificant

Legal Authority: 46 USC 2302

CFR Citation: 33 CFR 95; 33 CFR 177

Legal Deadline: None

Abstract: This rulemaking will revise the Federal Blood Alcohol concentration (BAC) limit from .10 to .08 percent by weight to determine whether operators of recreational vessels are under the influence of alcohol. With respect to recreational vessels on navigable waters within State boundaries, the Coast Guard will continue to adopt BAC limits enacted by respective State jurisdictions. This rulemaking will revise the rule adopting State BAC limits to account for recent developments in State boating legislation by removing language referencing State statutory schemes that no longer exist. The new rule will add language to reference statutory schemes that have come into existence since the promulgation of the .10 Federal BAC limit for recreational vessels. This rulemaking will also insert the words ''under the influence of alcohol, or a dangerous drug in violation of a law of the United States'' in place of the word ''intoxication'' where it appears in the Code of Federal Regulations. That change will affect sections involving only operators of recreational vessels. The purpose of that change is to bring those regulations into conformity with the language of United State Code, as amended by the Oil Pollution Act of 1990. This rulemaking supports the Coast Guard's strategic goal of safety.

Timetable:

Action	Date	FR Cite
NPRM	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: This project was formerly entitled, ''Revised Blood Alcohol Concentration (BAC) Limit.'' It has been prioritized from Other Significant to Substantive Nonsignificant because the project no longer addresses commercial vessel operations. Changes affecting commercial vessel operations will be addressed in a separate future rulemaking.

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–AF72

2059. VESSEL TRAFFIC SERVICE LOWER MISSISSIPPI RIVER (USCG-1998-4399)

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 1223(a)

CFR Citation: 33 CFR 161; 33 CFR 164; 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 88 and 106 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 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	04/00/00	

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.

Agency Contact: Jorge Arroyo, Project Manager, G-MWV, Department of

Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001
Phone: 202 267-0407

RIN: 2115–AF75

2060. VAPOR CONTROL SYSTEMS (USCG-1999-5150)

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 33 USC 1225; 33 USC 1231; 33 USC 1321; 46 USC 3306; 46 USC 3703

CFR Citation: 46 CFR 39; 33 CFR 154.E

Legal Deadline: None

Abstract: This project will revise the facility marine vapor control systems (VCS) safety regulations and the vessel VCS safety regulations. These existing regulations require revision to reflect new Federal and State air emissions control requirements, VCS technology developments, and to evaluate and minimize any significant economic impacts of the rules upon small entities. The revisions will also incorporate Coast Guard policies and guidelines developed to support the existing regulations and a Navigation and Vessel Inspection Circular which provides safety guidelines for the design and operation of a marine VCS at tank barge cleaning facilities. This project supports the Coast Guard Marine Safety and Environmental Protection Program's goal to reduce crewmember deaths and injuries on U.S. commercial vessels, it seeks to reduce the amount of oil and chemicals discharged into the nation's waterways, and it promotes the Coast Guard's strategic goal of marine safety.

Timetable:

Action	Date	FR Cite
NPRM	05/00/00	
Final Rule	04/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Sara Ju, Project Manager, G-MSO-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001
Phone: 202 267-1217

RIN: 2115–AF78

2061. TRAINING AND QUALIFICATIONS FOR PERSONNEL ON PASSENGER SHIPS (USCG:1999-5610)

Priority: Substantive, Nonsignificant

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

CFR Citation: 46 CFR 12; 46 CFR 15; 46 CFR 1; 46 CFR 5; 46 CFR 7; 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 safety and protection of natural resources.

Timetable:

Action	Date	FR Cite
NPRM	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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–AF83

2062. OIL POLLUTION ACT OF 1990 PHASE-OUT REQUIREMENTS FOR SINGLE HULL TANK VESSELS (USCG-1999-6164)

Priority: Substantive, Nonsignificant

Legal Authority: 46 USC 3703; 46 USC 3703a

CFR Citation: 33 CFR 157

Legal Deadline: None

Abstract: This rulemaking would clarify the phase-out regulations for single hull tank vessels in the most current regulation consistent with the Coast Guard's April 21,1999, Federal Register notice of policy. In that notice, the Coast Guard set out its policy decision that a change in the hull configuration of an existing single hull tank vessel to a single hull tank vessel with double sides or a double bottom, after August 18, 1990, will not result in a change to the tank vessel's originally scheduled phase-out date as required by Oil Pollution Act of 1990. This rulemaking supports the Coast Guard's strategic goal of protection of natural resources.

Timetable:

Action	Date	FR Cite
NPRM	01/18/00	65 FR 2812
NPRM Comment Period End	04/17/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Associated docket (USCG-1999-4620).

Agency Contact: Robert M. Gauvin, Project Manager, G-MSO-2, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001
Phone: 202 267-1053

RIN: 2115–AF86

2063. RAISING THE THRESHOLD OF PROPERTY DAMAGE FOR REPORTS OF ACCIDENTS INVOLVING RECREATIONAL VESSELS (USCG-1999-6094)

Priority: Substantive, Nonsignificant

Legal Authority: 46 USC 6101; 46 USC 6102

CFR Citation: 33 CFR 173; 33 CFR 174

Legal Deadline: None

Abstract: This rule would increase the threshold for reporting recreational boat accidents involving only property damage. Because of inflation since the threshold was last revised, the threshold now requires the reporting of a larger number of minor accidents. These numbers distort the statistical base for the Recreational Boating Safety Program and increase the burden of paperwork on the boating public. Raising the threshold to an appropriate level would provide for a consistent statistical base and reduce the administrative burden on the Coast Guard and on State accident-investigation personnel as well as the burden of paperwork on the boating public. This rule supports the Coast Guard strategic goal of safety.

Timetable:

Action	Date	FR Cite
NPRM	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Bruce Schmidt, Project Manager, G-OPB-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001
Phone: 202 267-0955

RIN: 2115–AF87

2064. ELIGIBILITY OF U.S.-FLAG VESSELS MEASURING LESS THAN 100 FEET TO OBTAIN COMMERCIAL FISHERIES DOCUMENTS (USCG-1999-6095)

Priority: Substantive, Nonsignificant

Legal Authority: 46 USC 2103; 46 USC 2110; 46 USC 12102

CFR Citation: 46 CFR 67

Legal Deadline: NPRM, Statutory, April 1, 2000.

Abstract: This rulemaking will increase the percentage of stock required to be owned by U.S. citizens in corporations owning fishing vessels from 51 percent to 75 percent. The rulemaking will also provide that fisheries endorsements will become invalid if a documented fishing vessel is chartered or leased to a person who is not a citizen or to an entity which is ineligible to own a documented fishing vessel. In addition, regulatory restrictions must be developed prohibiting documentation of certain vessels with a fisheries endorsement if they are mortgaged to an entity not entitled to own documented fishing vessels. Finally, the regulations must be amended to reflect the repeal of the ''grandfather'' provisions of the Commercial Fishing Industry Vessel Anti-Reflagging Act of 1987. This rulemaking supports the Coast Guard's strategic goal of protection natural resources.

Timetable:

Action	Date	FR Cite
NPRM	04/00/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Thomas Willis, Project Manager, National Vessel Documentation Center, Department of Transportation, U.S. Coast Guard, 2039 Stonewall Jackson Drive, Washington, WV 25419-9502
Phone: 304 271-2506

RIN: 2115–AF88

2065. MARINE SHIPBOARD ELECTRICAL CABLE STANDARDS (USCG-1999-6096)

Priority: Substantive, Nonsignificant

Legal Authority: 46 USC 3306; 46 USC 3703

CFR Citation: 46 CFR 110; 46 CFR 111

Legal Deadline: None

Abstract: This project will amend the marine shipboard electrical cable regulations by incorporating by reference standards (concerning technical specifications) that reflect the latest industry practices and Coast Guard policy. The new standards have already been examined under Coast Guard regulations and found to be comparable to current standards that are incorporated by reference. This project supports the Coast Guard's strategic goal of safety.

Timetable:

Action	Date	FR Cite
NPRM	02/08/00	65 FR 6111
NPRM Comment Period End	05/08/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Sectors Affected: 001 None

Agency Contact: Doleres Mercier, Project Manager (G-MSE-3), Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001
Phone: 202 267-0658

RIN: 2115–AF89

2066. GREAT LAKES PILOTAGE RATES (USCG-1999-6098)

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 rate based on the ''Great Lakes Pilotage Rates 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 the regulations or if the Director of Great Lakes Pilotage determines that pilotage rates are within a reasonable range of their target, make no adjustments to the rates. This rulemaking will reoccur annually after the ''Notice of annual review'' is published in the Federal Register and comments to that review are received. This project supports the Coast Guard's strategic goal of marine safety.

Timetable:

Action	Date	FR Cite
NPRM	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Frank Flyntz, Project Manager, G-MW-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001
Phone: 202 276-6447

RIN: 2115–AF91

2067. SAFETY ZONE; OUTER CONTINENTAL SHELF PLATFORMS IN THE GULF OF MEXICO (CGD08-99-023)

Priority: Substantive, Nonsignificant

Legal Authority: 14 USC 85; 43 USC 1333; 49 CFR 1.46

CFR Citation: 33 CFR 147

Legal Deadline: None

Abstract: This regulation will establish safety zones around seven petroleum producing platforms located in the Gulf of Mexico. These platforms are at risk from allision by vessels operating outside the Shipping Safety Fairways in the Gulf. The safety zones would keep these vessels from entering or remaining in the zones around the platforms and would protect the safety of life, property, and the environment. This rulemaking furthers the strategic goal of safety.

Timetable:

Action	Date	FR Cite
NPRM	11/26/99	64 FR 66434
Final Rule	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: LCDR Roderick Walker, Program Manager, Department of Transportation, U.S. Coast Guard, Eighth Coast Guard District, 501 Magazine Street, New Orleans, LA 70130
Phone: 504 589-3043

RIN: 2115–AF93

2068. • REVISION OF AUXILIARY REGULATIONS (USCG-1999-6712)

Priority: Substantive, Nonsignificant

Legal Authority: PL 104-324

CFR Citation: 33 CFR 5

Legal Deadline: None

Abstract: This project will revise regulations that govern the operation and administration of the Coast Guard Auxiliary. These regulations need to be changed to comform to the provisions of the Coast Guard Authorization Act of 1996. These provisions clarified the organization and status of the Auxiliary, broadened the role of the Auxiliary, and provided additional liability protection for Auxiliary members assigned to Coast Guard duty. This project supports the Coast Guard strategic goal of safety, mobility, maritime security, and protection of natural resources.

Timetable:

Action	Date	FR Cite
NPRM	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: CDR. Robert Thomson, Project Manager, G-OCX-2, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001
Phone: 202 267-1012

RIN: 2115–AF94

2069. • 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

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 46 USC 3305; 46 USC 3308

CFR Citation: 46 CFR 2; 46 CFR 31; 46 CFR 71; 46 CFR 91; 46 CFR 107; 46 CFR 115; 46 CFR 126; 46 CFR 131; 46 CFR 167; 46 CFR 169; 46 CFR 176; 46 CFR 189

Legal Deadline: None

Abstract: The 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 underway. 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 Marine Safety and Environmental Protection Program's goal of mobility by facilitating commerce and eliminate interruptions and impediments to the economical movement of goods and people.

Timetable:

Action	Date	FR Cite
SNPRM	04/00/00	

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.

Agency Contact: LCDR Donald Darcy, Project Manager G-MSR-1, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW., Washington, DC 20593-0001
Phone: 202 267-1200

RIN: 2115–AF95

2070. • CARGO SECURING ON VESSELS OPERATING IN U.S. WATERS

Priority: Substantive, Nonsignificant

Legal Authority: 46 USC 3306

CFR Citation: 46 CFR 91; 49 CFR 176

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 purpose is to reduce hazardous material cargo losses from vessels in U.S. waters. It supports the Coast Guard's strategic goals of marine safety and protection of natural resources.

Timetable:

Action	Date	FR Cite
NPRM	08/00/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Robert M. Gauvin, Project Manager, G-MSO-2, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001
Phone: 202 267-1053

RIN: 2115–AF97

DEPARTMENT OF TRANSPORTATION (DOT) — Final Rule Stage

U.S. Coast Guard (USCG)

2071. PERMITS FOR THE TRANSPORTATION OF MUNICIPAL AND COMMERCIAL WASTES (CGD 89-014)

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 2602

CFR Citation: 33 CFR 151

Legal Deadline: Final, Statutory, June 15, 1989.

Abstract: In May 1989, the Coast Guard began a rulemaking to incorporate into regulation certain elements of the Shore Protection Act. The objective is to help prevent trash, medical debris, and other unsightly and potentially harmful materials from being deposited into the coastal waters of the United States as a result of sloppy waste-handling procedures. This project supports the Coast Guard's strategic goal of protection of natural resources.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/24/89	54 FR 22546
Correction	06/05/89	54 FR 24078
Comment Period End	08/24/89	54 FR 22546
Notice	12/13/95	60 FR 64001
Final Action	06/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: This project was formerly known as Implementation of the Shore Protection Act of 1988.

ANALYSIS: Regulatory Evaluation, 05/24/89, 54 FR 22546

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

RIN: 2115–AD23

2072. HANDLING OF EXPLOSIVES OR OTHER DANGEROUS CARGOES WITHIN OR CONTIGUOUS TO WATERFRONT FACILITIES (CGD 92-026)(USCG-1998-4302)

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 1231

CFR Citation: 33 CFR 126

Legal Deadline: None

Abstract: This rulemaking is intended to revise existing regulations covering waterfront facilities handling 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 would 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 strategic goal of safety by reducing deaths and injuries in the maritime industry.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Independent study has been completed and incorporated with comments from the public in the preparation of the rulemaking.

Agency Contact: LT Charles Srioudom, Project Manager, G-MSO, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001
Phone: 202 267-2498

RIN: 2115–AE22

2073. +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 U.S. that carry 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 Coast Guard strategic goals of 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.

Statement of Need: This rulemaking is intended to reduce the impact from hazardous substance spills from vessels.

Summary of Legal Basis: Section 4202(a) of the Oil Pollution Act of 1990 (OPA 90), codified at 33 U.S.C. 1321(j)(5), mandates that the President issue regulations requiring the preparation of oil and hazardous substance discharge response plans. Although 4202(b)(4) of OPA 90 established an implementation schedule for these response plans for oil, it did not establish a deadline for submission or approval of hazardous substances response plans. The Coast Guard has issued separate final rules governing response plan requirements for vessels carrying oil in bulk as cargo and facilities that handle, store, or transport oil in bulk. Under section 1321, ''hazardous substances'' are designated by the Administrator of the Environmental Protection Agency. The Administrator has designated 297 chemicals as hazardous substances under this section. The Coast Guard has identified 82 hazardous substances currently carried in bulk by vessels.

Alternatives: The Coast Guard intends to determine what types of response strategies would be required to address spills of different types of hazardous substances. For some substances, containment and recovery may be the appropriate response. However, some spilled substances may not be recoverable from the water and other actions may be necessary. Plans would be required, by statute, to address responses to a ''worst case discharge.'' For vessels, a ''worst case discharge'' is ''a discharge in adverse weather conditions of its entire cargo.''

Anticipated Cost and Benefits: The potential costs of this rulemaking may include the costs of developing and implementing a hazardous substance response plan, maintaining contracts for spill-response resources, reviewing and updating hazardous substance response plans, maintaining any required equipment, and training and exercising response personnel. Potential benefits include reduced risk to human health, enhanced environmental quality from improved ability to respond to, contain, and recover spilled hazardous substances and a reduction in the severity of the impact of accidental hazardous substance discharges. A regulatory assessment addressing costs and benefits of this rule is available in the public docket.

Risks: Response plans are required by statute. A response plan will not prevent a discharge of a hazardous substance, but it may improve the response and help to minimize personal injury and damage to the environment. This rule should not affect the economic viability of vessels involved in transferring hazardous substances in bulk, or have a significant impact on the volume of hazardous substances shipped by vessel. Most vessels carrying hazardous substances in bulk have developed response plans, but there have not been requirements for standardization.

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	
Final Rule	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: A public hearing on this rulemaking was held in Houston, TX on August 12 and 13, 1999.

Agency Contact: LT Michael Roldan, Project Manager, G-MSO, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW., Washington, DC 20593-0001
Phone: 202 267-0106

RIN: 2115–AE88

2074. REGATTAS AND MARINE PARADES (CGD 95-054)

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 33 USC 1233

CFR Citation: 33 CFR 100

Legal Deadline: None

Abstract: In keeping with the National Performance Review and the President's Regulatory Reinvention Initiative, the Coast Guard reviewed its regatta and marine parade permitting regulations and determined that certain revisions are needed to eliminate overly burdensome, unnecessary, and obsolete requirements. The rule establishes various categories of events: those which do not require any notice or a permit because they clearly pose no extra or unusual hazard to safety of life; those which require written notice because they may pose such a hazard; and those which require a permit because they clearly pose such a hazard. This rule eliminates the need for permits, and associated paperwork burden on the public, unless they are necessary to advance the statutory purpose of promoting safety of life during marine events. This rulemaking supports the Coast Guard's strategic goal of safety and mobility of commercial and recreational vessels.

Timetable:

Action	Date	FR Cite
ANPRM	12/26/95	60 FR 67345
Comment Period End	02/09/96	
NPRM	04/17/96	61 FR 16732
NPRM Comment Period End	05/17/96	
Interim Rule	06/28/96	61 FR 33027
Comment Period End	08/27/96	
Delay Effective Date to 01/01/98	11/26/96	61 FR 60027
Delay Effective Date to 01/01/99	12/29/97	62 FR 67570
Delay Effective Date to 01/02/00	12/30/98	63 FR 71753
Delay Effective Date Indefinitely	12/16/99	64 FR 70184
Final Action	06/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: None

Additional Information: This rulemaking will benefit small entities, and state and local governments by reducing the number of submitted permits. The rulemaking should reduce the information which is required to be submitted from 3,100 permits to 1,500 notifications, 20 of which may require additional information. The effective date has been delayed until the Coast Guard completes the Environmental Assessment and Finding of No Significant Impact.

ANALYSIS: Regulatory Evaluation, 06/26/96, 61 FR 33031

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–AF17

2075. LICENSING AND MANNING FOR OFFICERS OF TOWING VESSELS (CGD 94-055)(USCG 1999-6224)

Priority: Substantive, Nonsignificant

Legal Authority: 14 USC 633; 31 USC 9701; 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 will introduce a third level of license where there have been only two licenses. Each level will require greater experience and proficiency. This will prevent a new operator with minimal experience from commanding the largest flotillas; it will prevent any operator from commanding the large flotillas until he or she has gained, and

shown, the necessary competence. This rulemaking also introduces a requirement for demonstration of proficiency as a prerequisite to being issued a license. This will be in addition to the current requirements for sea service physical examination, drug testing, and successful testing. This project supports the Coast Guard's Marine Safety and Environmental Protection program's goal to reduce the number of Marine casualties and the Coast Guard's strategic goal of 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	
Public Meeting Boston 02/18/98	01/21/98	
Public Meeting Seattle 02/24/98	01/21/98	
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 Effective	11/20/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 2115–AF23

2076. LIMITED SERVICE DOMESTIC VOYAGE LOAD LINES FOR RIVER BARGES ON LAKE MICHIGAN (CGD 95-015) (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 provided instead that they obtain a limited domestic service load line for 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 this special load line for their barges. This rulemaking supports the Coast Guard's strategic goal of marine safety.

Timetable:

Action	Date	FR Cite
NPRM	11/02/98	63 FR 58679
Comment Period End	03/04/99	
Interim Final Rule	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Agency Contact: Thomas Jordan, Project Manager, G-MSE-2, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001
Phone: 202 267-2988

RIN: 2115–AF38

2077. TRAFFIC SEPARATION SCHEME IN THE APPROACHES TO DELAWARE BAY (CGD 97-004)

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 1223

CFR Citation: 33 CFR 167

Legal Deadline: None

Abstract: This rule amends the Traffic Separation Scheme in approaches to Delaware Bay by shifting eastern approach lanes southward; establishing a two-way route for use by tug and tow traffic; and reconfiguring the precautionary area to exclude shoal areas too shallow for deep-draft vessels. This rulemaking supports the Coast Guard's Marine Safety and Environmental Protection goal of reducing the number of collisions, allisions, and groundings, and the Coast Guard's strategic goal of marine safety and protection of natural resources.

Timetable:

Action	Date	FR Cite
NPRM	05/09/97	62 FR 25576
NPRM Comment Period End	08/07/97	
Final Action	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: George Detweiler, Project Manager G-MWV-3, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001
Phone: 202 267-0574

RIN: 2115–AF42

2078. 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 adjudications 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 provide regulations implementing the OPA 90

authority. This project supports two goals: the strategic goal of the Coast Guard to promote safety, and the goal of its program in Marine Safety and Environmental Protection to reduce injuries and deaths of crewmembers aboard commercial vessels of the United States.

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	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	

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.

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

RIN: 2115–AF59

2079. +FIRE PROTECTION MEASURES FOR TOWING VESSELS (USCG-1998-4445)

Priority: Other Significant

Legal Authority: 46 USC 4102

CFR Citation: 46 CFR 25; 46 CFR 27

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

Abstract: This rulemaking will require fire-protection measures such as fire detectors, alarms, and periodic crew training on towing vessels. Its purpose is to reduce oil spills from single-hull, non-self-propelled tank barges that may become adrift because of a loss of propulsion through fire on their attending towing vessels. Drifting oil barges have run aground and spilled their cargoes, causing considerable damage to marine life and the environment. This rulemaking supports the Coast Guard's strategic goals of safety and protection of natural resources. This project is classed significant by DOT because of congressional and public interest.

Timetable:

Action	Date	FR Cite
NPRM	10/06/97	62 FR 52057
NPRM Comment Period End	01/05/98	
Interim Rule	10/19/99	64 FR 56257
Interim Final Rule Effective	01/20/00	
Final Rule	10/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: This rulemaking was one component of the proposed rules for Towing Vessel Safety (CGD 97-064) (RIN 2115-AF53) concerning tank barges. To expedite the publication of rule mandated by statute, we separated it into three rulemaking projects. Its other former components are Emergency Control Measures for Tank Barges (USCG-1998-4443)(RIN 2115-AF65) and Towing Vessel Safety (Fire Suppression systems and other Measures for Towing Vessels) (CGD-97-064)(RIN-2115-AF53).

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: 202 267-1099

RIN: 2115–AF66

2080. +RESPONSE PLANS FOR MARINE TRANSPORTATION-RELATED FACILITIES HANDLING NON-PETROLEUM OILS (1999-USCG-5149)

Priority: Other Significant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 33 USC 1321

CFR Citation: 33 CFR 154.12

Legal Deadline: NPRM, Statutory, March 1999.

Abstract: This rulemaking project would revise regulations for response plans for animal fats and vegetable oils facilities to address a congressional mandate. Revisions will downgrade facilities from a significant and substantial harm classification to a substantial harm classification clarify planning and equipment requirements. By reducing the amount of oil discharged into the marine environment and its affects, this regulatory project supports the Coast Guard's strategic goal of protection of natural resources. This regulatory project is a significant rulemaking due to public interest.

Timetable:

Action	Date	FR Cite
NPRM	04/08/99	64 FR 17222
NPRM Comment Period End	07/07/99	
Final Rule	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: LT Claudia Gelzer, G-MOR-2, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001
Phone: 202 267-1983

RIN: 2115–AF79

2081. 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 26 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
Comment Period End	05/10/99	
Interim Final Rule	06/02/99	64 FR 29554
Comment Period End	11/30/99	
Final Action	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: LT P. W. Clark, Project Manager, Department of Transportation, U.S. Coast Guard, 2030 Sealevel Drive, Suite 203, Ketchikan, AK 99901
Phone: 907 225-4496

RIN: 2115–AF81

2082. TRAFFIC SEPARATION SCHEMES: OFF SAN FRANCISCO, IN THE SANTA BARBARA CHANNEL, IN THE APPROACHES TO LOS ANGELES-LONG BEACH, CALIFORNIA (USCG-1999-5700)

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 San Francisco and Santa Barbara Channel Traffic Separation Schemes (TSSs). These amendments are adopted 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 TSSs, thereby providing an extra margin of safety and environmental protection for the Monterey Bay National Marine Sanctuary and adjacent waters. This rulemaking will incorporate the modified TSSs, as well as the existing Los Angeles/Long Beach TSS, into the Code of Federal Regulations. This project supports the Coast Guard's strategic goals of safety and protection of natural resources.

Timetable:

Action	Date	FR Cite
NPRM	06/17/99	64 FR 32451
NPRM Comment Period End	08/16/99	
Interim Final Rule	06/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: George Detweiler, Project Manager G-MWV-3, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001
Phone: 202 267-0574

RIN: 2115–AF84

2083. ● NOXIOUS LIQUID SUBSTANCES, OBSOLETE HAZARDOUS MATERIALS IN BULK, AND CURRENT HAZARDOUS MATERIALS IN BULK

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 1321, 1903; 46 USC 2103, 3306, 3703

CFR Citation: 33 CFR 151; 46 CFR 30, 150, 151, and 153

Legal Deadline: None

Abstract: The Coast Guard revises rules on carriage of hazardous materials in bulk, treating the rules in three parts:

In part A, the Coast Guard revises its rules on Noxious Liquid Substances (NLSs) to include substances recently authorized for carriage by the Coast Guard or added to the Chemical Codes of the International Maritime Organization (IMO) and by making minor technical and editorial changes based on the actions taken in part C.

In part B, the Coast Guard revises its rules, tables, and lists on carriage of hazardous materials in bulk by deleting from its rules, tables, and lists commodities that are no longer liquid cargoes transportable in bulk, and by canceling the classifications of obsolete commodities not included in those rules, tables, and lists.

In part C, the Coast Guard revises its rules on carriage of hazardous materials in bulk by adding cargoes recently authorized for carriage by the coast guard or added to the Chemical Codes of the IMO and by making minor technical and editorial changes.

This three-part revision will update the tables of hazardous materials transportable in bulk and better inform persons shipping any such materials of the materials' compatibility and of special handling requirements. It should make the carriage of such materials safer.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Curtis Payne, Project Manager, G-MOS-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001
Phone: 202 267-0016

RIN: 2115–AF96

DEPARTMENT OF TRANSPORTATION (DOT) — Long-Term Actions

U.S. Coast Guard (USCG)

2084. SAFETY/SECURITY ZONE REGULATIONS

Priority: Routine and Frequent

Legal Authority: 33 USC 1233; 33 USC 1225

CFR Citation: 33 CFR 100; 33 CFR 165

Legal Deadline: None

Abstract: These routine and frequent regulations establish limited access zones in which the Coast Guard exercises control of all vessels to ensure the safety or security of events, vessels or individuals. They are usually of short duration, ranging from a few hours to a few days. 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, or controversial events such as transport of spent nuclear fuel. Safety and security zones are promulgated by Captains of the Port or District Commanders in response to requests or notifications from appropriate officials. These routine and frequent rulemakings support the Coast Guard's strategic goals of safety, mobility, maritime security, and national defense. Total actions expected 10/01/1999 to 10/01/2000: 250.

Timetable:

Action	Date	FR Cite
Actions Will Continue Through	04/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: This is an open docket for routine field regulations.

Agency Contact: Ed Larue, Project Manager, G-MWV, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001
Phone: 202 267-0400

RIN: 2115–AA97

2085. 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. These routine and frequent rulemakings support the Coast Guard's strategic goal of safety. Total actions expected 10/01/1999 to 10/01/2000: 10.

Timetable:

Action	Date	FR Cite
Actions Will Continue Through	04/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: This is an open docket for routine field regulations.

Agency Contact: Ed Larue, Project Manager, G-MWV, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001
Phone: 202 267-0400

RIN: 2115–AA98

2086. +DISCHARGE-REMOVAL EQUIPMENT FOR VESSELS CARRYING OIL (USCG-1998-4858)

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 U.S. and carrying oil or hazardous substances. This action implemented those provisions. This project supports the Coast Guard's Marine Safety and Environmental Protection goal to reduce the consequence of pollution incidents and the Coast Guard's strategic goal of protection of natural resources. This project is considered significant because the expected costs are likely to be controversial and 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	
Extension Comment Period End	11/16/92	
Interim Rule	12/22/93	58 FR 67988
Interim Rule Effective	01/21/94	
Correction	01/26/94	59 FR 3749
Comment Period End	02/22/94	
Final Action	06/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: David DuPont, Project Manager, G-MSR-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001
Phone: 202 267-0971

RIN: 2115–AD66

2087. 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 (OSTLF) 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 final rule will be delayed until additional experience is gained on the adjudication of these NRD claims. This rulemaking supports the Coast Guard's

strategic goal of the 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
Comment Period End	12/10/92	
Final Rule	09/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: None

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

2088. +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
Comment Period End	09/08/92	
Reopening of Comment Period	03/26/93	58 FR 16391
Notice of Public Hearings	04/29/93	58 FR 25959
Correction	05/19/93	58 FR 29157
Comment Period End NPRM	06/24/93	
Part 1 of Study	01/10/94	59 FR 1411
Final Rule	08/19/94	59 FR 42962
Final Rule Partial Suspension Crash Stop Criteria	11/01/94	59 FR 54519
Final Rule Effective Partial Suspension	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

Federalism: Undetermined

Additional Information: 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 result of the study was incorporated into 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

Agency Contact: Karen Adams, Project Manager, G-MSR-2, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001
Phone: 202 267-6819

RIN: 2115–AE10

2089. 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 and expects to publish a final rule by December, 1999. This rulemaking supports the Coast Guard's strategic goal of the protection of natural resources. This rulemaking is considered significant because of substantial State interest.

Timetable:

Action	Date	FR Cite
Interim Rule	11/13/92	57 FR 53968
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.

Agency Contact: Al Thuring, Project Manager, National Pollution Funds Center, Department of Transportation, U.S. Coast Guard, Suite 1000, 4200 Wilson Boulevard, Arlington, VA 22203-1804
Phone: 202 363-6801

RIN: 2115–AE19

2090. AMENDMENTS TO HULL IDENTIFICATION NUMBER REGULATIONS (CGD 92-065)

Priority: Substantive, Nonsignificant

Legal Authority: 46 USC 4302; 46 USC 12501

CFR Citation: 33 CFR 181

Legal Deadline: None

Abstract: This rulemaking would amend the Hull Identification Number (HIN) regulations applicable to manufacturers of recreational boats. Changes to the regulations include display of the primary HIN, means of attachment, prohibitions against removal, model year, requirements for State business license information in manufacturer applications, references to State Boating Law administrators and revocation or refusal to issue a manufacturer identification code. The Coast Guard is conducting a cost/benefit analysis of the feasibility of using an expanded HIN format. This

rulemaking supports the Coast Guard's strategic goal of marine safety.

Timetable:

Action	Date	FR Cite
NPRM	05/06/94	59 FR 23651
NPRM Comment Period End	09/06/94	
Notice of Workshop	11/09/94	59 FR 55823
NPRM Comment Period Reopened	11/09/94	
NPRM Comment Period End	01/09/95	
SNPRM	02/21/97	62 FR 7971
Second NPRM Comment Period End	05/22/97	
Request for Comments	11/16/98	63 FR 63638
Comment Period End	02/16/99	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: None

Agency Contact: Alston Colihan, Project Manager, G-OPB-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001
Phone: 202 267-0984

RIN: 2115–AE37

2091. REGATTA 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 in regattas and marine parades. They specify such things as separate participant and spectator areas, separation schemes for water craft in the area of the event, and temporary restrictions on waterways to accommodate the event. These rules are short-term, 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 a sponsoring organization. These routine and frequent rulemakings support the Coast Guard's strategic goal of marine safety, and mobility of commercial and recreational vessel traffic. Total actions expected 10/01/1999 to 10/01/2000: 75.

Timetable:

Action	Date	FR Cite
Action Will Continue Through	04/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: None

Additional Information: This is an open docket for routine field regulations.

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

2092. 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 safety, and mobility of commercial and recreational vessel traffic. Total actions expected 10/01/1999 to 10/01/2000:80.

Timetable:

Action	Date	FR Cite
Action Will Continue Through	04/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: None

Additional Information: This is an open docket for routine field regulations.

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

2093. +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.

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: This rulemaking is a companion to 2115-AE10, which concerns Prince William Sound and Puget Sound.

Agency Contact: Karen Adams, Project Manager, G-MSR-2, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001

Phone: 202 267-6819

RIN: 2115–AE56

2094. REGULATED NAVIGATION AREAS

Priority: Routine and Frequent

Legal Authority: 33 USC 1233; 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 mobility of commercial and recreational vessel traffic. Total actions expected 10/01/1999 to 10/01/2000: 10.

Timetable:

Action	Date	FR Cite
Actions Will Continue Through	04/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: This is an open docket for routine field regulations.

Agency Contact: Ed Larue, Project Manager, G-MWV, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001
Phone: 202 267-0400

RIN: 2115–AE84

2095. +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: 31 USC 9701; 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, Statutory, February 1, 1997.

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 safety, and the Coast Guard's Marine Safety and Environmental Protection program's goal of 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 considered significant due to potential impact on industry and 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 Final Rule	06/26/97	62 FR 34505
Interim Final Rule Effective	07/28/97	
Final Action	02/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Christopher Young, Project Manager, G-MSO, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001
Phone: 202 267-0216

RIN: 2115–AF26

2096. PROPELLER INJURY PREVENTION ABOARD RENTAL BOATS (CGD 95-041)

Priority: Substantive, Nonsignificant

Legal Authority: 46 USC 4302

CFR Citation: 33 CFR 173; 33 CFR 174; 33 CFR 175; 33 CFR 177; 33 CFR 179; 33 CFR 181; 33 CFR 183; 33 CFR 187

Legal Deadline: None

Abstract: The Coast Guard published a notice of inquiry on this subject on May 11, 1995. It received 1983 comments, most of which were very general. It is clear that two boating accidents involving fatalities caused by propeller strikes on rented houseboats on Lake Shasta and Lake Havasu,and several instances of crippling injuries in the last several years have generated a great deal of concern. This rulemaking would examine the number and nature of injuries sustained from vessel propellers and help the Coast Guard to determine the need for Federal or State regulation of these vessels, the livery companies leasing these vessels, or the operators of these vessels. Any regulation issued would be implemented to reduce future injuries and fatalities involving rented boats. Future action is partially dependent upon results of a Technology Comparison and testing of propellers, propeller guards, etc. conducted under a Coast Guard grant. This rulemaking supports the Coast Guard's strategic goal of marine safety.

Timetable:

Action	Date	FR Cite
Request for Comments	05/11/95	60 FR 25191
Comment Period End	07/10/95	
Reopening of Comment Period	08/09/95	60 FR 40545
Comment Period End	11/07/95	
ANPRM	03/26/96	61 FR 13123
ANPRM Comment Period End	09/01/96	
Request for Comments	04/28/97	62 FR 22991
Comment Period End	07/28/97	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Randolph Doubt, Project Manager, G-OPB-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001
Phone: 202 267-6810

RIN: 2115–AF28

2097. IMPLEMENTATION OF THE NATIONAL INVASIVE SPECIES ACT OF 1996 (CGD 97-068)(USCG-1998-3423)

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 4701; 16 USC 4702; 16 USC 4711 to 4714; 16 USC 4721 to 4728; 16 USC 4741; 16 USC 4751

CFR Citation: 33 CFR 151

Legal Deadline: NPRM, Statutory, October 26, 1997.

Abstract: This rulemaking establishes voluntary ballast water exchange guidelines applicable to all vessels entering U.S. waters, and mandatory reporting and sampling procedures to monitor compliance. Ballast water has been identified as a major pathway for the introduction and spread of Aquatic Nuisance Species (ANS). This project supports the Coast Guard's Marine Safety and Environmental Protection program's goal to reduce the volume of untreated ballast water discharged into United States waters, and the Coast Guard's strategic goal of protection of natural resources.

Timetable:

Action	Date	FR Cite
NPRM	04/10/98	63 FR 17782
NPRM Comment Period End	06/09/98	
Interim Final Rule	05/17/99	64 FR 26672
Interim Final Rule Effective	07/01/99	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: LT 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–AF55

2098. +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 vessel owners or operators of small passenger vessels and passenger vessels in domestic service to develop, maintain, and exercise emergency response plans. The first step in this process is to publish an advance notice of proposed rulemaking to seek feedback from vessel owners and operators. Emergency response plans would establish a process that initiates and maintains actions to prevent injury and loss of life during collisions, allisions, groundings, fires, and other emergencies. The plans 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 goal of safety and protection of natural resources. This rulemaking is significant due to important Department of Transportation policy and public interest.

Timetable:

Action	Date	FR Cite
ANPRM	02/26/98	63 FR 9916
ANPRM Comment Period End	06/28/98	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Undetermined

Agency Contact: Karen Adams, Project Manager, G-MSR-2, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001
Phone: 202 267-6819

RIN: 2115–AF61

2099. +EMERGENCY CONTROL MEASURES FOR TANK BARGES (USCG-1998-4443)

Priority: Other Significant

Legal Authority: 46 USC 3719

CFR Citation: 33 CFR 155; 46 CFR 32

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

Abstract: This rulemaking will require anchor systems and retrieval systems or alternative measures for all single-hull tank barges operating on the waters listed in the rule (primarily offshore). The purpose is to reduce oil spills from single-hull, non-self-propelled tank barges. Drifting oil barges have run aground and spilled their cargoes, causing considerable damage to marine life and the environment. This rulemaking supports the Coast Guard's strategic goals of marine safety and protection of the marine environment. It is significant because of congressional and public interest.

Timetable:

Action	Date	FR Cite
NPRM	10/07/97	
NPRM Comment Period End	01/05/98	
Interim Rule	12/30/98	63 FR 71754
Interim Rule Effective	03/30/99	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: This rulemaking was one component of the originally proposed regulations for Towing Vessel Safety (CGD 1997-064) (RIN 2115-AF53) concerning tank barges. To expedite the publication of regulations mandated by statute, two of the components for the original Towing Vessel Safety rulemaking separated into rulemakings. The other former component of the Towing Vessel Safety rulemaking is Fire Protection Measures for Towing Vessels (USCG-1998-4445) (RIN 2115-AF66). The original rulemaking is Towing Vessel Safety (Fire Suppression and Other Measures for Towing Vessels)(CGD 1997-064).

Agency Contact: Robert Spears, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001
Phone: 202 267-1099

RIN: 2115–AF65

2100. +IMPROVEMENTS TO MARITIME SAFETY 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 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 Period End	05/24/99	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: CDR T. M. Close, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001
Phone: 202 267-0177

RIN: 2115–AF68

2101. BARGES CARRYING BULK LIQUID HAZARDOUS MATERIAL (USCG-1999-5117) (SECTION 610 REVIEW)

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.

Timetable:

Action	Date	FR Cite
ANPRM	09/09/99	64 FR 48976
ANPRM Comment Period End	03/07/00	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Thomas 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

2102. MANDATORY SHIP REPORTING SYSTEM OFF THE NORTHEAST AND THE SOUTHEAST COASTS OF THE UNITED STATES (USCG-1999-5525)

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 1230(d)

CFR Citation: 33 CFR 169

Legal Deadline: None

Abstract: This regulatory project establishes two mandatory ship reporting systems in areas off the U.S. Atlantic Coast to protect the endangered Northern Right Whale. These areas are critically important calving and feeding grounds for that species. Although right whales are also found outside of these areas, the two areas are targeted because they have both large numbers of whales and a high volume of ship traffic. Ship collisions are the largest known source of human related mortality of right whales. Communication between shore-based authorities and ships will minimize the risk of collision damage to ships and the whales as well as provide beneficial information to ships. The reporting system requires ships over 300 gross tons to notify the Coast Guard of their intention to enter these areas. In return, the mariners are provided with automated information about the last known locations of any right whales. This project supports the Coast Guard's strategic goal of protecting the natural resources.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/01/99	64 FR 29229
Interim Final Rule Comment Period End	07/01/99	
Interim Final Rule Effective	07/01/99	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: The International Maritime Organization established a June 30,1999 implementation for a mandatory reporting system. Less than 300 northern right whales are now known to exist. Designing an effective and simple reporting program in conjunction with other Federal agencies eliminated the availability of time to propose the regulations for comment prior to promulgation. However, the Coast Guard may revise the regulations in response to comments.

Agency Contact: Edward J. LaRue, Jr, 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–AF82

2103. FEDERAL PILOTAGE FOREIGN-TRADE VESSELS IN MARYLAND (USCG-1999-6097)

Priority: Substantive, Nonsignificant

Legal Authority: 46 USC 3703; 46 USC 7703; 46 USC 8503

CFR Citation: 46 CFR 15; 49 CFR 146

Legal Deadline: None

Abstract: The law establishes that except for certain drug-related offenses a mariner's license is not subject to administrative action unless the mariner is acting or operating under the license. This project would help ensure that a person providing pilotage in Baltimore Harbor is operating under the authority of either a State or Federal pilot's valid license and also would ensure adequate accountability. It would add a new section to the regulations to require that a foreign-trade vessel be under the direction and control of a Federally-licensed pilot when operating in Baltimore Harbor. This project supports the Coast Guard's strategic goal of safety.

Timetable:

Action	Date	FR Cite
NPRM	10/21/99	64 FR 56720
NPRM Comment Period End	12/20/99	
Public Meeting Notice	02/09/00	65 FR 6350
NPRM Comment Period Extended	02/09/00	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Tim Farley, Project Manager, G-MVI-4, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001
Phone: 202 267-2307

RIN: 2115–AF90

DEPARTMENT OF TRANSPORTATION (DOT) — Completed Actions

U.S. Coast Guard (USCG)

2104. FREQUENCY OF INSPECTION (USCG-1999-4976)

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 46 USC 3305 to 3308

CFR Citation: 46 CFR 91; 46 CFR 107; 46 CFR 115; 46 CFR 126; 46 CFR 131; 46 CFR 167; 46 CFR 169; 46 CFR 176; 46 CFR 189; 46 CFR 2; 46 CFR 31; 46 CFR 71

Legal Deadline: None

Abstract: The regulatory project will harmonize the inspection/survey system that will enable vessel owners and operators to receive their certificates of inspection, Safety of Life at Sea (SOLAS) certificates, and load line certificates simultaneously. It would also implement the 1988 Protocol to the 1974 SOLAS Convention. It will facilitate international progress in maritime safety and environmental protection. For the purpose of continuity, non-convention vessels will comply with the new inspection frequency. This project supports the Coast Guard's Marine Safety 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
NPRM	11/15/99	64 FR 62018
Final Rule	02/09/00	65 FR 6494

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: This rule was titled Frequency of Inspection, Alternate Hull Examination Program for Certain Passenger Vessels, and Underwater Surveys for Passenger, Nautical School, and Sailing School Vessels. Review of the comments to NPRM indicate strong public interests in this area; therefore, a new docket (USCG-2000-6858), entitled Alternate Hull Examination Program for Certain Passenger Vessels, and Underwater Survey Program was created.

Agency Contact: LCDR Donald Darcy, Project Manager G-MSR-1, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW., Washington, DC 20593-0001
Phone: 202 267-1200

RIN: 2115–AF73

2105. STANDARD MEASUREMENT SYSTEM EXEMPTION FROM GROSS TONNAGE (USCG-1999-5118)

Priority: Substantive, Nonsignificant

Legal Authority: 46 USC 2301; 46 USC 14103

CFR Citation: 46 CFR 69

Legal Deadline: None

Abstract: The purpose of this rulemaking is to permit a crosspiece and bolting arrangement to hold bulkhead boards or plates in place. Coast Guard tonnage regulations provide an exemption from gross tonnage of superstructure spaces that are open to weather. To qualify as ''open to the weather,'' the end bulkhead of the structure must be open, although the opening may be fitted with shifting boards dropped into channel sections, or a temporary cover plate or boards held in place with hook bolts meeting specific criteria. Prior to 1989, the tonnage regulations permitted a crosspiece and bolting arrangement to hold bulkhead boards or plates in place. The associated bulkhead was essentially ''sandwiched'' between the boards or plates and cross pieces. In 1989, this crosspiece bolting arrangement alternative was deleted from the regulation text in error while the tonnage regulations were being revised. This rulemaking will proceed directly to a final rule because it relieves a burden by reinstating a previously allowed alternative. Accordingly, this rule is noncontroversial and unlikely to spur adverse public comment. This rulemaking supports the Coast Guard's strategic goal of maritime mobility.

Timetable:

Action	Date	FR Cite
Direct Final Rule	08/31/99	64 FR 47402

DOT—USCG

Completed Actions

Action	Date	FR Cite
Direct Final Rule,Confirm date	11/30/99	64 FR 66778

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Peter Earekson, Project Manager, Marine Safety Center, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001
Phone: 202 366-6441

RIN: 2115–AF76

2106. UPDATE OF STANDARDS FROM AMERICAN SOCIETY FOR TESTING AND MATERIALS (ASTM) (USCG-1999-5151)

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 552

CFR Citation: 33 CFR 127; 33 CFR 154 to 155; 33 CFR 159; 33 CFR 164; 33 CFR 183; 46 CFR 28; 46 CFR 30; 46 CFR 32 to 35; 46 CFR 38 to 39; 46 CFR 54; 46 CFR 56; 46 CFR 58; 46 CFR 61; 46 CFR 63; 46 CFR 76; 46 CFR 78; 46 CFR 92; 46 CFR 95; 46 CFR 97; 46 CFR 105; 46 CFR 108-111; 46 CFR 114; 46 CFR 119; 46 CFR 125; 46 CFR 151; 46 CFR 153-154; 46 CFR 160-164; 46 CFR 170; 46 CFR 174-175; 46 CFR 182; 46 CFR 193; 46 CFR 195; 46 CFR 199; ...

Legal Deadline: None

Abstract: The purpose of this regulation is to update 143 of the 170 standards from the American Society of Testing and Materials (ASTM) that have been incorporated by reference in Titles 33 and 46 of the Code of Federal Regulations. Some of the existing standards are 20 years old. By ensuring that industry is using the latest technology available, the Coast Guard will improve maritime safety and help ensure the adequacy of equipment for oil-spill response. Because this project should be noncontroversial and is unlikely to spur adverse public comment, the Coast Guard will promulgate the regulation as a direct final rule. This project supports the Coast Guard's goals of marine safety and the protection of natural resources.

Timetable:

Action	Date	FR Cite
Direct Final Rule	12/01/99	64 FR 67170
Direct Final Rule Effective	02/29/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Janet Walton, Project Manager (G-MSR-2), Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001
Phone: 202 267-0257

RIN: 2115–AF80

2107. VESSEL TRAFFIC SERVICE (VTS) PUGET SOUND SECTOR BOUNDARY CHANGE (USCG-1999-6141)

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 1231; 33 USC 1223

CFR Citation: 33 CFR 161.12; 33 CFR 162.12B; 49 CFR 1.46

Legal Deadline: None

Abstract: This rulemaking will change the sector boundary of the Vessel Traffic Service (VTS) sector in Puget Sound. VTS sectors are areas of navigable waters within which radar surveillance aids maritime navigation. The change to the Puget Sound VTS will shift the entire sector about three miles south of its current position. This change will create a safer environment for mariners attempting to navigate a blind curve. The boundary line will also be drafted so that it is easier for mariners to locate on a navigation chart. This rulemaking supports the Coast Guard's strategic goal of safety.

Timetable:

Action	Date	FR Cite
Direct Final Rule	12/14/99	64 FR 69633
Direct Final Rule Effective Date	03/15/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Jorge Arroyo, Project Manager, G-MWV, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001
Phone: 202 267-0407

RIN: 2115–AF92

DEPARTMENT OF TRANSPORTATION (DOT)

Proposed Rule Stage

Federal Aviation Administration (FAA)

2108. +IMPROVED SURVIVAL EQUIPMENT FOR INADVERTENT WATER LANDINGS

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	08/00/00	

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: John Petrakis, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591 Phone: 202 267-9574

RIN: 2120–AC72

2109. +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	
Reopening of Comment Period	10/30/98	63 FR 58331
NPRM Comment Period End	01/08/99	
SNPRM	01/00/01	

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: John Petrakis, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591 Phone: 202 267-9574

RIN: 2120–AC84

2110. +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.

Timetable:

Action	Date	FR Cite
NPRM	09/00/00	

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

2111. 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 will be withdrawn.

Timetable:

Action	Date	FR Cite
ANPRM	04/18/94	59 FR 18456
ANPRM Comment Period End	07/18/94	
NPRM	02/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Project Number: AFS-93-745A

Agency Contact: Gary E. Davis, Flight Standards Service, Department of

Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591
Phone: 202 267-3747

RIN: 2120–AE98

2112. +FLIGHT OPERATIONAL QUALITY ASSURANCE PROGRAM

Priority: Other Significant

Legal Authority: 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; 49 USC 106(g); 49 USC 40113; 49 USC 40119

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

Legal Deadline: None

Abstract: This action would codify the Federal Aviation Administration's policy not to use information from voluntary Flight Operational Quality Assurance programs in any enforcement actions taken against operators or pilots. The proposed amendment responds to industry groups that have been reluctant to participate. These programs benefit aviation safety by providing information that can lead to improvements in training and operations. In 1995 the FAA initiated a two-year concept demonstration study in partnership with industry. Based on the study, the FAA will issue an Advisory Circular. The FAA will use the information from the study to determine if it is appropriate to codify in the rules the immunity provisions. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
Policy Statement	12/07/98	63 FR 67505
NPRM	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Project Number: AFS-93-154R

Agency Contact: Dan Meier, Flight Standards Service, Regulations Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591
Phone: 202 267-3789

RIN: 2120–AF04

2113. +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	04/00/00	

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, 04/00/2000

Agency Contact: Katherine M. Hakala, Air Transportation Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591
Phone: 202 267-3760

RIN: 2120–AF07

2114. +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 system. This rulemaking is significant because of substantial public interest.

Statement of Need: The need to reduce or prevent the adverse effects of aircraft noise over the national parks is apparent for the preservation of a valuable national resource. In its Report to Congress, the National Park Service identified 98 parks that potentially have an overflight problem. The FAA recognizes its role both to provide for the safe and efficient use of airspace and to enhance the environment by minimizing the adverse effects of aviation in the national parks.

Summary of Legal Basis: The FAA has broad authority and responsibility to regulate the operation of aircraft and the use of the airspace and to establish safety standards for and regulate the certification of airmen, aircraft, and air carriers. (49 U.S.C. 40101, et. seq.) The FAA also has responsibility to protect persons and property on the ground.

The President's Memorandum of April 22, 1996, directed the FAA, working with the National Park Service, to issue a notice of proposed rulemaking for the management of sightseeing aircraft in those National Parks where it is deemed necessary to reduce or prevent the adverse effects of noise from such aircraft.

Alternatives: During its working sessions, the working group considered a variety of criteria for defining an air tour, various triggering events for determining which parks are at risk, and various means for the NPS and FAA to work together to develop an air tour management plan.

Anticipated Cost and Benefits: Undetermined.

Risks: This rulemaking addresses the risk of destruction of valuable national resources: the right to enjoy the natural quiet in our national parks. At the same time, taking this risk has to be balanced against any potential safety problems that restrictions on overflights might create. Both the National Park Service and FAA are confident that a solution can be reached whereby all visitors to the park may be accommodated through an agreed upon park airspace management plan.

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 07/15/94	06/20/94	59 FR 31883
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	10/00/00	

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

ANALYSIS: Regulatory Evaluation, 10/00/2000

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–AF46

2115. +FLIGHT CREWMEMBER DUTY PERIOD LIMITATIONS, FLIGHT TIME LIMITATIONS, AND REST REQUIREMENTS

Priority: Other Significant

Legal Authority: 49 USC 106(g); 49 USC 40113; 49 USC 40119; 49 USC 44101; 49 USC 44701 to 44701; 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 rulemaking would amend the regulations on duty period limitations, flight time limitations, and rest requirements for flight crewmembers engaged in air transportation. The changes are necessary to ensure that the rules will continue to provide the minimum level of safety. This rulemaking responds to public and congressional interest in regulating flight crewmember rest requirements, NTSB Safety Recommendations, petitions for rulemaking, and scientific data. This action is considered significant because of substantial public interest.

Statement of Need: The aviation community requires 24-hour activities to meet operational demands. Growths in long-haul, regional, overnight cargo, and short-haul domestic operations are increasing. Therefore, shift work, night work, irregular work schedules, and time zone changes will continue to be commonplace.

With this growth, the scientific knowledge about sleep, sleep disorders, circadian physiology, fatigue, and performance decrements has also grown. Some of the scientific knowledge has indicated that aviators experience performance-impairing fatigue from sleep loss resulting from current flight and duty practices.

In addition, industry and individuals have told the FAA that the current regulations are confusing and difficult to enforce. Therefore, a second purpose of the rulemaking is to establish consistent and clear duty period limitations and rest requirements for all types of operations.

Summary of Legal Basis: Section 44701, Title 49 of the United States Code states that the Administrator shall promote safety of flight of civil aircraft in air commerce by prescribing minimum standards required in the interest of safety.

Alternatives: One obvious alternative would be to continue with the current rules, which would be very expensive for the industry. In reviewing the comments, the FAA is also considering other reserve alternatives that would not penalize certain segments of the industry, such as air ambulance operators. There is no overall alternative to rest and duty regulations; however, there may be some alternatives that would lend flexibility for operators.

Anticipated Cost and Benefits: Undetermined.

Risks: Although there has been only one identifiable accident due to pilot fatigue, fatigue is increasingly becoming the focus of possible causes following all accidents. Pilot reports of being fatigued to the point of incapacity are not uncommon, and intuitively, it is reasonable, given the sheer volume of air traffic, to expect fatigue to be a factor in future accidents if the regulations are not corrected.

Timetable:

Action	Date	FR Cite
NPRM	12/20/95	60 FR 65951
NPRM Comment Period End	03/19/96	
Comment Period End 6/19/96	03/20/96	61 FR 11492
SNPRM	03/00/01	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Project Number: AFS-94-443R

ANALYSIS: Regulatory Evaluation, 12/20/95, 60 FR 65951

Agency Contact: Alberta Brown, Air Transportation Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591

Phone: 202 267-8321

Quentin Smith, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC, 20591
Phone: 202 267-8166

RIN: 2120–AF63

2116. +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	09/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Project Number: AGC-94-549R.

ANALYSIS: Regulatory Evaluation, 09/00/2000

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

2117. +LICENSING AND SAFETY REQUIREMENTS FOR LAUNCH FROM A NON-FEDERAL LAUNCH SITE

Priority: Other Significant

Legal Authority: 49 USC 70101 to 70119

CFR Citation: 14 CFR 415; 14 CFR 417

Legal Deadline: None

Abstract: This action would establish requirements for licensing the conduct of a launch from a non-Federal launch site. The law requires anyone who proposes to conduct a launch within the United States, or a U.S. citizen proposing to conduct a launch 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. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	10/00/00	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

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

ANALYSIS: Regulatory Evaluation, 10/00/2000

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

2118. +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 (Gore Commission). 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	12/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Additional Information: Project Number: AFS-97-261R

Agency Contact: Gary E. Davis, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591
Phone: 202 267-3747

RIN: 2120–AG43

2119. +AIR TOUR OPERATIONS IN THE 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 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 135

Legal Deadline: None

Abstract: This rulemaking disposes of comments received in response to the final rule published on September 26, 1994 (59 FR 49138), for certain procedural, operational, and equipment requirements for air tour operations in the State of Hawaii, codified as Special Federal Aviation Regulation (SFAR 71). It also extends SFAR 71 until the FAA publishes a final rule regulating all air tour operations. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	10/26/97	
Interim Final Rule	10/30/97	62 FR 58854
NPRM and Disposition of Comments	06/00/00	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Project Number: AFS-94-453R

Agency Contact: Gary Davis, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591 Phone: 202 267-3747

RIN: 2120–AG44

2120. 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, P, and create part 60. 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	02/00/01	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Project Number: AFS-97-335R.

ANALYSIS: Regulatory Evaluation, 02/00/2001

Agency Contact: Jan Demuth, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591 Phone: 202 267-8922

RIN: 2120–AG57

2121. USE OF ELECTRONIC SIGNATURES

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7572; 49 USC 106(g); 49 USC 40101 to 40103; 49 USC 40105; 49 USC 40113; 49 USC 40120; 49 USC 44101; 49 USC 44105 to 44106; 49 USC 44111; 49 USC 44701 to 44717; 49 USC 44722; 49 USC 44901; 49 USC 44903; 49 USC 44904; 49 USC 44906

CFR Citation: 14 CFR 21; 14 CFR 43; 14 CFR 91; 14 CFR 119

Legal Deadline: None

Abstract: This action proposes to amend the regulations to permit the use of electronic signatures to satisfy maintenance, operational, and type certification record preparation and retention requirements. Although this action will encourage the use of electronic recordkeeping systems, it will not discourage the use of paper documents and records to satisfy regulatory requirements. The proposed rule will provide cost savings and regulatory relief to owners, manufacturers, operators and repair stations.

Timetable:

Action	Date	FR Cite
NPRM	10/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Project Number: AFS-98-226A.

ANALYSIS: Regulatory Evaluation, 10/00/2000.

Agency Contact: Wayne Nutsch, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591 Phone: 202 493-4291

RIN: 2120–AG63

2122. 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 will clarify the requirement for ''will not carry'' certificate holders in parts 121 and 135 to provide hazardous material recognition training so that such materials are not inadvertently placed onboard aircraft.

Timetable:

Action	Date	FR Cite
NPRM	06/00/00	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Project Number: AFS-98-375R.

ANALYSIS: Regulatory Evaluation, 06/00/2000.

Agency Contact: Gary E. Davis, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591
Phone: 202 267-3747

RIN: 2120–AG75

2123. +EMERGENCY MEDICAL EQUIPMENT

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 responds to the Aviation Medical Assistance Act of 1998 (49 USC 44701) by proposing that large, passenger-carrying air carrier operators carry automatic external defibrillators and augment currently required emergency medical kits. If adopted, additional training for crewmembers on the use of this equipment would be required. The intent of this proposal is to better equip crewmembers, and those qualified to assist them, for responding to in-flight medical events. This action is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Project No: AAM-98-234R.

ANALYSIS: Regulatory Evaluation, 04/00/2000

Agency Contact: Judi Citrenbaum, Office of Aviation Medicine, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW,, Washington, DC 20591
Phone: 202 267-9689

RIN: 2120–AG89

2124. +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	08/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Project No. AFS-98-314R.

ANALYSIS: Regulatory Evaluation, 08/00/2000

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

2125. +IMPROVED FLAMMABILITY STANDARDS FOR THERMAL/ACOUSTIC INSULATION MATERIALS USED IN TRANSPORT CATEGORY AIRPLANES

Priority: Other Significant

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

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This action proposes to adopt new flammability standards that specifically address flame propagation and entry of an external fire into the airplane (burnthrough) under realistic fire scenarios. The proposed standards are intended to reduce the incidence and severity of cabin fires, particularly those ignited in inaccessible areas where thermal/acoustic insulation materials are typically installed. Also the proposed standards would provide an increased level of safety with respect to post-crash fires by delaying the entry of such a fire into the cabin, thereby providing additional time for evacuation and enhancing survivability. The new standards would apply to new type designs, and newly manufactured airplanes entering parts 91, 121, 125, and 135 service. This action is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	09/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Project Number: ANM-99-086R.

ANALYSIS: Regulatory Evaluation, 09/00/2000

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–AG91

2126. FAR/JAR HARMONIZATION ACTIONS

Priority: Substantive, Nonsignificant

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

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: The FAA will amend part 25 of the Federal Aviation Regulations (FAR) to harmonize certain requirements with the European Joint Aviation Requirements (JAR) 25. These revisions are the result of a cooperative effort with the Joint Aviation Authorities (JAA) of Europe and the U.S. and European aviation industry through the Aviation Rulemaking Advisory Committee. The changes are intended to benefit the public by harmonizing certain requirements, concepts, and procedures contained in the airworthiness standards for transport category airplanes. These actions would achieve common requirements and language between the FAR and the JAR to reduce industry workload without reducing the level of safety provided by the regulations.

Timetable:

Action	Date	FR Cite
NPRM	10/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Charles Huber, Regulations Branch, Transport Airplane Directorate, Aircraft Certification Servi, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue SW, Renton, WA 98055-4056 Phone: 425 227-2114

RIN: 2120–AG92

2127. ● +CERTIFICATION OF AIRPORTS

Priority: Other Significant

Legal Authority: 49 USC 106(g); 49 USC 40113; 49 USC 40119; 49 USC 44101; 49 USC 44701 to 44706; 49 USC 44709 to 40711; 49 USC 44713; 49 USC 44716 to 44717; 49 USC 44719; 49 USC 44722; 49 USC 44901; 49 USC 44903 to 44904; 49 USC 44912; 49 46105

CFR Citation: 14 CFR 121; 14 CFR 139

Legal Deadline: None

Abstract: This action proposes to revise the current airport certification regulation and to establish certification requirements for airports serving scheduled air carrier operations in aircraft with 10-30 seats. In addition, changes are proposed to address National Transportation Safety Board recommendations and petitions for exemptions and rulemaking. A section of an air carrier operation regulation also would be amended to conform with proposed changes to airport certification requirements. The FAA believes that these proposed revisions are necessary to ensure safety in air transportation and to provide a comparable level of safety at all certificated airports. This action is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	05/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Project Number: AAS-97-072R.

ANALYSIS: Regulatory Evaluation, 05/00/2000

Agency Contact: Linda Bruce, Office of Civil Aviation Security, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591 Phone: 202 267-8553

RIN: 2120–AG96

DEPARTMENT OF TRANSPORTATION (DOT) — Final Rule Stage
Federal Aviation Administration (FAA)

2128. 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 phenomenon that could create a hazard to air navigation.

Timetable:

Action	Date	FR Cite
Notice of Review	06/19/78	43 FR 26322
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	
Final Action	10/00/00	

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: 202 267-8783

RIN: 2120–AA09

2129. 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 should be 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	04/00/00	

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

2130. +REVISION OF PART 108, AIRPLANE 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 would amend part 108 of the Federal Aviation Regulations to incorporate new requirements in response to worldwide terrorist activity. 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	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Project Number: ACS-87-107R.

ANALYSIS: Regulatory Evaluation, 08/01/97, 62 FR 41730

Agency Contact: Rhoda Hatmaker, Office of Civil Aviation Security, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591
Phone: 202 267-3946

RIN: 2120–AD45

2131. +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 proposes to amend part 107 of the Federal Aviation Regulations to incorporate new requirements in response to the worldwide terrorist activity. 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	
Notice of Public Meeting	04/21/98	63 FR 19691
Comment Period End 6/26/98	04/21/98	
NPRM Comment Period Reopened	08/10/99	64 FR 43321
Final Action	04/00/00	

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: 202 267-8553

RIN: 2120–AD46

2132. +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
NPRM Comment Period End	02/02/94	
Comment Period End 3/4/94	02/08/94	59 FR 5741
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	02/00/01	

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

2133. +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 would 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 and are intended to improve the ability of occupants to evacuate an airplane under emergency conditions. 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	
Final Action	01/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Project Number: ANM-93-005R.

Agency Contact: Charles Huber, Regulations Branch, Transport Airplane Directorate, Aircraft Certification Servi, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue SW, Renton, WA 98055-4056 Phone: 425 227-2114

Thomas Longridge, Flight Standards Services, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC, 20591 Phone: 202 267-3789

RIN: 2120–AF01

2134. 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: The FAA is withdrawing a previously published Notice of Proposed Rulemaking (NPRM) that proposed to alter the Los Angeles, CA, Class B airspace area. The proposal would have lowered 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	
To Be Withdrawn	04/00/00	

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.

ANALYSIS: Regulatory Evaluation, 11/22/94, 59 FR 60244

Agency Contact: William 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

2135. +TYPE CERTIFICATION PROCEDURES FOR CHANGED PRODUCTS

Priority: Other Significant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 42 USC 7572; 49 USC 106(g); 49 USC 40101; 49 USC 40103; 49 USC 40105; 49 USC 40109; 49 USC 40113; 49 USC 44110; 49 USC 44502; 49 USC 44701 to 44702; 49 USC 44707; 49 USC 44709; 49 USC 44711; 49 USC 44713; 49 USC 44715

CFR Citation: 14 CFR 11; 14 CFR 21; 14 CFR 25

Legal Deadline: None

Abstract: This action amends the procedural regulations for certification of changes to type certificated products. The amendments affect changes accomplished through either an amended type certificate or a supplemental type certificate. The amendments are needed to address the trend toward fewer products that are of completely new design and more products with multiple changes to previously approved designs. This action will enhance safety by applying the latest airworthiness standards, to the greatest extent practicable, for the certification of significant design changes of aircraft, aircraft engines, and propellers. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	05/02/97	62 FR 24288
NPRM Comment Period End	09/02/97	
Final Action	09/00/00	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: None

Additional Information: Project Number: AIR-99-0393A. This action is the result of an Aviation Rulemaking Advisory Committee recommendation.

ANALYSIS: Regulatory Evaluation, 05/02/97, 62 FR 24288

Agency Contact: Randall Peterson, Office of Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591
Phone: 202 267-9583

RIN: 2120–AF68

2136. OPERATIONAL AND STRUCTURAL DIFFICULTY REPORTS

Priority: Substantive, Nonsignificant

Legal Authority: 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 106(g); 49 USC 40113; 49 USC 40119; 49 USC 44101; 49 USC 44701 to 44702; 49 USC 44705; 49 USC 44707; 49 USC 44709 to 44711

CFR Citation: 14 CFR 121; 14 CFR 125; 14 CFR 135; 14 CFR 145

Legal Deadline: None

Abstract: This action would amend the reporting requirements for air carrier certificate holders and certificated domestic and foreign repair stations concerning failures, malfunctions, and defects of aircraft, aircraft engines, systems, and components. The proposed rule would clarify and standardize the reporting requirements for the type of information submitted to the FAA, allowing the FAA to identify trends that may affect aviation safety. This action was prompted by an internal FAA review of industry concern over the quality of the data being reported by air carriers. The objective of the proposed rule is to update and improve the reporting system to effectively collect and disseminate clear and concise information, particularly with regard to aging aircraft, to the aviation industry.

Timetable:

Action	Date	FR Cite
NPRM	08/14/95	60 FR 41992
NPRM Comment Period End	11/13/95	
SNPRM	04/15/99	64 FR 18766
SNPRM Comment Period End	06/01/99	
Final Action	10/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Project Number: AFS-95-237A. This is a recommendation from the Aviation Rulemaking Advisory Committee.

ANALYSIS: Regulatory Evaluation, 08/14/95, 60 FR 41992.

Regulatory Evaluation, 04/15/99, 64 FR 18766.

Agency Contact: Robert Corcoran, Flight Standards Service, Department of Transportation, Federal Aviation Administration, P.O. Box 25082, Oklahoma City, OK 73125
Phone: 405 954-6508

RIN: 2120–AF71

2137. REPAIR ASSESSMENT FOR PRESSURIZED FUSELAGES

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 40711; 49 USC 44712; 49 USC 44713; 49 USC 44715; 49 USC 44716 to 44717; 49 USC 44912

CFR Citation: 14 CFR 91; 14 CFR 121; 14 CFR 125; 14 CFR 129

Legal Deadline: None

Abstract: This rulemaking would require incorporation of repair assessment guidelines for external fuselage pressure boundary into the FAA-approved maintenance programs of each operator of certain transport category airplane models. The purpose of the repair assessment guidelines is to establish a damage-tolerance based supplemental inspection program for repairs to detect damage, which may develop in a repaired area, before that damage degrades the load carrying capability of the structure below the levels required by the applicable airworthiness standards.

Timetable:

Action	Date	FR Cite
NPRM	01/02/98	63 FR 126
NPRM Comment Period End	04/02/98	
Comment Period End 7/2/98	04/03/98	63 FR 16452
Final Action	04/00/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: Project Number: ANM-97-309A. This is an Aviation Rulemaking Advisory Committee project.

ANALYSIS: Regulatory Evaluation, 01/02/98, 63 FR 126

Agency Contact: Dorenda Baker, Transport Airplane Directorate, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue SW, Renton, WA 98055-4056
Phone: 425 227-2109

RIN: 2120–AF81

2138. BIRD INGESTION STANDARDS

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 proposes changes to amend the type certification standards for aircraft turbine engines that concern bird ingestion. This proposal updates the current bird ingestion standards to reflect recent analysis defining the actual bird threat encountered by turbine engines. This proposal also harmonizes the FAA's type certification standards on this issue with requirements being drafted by the Joint Aviation Authorities (JAA). The proposed changes, if adopted, would establish one set of common requirements, and thereby reduce the regulatory hardship on the aviation industry by eliminating the need for manufacturers to comply with different sets of standards when seeking type certification from the FAA and validation from the JAA.

Timetable:

Action	Date	FR Cite
NPRM	12/11/98	63 FR 68636
NPRM Comment Period End	03/11/99	
Final Action	07/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Project Number: ANE-97-476A. This is an Aviation Rulemaking Advisory Committee project.

ANALYSIS: Regulatory Evaluation, 12/11/98, 63 FR 68636

Agency Contact: John Golinski, Engine and Propeller Directorate, Department of Transportation, Federal Aviation Administration, 12 New England Executive Park, Burlington, MA 01803-5299
Phone: 781 238-7119

RIN: 2120–AF84

2139. LICENSE REQUIREMENTS FOR OPERATION OF A LAUNCH SITE

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 operation of a launch site. The law requires anyone who proposes to operate a launch site within the U.S., or a U.S. citizen proposing to operate a launch site outside the U.S., to obtain a license from DOT. This action would govern obtaining a license to operate such a launch site. 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 rulemaking (RIN 2120-AF99). In this action, DOT proposes to implement rules regarding obtaining a license to operate a launch site.

Timetable:

Action	Date	FR Cite
NPRM	06/25/99	64 FR 34316
NPRM Comment Period End	09/23/99	
Final Action	01/00/01	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: None

Additional Information: Project Number: AST-96-341R.

The reason this rulemaking was downgraded to Non-Significant is because the cost of $23,000 to industry does not meet the required threshold and the practices proposed are traditional measures and therefore should be non-controversial with the affected industry.

ANALYSIS: Regulatory Evaluation, 06/25/99, 64 FR 34316

Agency Contact: Randy Repcheck, Licensing and Safety Division, AST-200, Office of Commercial Space, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591
Phone: 202 267-8379

RIN: 2120–AG15

2140. 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	04/00/00	

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

2141. +FEES FOR AIR TRAFFIC SERVICES FOR CERTAIN FLIGHTS THROUGH U.S.-CONTROLLED AIRSPACE AND FOR AERONAUTICAL STUDIES

Priority: Other Significant

Legal Authority: 49 USC 45301 to 45303; 49 USC 46101 to 46102; 49 USC 46104; 49 USC 9701; 49 USC 106 (g); 49 USC 40103; 49 USC 40104 to 40105; 49 USC 40109; 49 USC 40113 to 40114; 49 USC 44502; 49 USC 44701; 49 USC 44702; 49 USC 44718

CFR Citation: 14 CFR 77; 14 CFR 187

Legal Deadline: None

Abstract: Pursuant to the 1996 FAA Reauthorization Act, the FAA is issuing another interim rule to establish fees and collection procedures for FAA air traffic and related services provided to certain aircraft that transit U.S.-controlled airspace but neither take off from, nor land in, the United States. Previously, the FAA issued an Interim Final Rule that was remanded back to FAA by the United States Court of Appeals for the District of Columbia. That Interim Final Rule was withdrawn by the Final Rule issued on July 24, l998. The new Interim Final Rule complies with the Court's decision. This action is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/20/97	62 FR 13496
Correction	04/29/97	62 FR 23295
Correction	05/05/97	62 FR 24552
Interim Final Rule Effective	05/19/97	
Comment Period End	07/18/97	
Interim Final Rule	10/02/97	62 FR 51736
Interim Final Rule Effective	10/02/97	
Interim Final Rule	07/24/98	63 FR 40000
Interim Final Rule	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Project Number: APO-96-172R.

ANALYSIS: Regulatory Evaluation, 03/20/97, 62 FR 13496

Agency Contact: Tim Lawler, Office of Aviation Policy and Plans, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591 Phone: 202 267-7052

RIN: 2120–AG17

2142. +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: This rulemaking proposes to ban the transportation of devices designed to chemically generate oxygen in certain aircraft, with limited exceptions. This proposed ban applies to newly manufactured chemical oxygen generators that have never been filled with chemicals. It would also apply to devices designated as chemical oxygen generators that have been discharged (spent) or that are past their expiration dates. The FAA believes that newly manufactured chemical oxygen generators might be manufactured in one location and transported to another location to be filled. This could lead to human factors errors in determining whether the device designed as a chemical oxygen generator is actually empty.

In a final rule effective March 1, 2000, the Research and Special Programs Administration (RSPA) prohibited the transportation on an aircraft of a ''spent'' chemical oxygen generator, i.e., a generator whose means of ignition and all or a part of its chemical contents have been expended. (See RIN 2137-AC92)

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
Final Action	10/00/00	

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: Gary Davis, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591 Phone: 202 267-3747

RIN: 2120–AG35

2143. +TERRAIN AWARENESS AND WARNING SYSTEM

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 44712; 49 USC 44715; 49 USC 44716 to 44718; 49 USC 44722; 49 USC 46306; 49 USC 46315; 49 USC 46316

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

Legal Deadline: None

Abstract: This rulemaking would issue rules that would prohibit the operation of turbine-powered U.S.-registered civil airplanes of six or more passenger seats, exclusive of pilot and copilot seating, unless that airplane is equipped with an FAA-approved enhanced ground proximity warning system (GPWS). This proposed rule is intended to further reduce the risk of controlled flight into terrain (CFIT) accidents. This rule is significant because of substantial public interest.

Statement of Need: The TAWS improves on existing GPWS systems by providing the flight crew much earlier aural and visual warning of impending terrain, forward looking capability, and continued operation in the landing configuration. These improvements provide more time for the flight crew to make smoother and gradual corrective action.

Summary of Legal Basis: 49 USC 44701 empowers the Administrator to prescribe regulations and minimum standards in the interest of safety for aircraft and equipment.

Alternatives: The FAA considered regulatory options to identify the least intrusive and most cost-effective means of achieving the goal of reducing the probability of CFIT accidents. The alternatives considered fall under two general groupings: 1) require different levels of TAWS or GPWS technologies for different subsegments of the regulated population; and 2) impose different compliance deadlines on different subsegments of the regulated population.

Anticipated Cost and Benefits: The discounted costs of this rule are estimated at $774 million; the benefits are estimated at $2.8 billion. The benefit/cost ratio is 3.65 to 1. This total includes adding the equipment to all in-service airplanes and to all newly manufactured airplanes over the next 10 years.

Risks: The purpose of this rulemaking is to expand and enhance the safety benefits of the current ground proximity warning system. TAWS provides an earlier time for verbal warning along with a visual warning (situational display) that will allow the flight crew to see approaching terrain. The combination of the increased warning times and situational awareness of flight crews decreases the risk of controlled-flight-into-terrain accidents.

Timetable:

Action	Date	FR Cite
NPRM	08/26/98	63 FR 45628
NPRM Comment Period End	11/24/98	
Final Action	04/00/00	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Additional Information: Project Number: AIR-96-354R.

ANALYSIS: Regulatory Evaluation, 08/26/98, 63 FR 45628

Agency Contact: Manny Macedo, Office of Aircraft Certification Service,

Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591
Phone: 202 267-9566

RIN: 2120–AG46

2144. +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	10/00/00	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Lon M. Siro, Civil Aviation Security Office of Policy and Planning, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591
Phone: 202 267-3414

RIN: 2120–AG51

2145. PARACHUTE OPERATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 106(g); 49 USC 40113 to 40114; 49 USC 44701 to 44702; 49 USC 44721

CFR Citation: 14 CFR 105

Legal Deadline: None

Abstract: This rulemaking will clarify and update the Federal Aviation Regulations by defining terms applicable to parachute operations and issues concerning coordinating parachute operations with air traffic control, tandem parachute operations, and packing and equipment requirements for foreign parachutists when parachuting in the United States. Also, this action is necessary to reflect recent airspace reclassification and parachuting equipment applications.

Timetable:

Action	Date	FR Cite
NPRM	04/13/99	64 FR 18302
NPRM Comment Period End	07/12/99	
Final Action	11/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Project Number: ATA-91-202R.

ANALYSIS: Regulatory Evaluation, 04/13/99, 64 FR 18302.

Agency Contact: Ellen Crum, Air Traffic Rules Procedures Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591
Phone: 202 267-8783

RIN: 2120–AG52

2146. +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 its responsibility to establish reasonableness guidelines for airport fees. This policy is significant due to substantial industry interest.

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	
Final Action	04/00/00	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: None

Additional Information: Cite 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

2147. COMMERCIAL SPACE TRANSPORTATION REUSABLE LAUNCH VEHICLE AND REENTRY LICENSING REGULATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2601

CFR Citation: 14 CFR 401; 14 CFR 404; 14 CFR 406; 14 CFR 413; 14 CFR 417; 14 CFR 431; 14 CFR 433

Legal Deadline: None

Abstract: This action will amend the commercial space transportation licensing regulations by establishing operational requirements for launches of reusable launch vehicles and the authorized conduct of commercial space reentry activities. The proposed rule would respond to advancements in the development of commercial reentry capability and enactment of legislation extending the FAA's licensing authority to reentry activities.

Timetable:

Action	Date	FR Cite
NPRM	04/21/99	64 FR 19626
NPRM Comment Period End	07/20/99	
Final Action	11/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Project Number: AST-98-174R.

Agency Contact: Stewart W. Jackson, Office of the Associate Administrator for Commercial Space Transportation, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591
Phone: 202 267-7903

RIN: 2120–AG71

2148. REVISED LANDING GEAR SHOCK ABSORPTION TEST REQUIREMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 40113; 49 USC 44502; 49 USC 44701; 49 USC 44718; 49 USC 46101 to 46102; 49 USC 46104; 49 USC 106(g); 49 USC 40103

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This action would amend the landing gear shock absorption test requirements for transport category airplanes to be consistent with other requirements, to reflect modern technology and to achieve common requirements and language between the Federal aviation requirements and the European joint aviation requirements without reducing the level of safety provided by the regulations and industry practices.

Timetable:

Action	Date	FR Cite
NPRM	06/18/99	64 FR 32978
NPRM Comment Period End	10/18/99	
Final Action	02/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Project Number: ANM-98-182A.

ANALYSIS: Regulatory Evaluation, 06/18/99, 64 FR 32978

Agency Contact: James Haynes, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 1601 Rind Avenue SW., Renton, WA 98055
Phone: 425 227-2131

RIN: 2120–AG72

2149. +GRAND CANYON NATIONAL PARK; LIMITS ON AIR TOUR OPERATIONS

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: The FAA, in cooperation with the National Park Service, is proposing to limit the number of air tour operations that can be conducted in Grand Canyon National Park. This rulemaking is consistent with the National mandate of Pub. L. 100-91 to substantially restore the natural quiet in the Park. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	07/09/99	64 FR 37304
Notice of Public Meeting	07/20/99	64 FR 38851
Correction	08/24/99	64 FR 46155
NPRM Comment Period End	09/07/99	
Final Action	04/00/00	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Project Number: AFS-98-376R.

ANALYSIS: Regulatory Evaluation, 07/09/99, 64 FR 37304.

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–AG73

2150. +MODIFICATION OF THE AIRSPACE FOR 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: The FAA is proposing to modify the airspace of the Special Flight Rules Area (SFRA), Grand Canyon National Park, to add a corridor for quiet technology aircraft and to extend the eastern boundary of the SFRA to accommodate Native American concerns. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	07/09/99	64 FR 37296
Notice of Public Meeting	07/20/99	64 FR 38851
NPRM Comment Period End	09/07/99	
Final Action	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Project Number: ATA-98-482R.

ANALYSIS: Regulatory Evaluation, 07/09/99, 64 FR 37296.

Agency Contact: Joseph White, Airspace and Air Traffic Management Program, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591
Phone: 202 267-8783

RIN: 2120–AG74

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 proposes to revise the airworthiness standards for transport category airplanes to harmonize braking systems design and test requirements with standards proposed for the European Joint Aviation Requirements.

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	
Final Action	03/00/01	

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, VA 98055
Phone: 425 227-2142

RIN: 2120–AG80

2152. +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

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 0560
Comment Period End	04/04/00	
Final Action	12/00/00	

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: Kristine Mason, 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–AG84

2153. HIGH DENSITY RULE

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 106(g); 49 USC 40103; 49 USC 40106; 49 USC 40109; 49 USC 40103; 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 action requests comments concerning a proposed interpretation of the FAA's rules relating to High Density Traffic Airports. The FAA is considering changing its interpretation of the term operator to allow one code share partner to provide extra section back-up using the other partner's arrival or departure reservation (slot). Delta Airlines has asked FAA for an interpretation of the extra sections provisions of the FAA's slot rules to allow them to back up a Delta Shuttle flight operated for them by their code share partner, using the partner's slot. In the past the FAA has interpreted its rules to deny one carrier the use of another carrier's slot. However, in the light of current code sharing practices the FAA believes that it is a reasonable interpretation of the language of the regulation to allow a code share partner to provide extra section back-up using the slot of the partner operating the first slot.

Timetable:

Action	Date	FR Cite
Proposed Interpretation; Request for Comments	07/02/99	64 FR 35963
Comment Period End	07/12/99	
Comment Period Reopened	08/13/99	64 FR 44145
Comment Period End	09/13/99	
Final Action	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Lorelei Peter, Office of the Chief Counsel, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591
Phone: 202 267-3134

RIN: 2120–AG85

2154. +ADDITIONAL FLIGHT DATA RECORDER IMPROVEMENTS FOR CERTAIN B-737 AIRPLANES

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	05/00/00	

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

2155. +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	12/00/00	

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

2156. • SPECIAL VISUAL FLIGHT RULES

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 106(g); 49 USC 40103; 49 USC 40113; 49 USC 40120; 49 USC 44101; 49 USC 44701; 49 USC 44709; 49 USC 44711; 49 USC 44712; 49 USC 44715; 49 USC 44716; 49 USC 44722; 49 USC 46306; 49 USC 46315; 49 USC 46316; 49 USC 46502; 49 USC 46504; 49 USC 46506; 49 USC 47122; 49 USC 47508; 49 USC 47528 to 47531

CFR Citation: 14 CFR 91

Legal Deadline: None

Abstract: This action amends and clarifies language regarding aircraft operating in accordance with Special Visual Flight Rules. Specifically, this action will permit a pilot at a satellite airport to depart provided that the pilot determines that he has the requisite flight visibility. The FAA is taking this action to reduce the number of unnecessary flight delays being faced by general aviation aircraft while providing an equivalent level of safety.

Timetable:

Action	Date	FR Cite
Direct Final Rule; Request for Comments	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Project Number: ATA-96-531A.

ANALYSIS: Regulatory Evaluation, 04/00/2000

Agency Contact: Avis P. Person, Airspace and Rules Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW,, Washington, DC, 20591 Phone: 202 267-8783

RIN: 2120–AG94

2157. • 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	05/00/00	

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

DEPARTMENT OF TRANSPORTATION (DOT) Long-Term Actions
Federal Aviation Administration (FAA)

2158. +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 amend the airworthiness standards for transport category airplanes to require fuel vent system protection during post-crash ground fires. This proposed rule would apply to air carriers, air taxi operators, and commercial operators of transport category airplanes, as well as the manufacturers of such airplanes. This action is considered significant because of substantial public interest and the safety implications.

Timetable:

Action	Date	FR Cite
ANPRM	09/26/84	49 FR 38078
ANPRM Comment Period End	01/25/85	
NPRM	02/02/95	60 FR 6632
NPRM Comment Period End	06/02/95	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Docket 24251. Formerly entitled Implementation of SAFER Propulsion System 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: 425 227-2116

RIN: 2120–AA49

2159. AIRWORTHINESS STANDARDS; CRASH-RESISTANT FUEL SYSTEMS

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 106(g); 49 USC 40113; 40 USC 44701 to 44702; 49 USC 44704

CFR Citation: 14 CFR 23

Legal Deadline: None

Abstract: This action proposes changes to the airworthiness standards to improve the crash resistance of fuel systems on normal, utility, acrobatic, and commuter category airplanes. The FAA has determined that improved crash resistance of these fuel systems is necessary to prevent deaths and injuries due to fire in survivable crashes. The proposed design changes would limit fuel spillage near ignition sources and would provide additional time for the survivors to evacuate the airplane.

Timetable:

Action	Date	FR Cite
ANPRM	03/05/85	50 FR 8948
ANPRM Comment Period End	07/03/85	
NPRM	02/28/90	55 FR 7280
NPRM Comment Period End	06/28/90	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Formerly titled ''Amend Part 23 To Include Requirements for Crash-Resistant Fuel Systems.'' Project Number: ACE-82-005R.

ANALYSIS: Regulatory Evaluation, 02/28/90, 55 FR 7280

Agency Contact: Norman Vetter, Standards Office, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 601 E. 12th Street, Kansas City, MO 64106 Phone: 816 426-5688

RIN: 2120–AA57

2160. 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—350. 10/00/99 - 10/00/2000.

Timetable:

Action	Date	FR Cite
Actions Will Continue Through	04/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Louis C. Cusimano, General Aviation and Commercial Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591 Phone: 202 267-8212

RIN: 2120–AA63

2161. 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-550. 10/00/99 to 10/00/2000.

Timetable:

Action	Date	FR Cite
Actions Will Continue Through	04/00/01	

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

2162. 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 Department of Commerce 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—2,300. 10/00/99 - 10/00/2000.

Timetable:

Action	Date	FR Cite
Actions Will Continue Through	04/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Louis C. Cusimano, General Aviation and Commercial Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591 Phone: 202 267-8212

RIN: 2120–AA65

2163. 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 technical in nature and are issued routinely and frequently to maintain operational efficiency. Total actions expected—400. 10/00/98 through 10/00/99.

Timetable:

Action	Date	FR Cite
Actions Will Continue Through	04/00/01	

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

2164. 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 amend 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 require new transport category airplane designs to incorporate a low fuel quantity alert system that would allow for correction of certain fuel management errors or provide the flight crew the opportunity to make a safe landing prior to engine fuel starvation.

Timetable:

Action	Date	FR Cite
NPRM	05/12/87	52 FR 17890
NPRM Comment Period End	09/09/87	
Next Action Undetermined		

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

2165. 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 add 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.

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	
Next Action Undetermined		

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, Aircraft Certification 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

2166. REVIEW OF PART 47, AIRCRAFT REGISTRATION, AND PART 49, RECORDING OF AIRCRAFT TITLES AND SECURITY DOCUMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 106(g); 49 USC 40113 to 40114; 49 USC 44101 to 44108; 49 USC 44110 to 44111; 49 USC 44713; 49 USC 45302; 49 USC 46104; 49 USC 46301

CFR Citation: 14 CFR 47; 14 CFR 49

Legal Deadline: None

Abstract: This notice would propose to update parts 47 and 49 of the Federal Aviation Regulations to reflect changes in the law, legal interpretations, other recent rulemaking actions, and the FAA's current aircraft registry practices. The intent of these proposed changes is to articulate, modernize, and simplify the existing regulations rather than alter established procedures.

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Project Number: AFS-89-201R.

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–AC17

2167. +PART 145 REVIEW: REPAIR STATIONS

Priority: Other Significant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 49 USC 44705; 49 USC 44707; 49 USC 44709; 49 USC 44710; 49 USC 44711; 49 USC 44713; 49 USC 44717; 49 USC 45102 to 45103; 49 USC 45301 to 45302; 49 USC 106(g); 49 USC 40113; 49 USC 44701; 49 USC 44702; 49 USC 44703

CFR Citation: 14 CFR 43; 14 CFR 65; 14 CFR 145

Legal Deadline: None

Abstract: The FAA proposes to update and revise the regulations for repair stations. This action is necessary because many portions of the current repair station regulations do not reflect technical advances in aircraft maintenance practices or aircraft technology. The revisions would reorganize the repair station rules to reduce duplication of regulatory language and eliminate obsolete information. The proposal also would establish new requirements that relate to repair station ratings and classes, manual requirements, recordkeeping, and personnel. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
Notice of Public Meetings	07/24/89	54 FR 30866
Notice Correction	08/08/89	54 FR 32563
NPRM	06/21/99	64 FR 33142
NPRM Comment Period End	10/19/99	
NPRM Comment Period Extended	10/21/99	64 FR 56708
NPRM Comment Period End	12/03/99	
Final Action	04/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Project Number: AFS-87-045R. This project was formerly entitled Review and Revision of Repair Station Requirements, and Repair Station and Repairmen Certification Rules.

ANALYSIS: Regulatory Evaluation, 06/21/99, 64 FR 33142

Agency Contact: Richard Nowak, Aircraft Maintenance Division, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591
Phone: 202 267-7228

RIN: 2120–AC38

2168. 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.

Timetable:

Action	Date	FR Cite
ANPRM	05/02/89	54 FR 18824
ANPRM Comment Period End	10/30/89	
Next Action Undetermined		

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 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

2169. +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
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

2170. +SOLE RADIO NAVIGATION SYSTEM; MINIMUM STANDARDS FOR CERTIFICATION

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; 49 USC 44716; 49 USC 44717; 49 USC 44722; 49 USC 46306

CFR Citation: 14 CFR 91

Legal Deadline: Final, Statutory, September 30, 1989.

Abstract: The FAA is withdrawing a previously published Advance Notice of Proposed Rulemaking (ANPRM) that proposed to establish minimum standards under which a radio navigation system may be certified as the sole radio navigation system required in an aircraft conducting Instrument Flight Rules en route and terminal area operations, including nonprecision approach, in controlled airspace of the United States. This rulemaking was considered to be significant because of a congressional mandate. However, the provision was repealed in 1994 as part of the recodification of Title 49. The provision was originally enacted as section 310(c) in FAA's 1987 Reauthorization bill, Pub. L. No. 100-123.

Timetable:

Action	Date	FR Cite
ANPRM	01/22/90	55 FR 2206
ANPRM Comment Period End	05/22/90	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Project Number: AFS-89-215R. This project was formerly entitled Sole Means Radio Navigation System.

Agency Contact: James Crowling, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591
Phone: 202 267-5215

Linda Valencia, Office of Civil Aviation Security Policy and Planning, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591
Phone: 202 267-8222

RIN: 2120–AD26

2171. 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 amend 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 provide additional design standards to detect improperly latched cowlings and ensure the integrity of the latching system.

Timetable:

Action	Date	FR Cite
NPRM	09/19/89	54 FR 38610
NPRM Comment Period End	03/19/90	
Next Action Undetermined		

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: 425 227-2116

RIN: 2120–AD34

2172. 1-G STALLING SPEED AS A BASIS FOR COMPLIANCE WITH PART 25 OF THE FEDERAL AVIATION REGULATIONS

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	
Next Action Undetermined		

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: 425 227-1320

RIN: 2120–AD40

2173. +COST OF SERVICES AND TRANSFER OF FEES TO PART 187 FROM PARTS 47, 49, 61, 63, 65, AND 143

Priority: Other Significant

Legal Authority: 49 USC 106(g); 49 USC 40104 to 40105; 49 USC 40109; 49 USC 40113 to 40114; 49 USC 44101 to 44108; 49 USC 44110 to 44111; 49 USC 44701; 49 USC 44702; 49 USC 44703 to 44704; 49 USC 44707; 49 USC 44709 to 44711; 49 USC 44713; 49 USC 45102 to 45103; 49 USC 45106; 49 USC 45301

CFR Citation: 14 CFR 47; 14 CFR 49; 14 CFR 61; 14 CFR 63; 14 CFR 65; 14 CFR 143; 14 CFR 187

Legal Deadline: None

Abstract: This action would assess reasonable charges for certain services provided by the FAA. The charges would be set at a level approximating the cost to the Government to provide these services and would be adjusted periodically as the costs of these services change or as prescribed in the Anti-Drug Abuse Act of 1988. The cost of providing services for aircraft registration and recording and replacement of airmen certificates is not being fully recouped in accordance with the changes reflected in the Consumer Price Index of All Urban Consumers, which was published by the Bureau of Labor Statistics of the Department of Labor, or as set by the Anti-Drug Abuse Act of 1988. This rulemaking would also consolidate all service fees by placing them in part 187 of the Federal Aviation Regulations. This rulemaking is considered significant because of substantial public interest.

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Project Number: AFS-90-347R.

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–AD91

2174. 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
NPRM Comment Period End	06/20/94	
Comment Period End 08/26/94	07/07/94	59 FR 34779

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 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

2175. +AIRPORT NOISE COMPATIBILITY PLANNING

Priority: Other Significant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 49 USC 44715; 49 USC 471-1; 49 USC 47501 to 47504; 49 USC 106(g); 49 USC 40113

CFR Citation: 14 CFR 150

Legal Deadline: None

Abstract: This action would revise the requirements for developing noise exposure maps and noise compatibility programs and submitting them for FAA approval. The revisions are intended to expedite and simplify the part 150 process. Under the revised process, the mandatory set of noise abatement measures which are presently required to be considered by each airport sponsor would be limited in scope depending on the characteristics of each airport and its surrounding community. The new process would be supported by appropriate guidance, training, review, standardization, and consultation requirements. This project is considered significant because of substantial public interest.

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: None

Additional Information: Project Number: AEE-90-410R.

Agency Contact: Alan V. Trickey, Policy and Regulations Division, Office of Environment and Energy, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591
Phone: 202 267-3496

RIN: 2120–AE64

2176. +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
Interim Final Rule Comment Period End	04/15/93	

Next Action Undetermined

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

2177. AIR TRAFFIC CONTROL RADAR BEACON SYSTEM AND MODE S TRANSPONDER REQUIREMENTS IN THE NATIONAL AIRSPACE SYSTEM

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

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 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	
Next Action Undetermined		

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

2178. 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		

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

2179. +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
Next Action Undetermined		

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

2180. +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
NPRM Comment Period End	10/16/95	
Next Action Undetermined		

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

2181. +CONTROLLED REST ON THE FLIGHT DECK

Priority: Other Significant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

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 proposal would allow part 121 certificate holders who operate aircraft that require three flight crewmembers, two pilots and a flight engineer, to implement a controlled rest on the flight deck program. Under the program, when cockpit workload permits, one flight crewmember at a time would be given the opportunity to sleep for a brief period of time at his or her duty station during the cruise portion of a flight. Before using the controlled rest concept, however, the certificate holder would have to obtain approval for its program from the FAA. This proposal originated as a recommendation from the Aviation Rulemaking Advisory Committee and responds to industry interest in developing a controlled rest program that is approved by the FAA. This rulemaking is considered significant because of substantial public interest.

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Project Number: AFS-92-764A

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–AF54

2182. +PASSENGER FACILITY CHARGES

Priority: Other Significant

Legal Authority: 49 USC 106(g); 49 USC 40116 to 40117; 49 USC 47111; 49 USC 47114 to 47116

CFR Citation: 14 CFR 158

Legal Deadline: None

Abstract: This action would propose to increase the amount of compensation that a carrier may earn for collecting and remitting a passenger facility charge from eight cents to ten cents. In addition, the NPRM proposes to clarify that monthly remittances must be received by airport public agencies collecting PFCs on the last day of each month. The NPRM also proposes to amend the regulation to reflect the statutory prohibition on collection of PFCs from passengers using frequent flyer bonus awards. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	04/16/96	61 FR 16678
ANPRM Comment Period End	05/16/96	
Comment Period Extended	05/21/96	61 FR 25420
Comment Period End	08/16/96	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: None

Additional Information: Project Number: APP-94-568P.

Agency Contact: Sheryl Scarborough, Airport Financial Assistance Division, Office of Airports Planning and Programmi, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591
Phone: 202 267-8825

RIN: 2120–AF69

2183. 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
NPRM Comment Period End	11/21/96	

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

2184. REVISION OF HYDRAULICS 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 to 44702; 49 USC 44704

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This notice proposes to amend the airworthiness standards for transport category airplanes to harmonize hydraulic systems design and test requirements with standards proposed for the European Joint Aviation Requirements. These proposals were developed in cooperation with the Joint Aviation Authorities of Europe and the US and European aviation industries through the Aviation Rulemaking Advisory Committee (ARAC). These changes are intended to benefit the public interest by standardizing certain requirements, concepts, and procedures contained in the airworthiness standards without reducing and potentially enhancing the current level of safety.

Timetable:

Action	Date	FR Cite
NPRM	07/03/96	61 FR 35056
Correction	07/29/96	61 FR 39515
Correction	08/12/96	61 FR 41924
NPRM Comment Period End	10/01/96	

Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Project Number: ANM-97-374A. This action is in response to an Aviation Rulemaking Advisory Committee recommendation.

ANALYSIS: Regulatory Evaluation, 07/03/96, 61 FR 35056

Agency Contact: Manhidner Wahi, Transport Airplane Directorate, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue SW, Renton, WA 98055-4056
Phone: 425 227-2142

RIN: 2120–AF79

2185. 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

2186. +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	
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 Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591
Phone: 202 267-3373

RIN: 2120–AG13

2187. +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 Period End	03/31/97	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Undetermined

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: Howard Nesbitt, Office of Environmental and Energy, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591
Phone: 202 267-3521

RIN: 2120–AG34

2188. +PROTECTION OF VOLUNTARILY SUBMITTED INFORMATION

Priority: Other Significant

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: The Administrator has been tasked, under the Federal Aviation Reauthorization Act of 1996, to develop regulations to protect safety and security related information voluntarily disclosed by industry. The FAA is in the process of determining what voluntarily submitted information should be given protection under the statute. The FAA reopened the comment period. This rulemaking is significant because of substantial industry interest.

Timetable:

Action	Date	FR Cite
NPRM	07/26/99	64 FR 40472
NPRM Comment Period End	09/24/99	
NPRM Comment Period Reopened	10/05/99	64 FR 53958
Comment Period End	11/04/99	
Final Action	04/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Project Number: ARM-97-040.

ANALYSIS: Regulatory Evaluation, 07/26/99, 64 FR 40472.

Agency Contact: Mardi 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–AG36

2189. +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 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	
Next Action Undetermined		

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: Charles Huber, Regulations Branch, Transport Airplane Directorate, Aircraft Certification Servi, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue SW, Renton, WA 98055-4056
Phone: 425 227-2114

RIN: 2120–AG42

2190. +TRANSPORT AIRPLANE FLEET FUEL TANK IGNITION SOURCE REVIEW; FLAMMABILITY REDUCTION, AND MAINTENANCE AND INSPECTION REQUIREMENTS

Priority: Other Significant

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: This action will develop a Special Federal Aviation Regulation (SFAR) to require type certificate holders of certain turbojet and turbofan-powered transport category airplanes to conduct a design review of fuel tank systems and develop fuel system inspection and maintenance instructions. It will also allow a certificate holder to submit documentation that the type design of the fuel system of a previously certificated airplane precludes existence of ignition sources within the airplane's fuel tanks. This action is significant because of substantial public interest in the prevention of fire and explosion in airplane fuel tanks.

Timetable:

Action	Date	FR Cite
NPRM	10/29/99	64 FR 58644
NPRM Comment Period End	01/27/00	
Correction	02/03/00	65 FR 5024
Final Action	05/00/01	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Project Number: ANM-98-158R.

ANALYSIS: Regulatory Evaluation, 05/00/2001

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–AG62

2191. FINANCIAL RESPONSIBILITY REQUIREMENTS FOR LICENSED REENTRY ACTIVITIES

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2601

CFR Citation: 14 CFR 450

Legal Deadline: None

Abstract: This proposal will establish financial responsibility requirements covering risks associated with the licensed reentry of a reentry vehicle. This action will provide general rules for demonstrating compliance with insurance requirements and implementing statutory-based Government/industry risk-sharing provisions in manner comparable to that currently utilized for commercial launches.

Timetable:

Action	Date	FR Cite
NPRM	10/6/199	64 FR 54447
NPRM Comment Period End	12/06/99	
NPRM Comment Period Reopened	12/13/99	64 FR 69628
Comment Period End	01/21/00	
Final Action	05/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Project Number: AST-99-055R.

This rulemaking has been downgraded to Nonsignificant because the Congressional interest has been adequately addressed by formalizing current practice (Financial Responsibility Requirements for Licensed Launch Activities) that resulted in little or no additional cost to the industry.

ANALYSIS: Regulatory Evaluation, 10/06/99, 64 FR 54447

Agency Contact: Esta Rosenberg, Office of the Chief Counsel, Department of Transportation, Federal Aviation Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-9306

RIN: 2120–AG76

2192. PILOT CERTIFICATES ISSUED OR VALIDATED ON THE BASIS OF A BILATERAL AIR SAFETY AGREEMENT

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 106(g); 49 USC 40113; 49 USC 44701 to 44703; 49 USC 44707; 49 USC 4709 to 44711; 49 USC 45102 to 45103; 49 USC 45301 to 45302

CFR Citation: 14 CFR 61

Legal Deadline: None

Abstract: This action would allow the FAA to enter into a Bilateral Air Safety Agreement with a foreign country for the conversion and validation of each others' pilot certificates at all pilot certification levels. Currently, the Federal Aviation Regulations only allow a foreign pilot certificate to be converted to an FAA private pilot certificate. This rule will have a positive impact on harmonization efforts underway between the FAA and the Joint Aviation Authorities.

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Project Number: AFS-99-228R.

Agency Contact: Emily White, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591 Phone: 202 267-3651

RIN: 2120–AG81

2193. ● GENERAL RULEMAKING PROCEDURES

Priority: Substantive, Nonsignificant

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

CFR Citation: 14 CFR 11

Legal Deadline: None

Abstract: The FAA is updating its general rulemaking procedures. The proposals are written in plain language and reflect changes in rulemaking procedures and processes. For example, the dockets management system now accepts electronic comments and the public can view rulemaking dockets electronically. These changes will facilitate public involvement in the agency's rulemaking process.

Timetable:

Action	Date	FR Cite
NPRM	12/14/99	64 FR 69856
NPRM Comment Period End	01/28/00	
Final Action	05/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Project Number: AGC-00-053R.

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–AG95

DEPARTMENT OF TRANSPORTATION (DOT) — Completed Actions

Federal Aviation Administration (FAA)

2194. +ANTI-DRUG AND ALCOHOL MISUSE PREVENTION PROGRAMS FOR EMPLOYEES OF FOREIGN AIR CARRIERS ENGAGED IN SPECIFIED AVIATION ACTIVITIES

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 44716 to 44717; 49 USC 44722; 49 USC 44901; 49 USC 44902; 49 USC 44903

CFR Citation: 14 CFR 121; 14 CFR 129

Legal Deadline: Final, Statutory, October 28, 1992.

Abstract: The Omnibus Transportation Employee Testing Act of 1991 directs the FAA Administrator to prescribe regulations that require foreign air carriers to establish drug and alcohol testing programs for employees performing safety-sensitive aviation functions. These regulations must be consistent with the international obligations of the United States and take into consideration any applicable laws and regulations of foreign countries. The FAA has withdrawn the proposed rulemaking to require foreign air carriers to establish drug and alcohol testing programs for their employees performing safety-sensitive aviation functions within the territory of the United States. The FAA has determined that through the International Civil Aviation Organization multilateral action has been taken to support an aviation environment free of substance abuse. This action was considered significant because of substantial public and congressional interest.

Timetable:

Action	Date	FR Cite
ANPRM	12/15/92	57 FR 59473
ANPRM Comment Period End	02/16/93	
Comment Period End 4/1/93	02/18/93	58 FR 8917
Withdrawn	01/13/00	65 FR 2079

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Project Number: AAM-93-173R

Agency Contact: Patrice M. Kelly, Drug Abatement Division, Office of Aviation Medicine, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591 Phone: 202 267-8442

RIN: 2120–AE79

2195. +SUSPENSION OF CERTAIN AIRCRAFT OPERATIONS FROM THE TRANSPONDER WITH AUTOMATIC PRESSURE ALTITUDE REPORTING CAPABILITY REQUIREMENT

Priority: Other Significant

Legal Authority: 49 USC 46306; 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

CFR Citation: 14 CFR 91

Legal Deadline: None

Abstract: The FAA withdrew the proposed Special Federal Aviation Regulation (SFAR) because data shows that adequate time has passed since 1988 for aircraft operators to purchase and install automatic altitude reporting transponders, and those without an operating transponder may use the ATC authorization procedures. In addition, according to an FAA survey, the majority of general aviation aircraft owners have installed automatic altitude encoding transponders. The FAA, therefore, finds that the provision proposed in the NPRM is no longer necessary and is withdrawing the proposal to reinstate SFAR 62. This action would have reinstated and modified expired SFAR No. 62. SFAR

No. 62 suspended certain provisions of the regulations requiring the installation and use of a transponder with automatic altitude reporting capability within 30 nautical miles of a Class B airspace primary airport. This rulemaking was significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	08/25/94	59 FR 43994
NPRM Correction	09/14/94	59 FR 47210
Comment Period End 11/25/94	09/28/94	59 FR 49360
NPRM Comment Period End	10/11/94	
Withdrawn	01/13/00	65 FR 2077

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Project Number: ATP-93-474R. As this action merely involves extension of a suspension of a requirement, it is not a rulemaking requiring OMB review in the context of EO 12866. However, it is significant under DOT's regulatory policies and procedures.

ANALYSIS: Regulatory Evaluation, 08/25/94, 59 FR 43994

Agency Contact: Ellen Crum, Air Traffic Rules Procedures Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591 Phone: 202 267-8783

RIN: 2120–AF30

2196. +SUBMISSION TO DRUG TESTS

Priority: Other Significant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 49 USC 106(g); 49 USC 40103; 49 USC 40113; 49 USC 40120; 49 USC 44101; 49 USC 44111; 49 USC 44701 to 44703; 49 USC 44707; 49 USC 44709 to 44711; 49 USC 44712; 49 USC 44715; 49 USC 44716; 49 USC 44717; 49 USC 44722; 49 USC 45102 to 45103

CFR Citation: 14 CFR 61; 14 CFR 63; 14 CFR 91

Legal Deadline: None

Abstract: This action would have proposed amendments to require aircraft crewmembers to submit to tests that show the presence of alcohol, drugs, or drug metabolites when requested by Federal, State, or local law enforcement officers investigating violations of Federal, State, or local law. The amendments were intended to reduce aircraft accidents and incidents attributed to the use of drugs by crewmembers. The FAA has determined this rulemaking is not needed at this time. Priorities have allocated the resources to other projects ahead of this one. If the agency determines at a future date that this rulemaking is still needed, it will be placed in the agenda for the public's information. This rulemaking was considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
Action Terminated	02/09/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Project Number: AFS-90-082

Agency Contact: Thomas K. Glista, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591 Phone: 202 267-8150

RIN: 2120–AF64

2197. REVISION OF CERTIFICATION REQUIREMENTS: AIRCRAFT DISPATCHERS

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 65

Legal Deadline: None

Abstract: This action amends the regulations that prescribe the certification and training requirements for aircraft dispatchers. Current regulations prescribing these certification requirements do not reflect the significant technological advances that have occurred in the aviation industry and the enhancements in training and instructional methods that have affected all aircraft dispatchers. This final rule consolidates and clarifies all certification, training, and experience requirements for aircraft dispatchers in newly revised part 65, subpart C, and appendix A of part 65.

Timetable:

Action	Date	FR Cite
NPRM	10/19/98	63 FR 55920
NPRM Comment Period End	02/16/99	
Final Action	12/08/99	64 FR 68916
Final Action Effective	04/06/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Project Number: AFS-94-171A.

ANALYSIS: Regulatory Evaluation, 10/19/98, 63 FR 55920

Regulatory Evaluation, 12/08/99, 64 FR 68916

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–AG04

2198. +DURATION BETWEEN EXAMINATIONS FOR FIRST- AND SECOND-AIRMAN MEDICAL CERTIFICATES

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 proposed action would have reduced the required frequency of medical examinations for many holders of first- and second-class airman medical certifications, based on the age of the airman. The FAA has determined this rulemaking is not needed at this time. Priorities have allocated the resources to other projects ahead of this one. If the agency determines at a future date that this rulemaking is still needed, it will be placed in the agenda for the public's information. This

rulemaking was significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
Action Terminated	02/09/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Project Number: AAM-95-065R.

Agency Contact: Dennis McEachen, Office of Aviation Medicine, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591
Phone: 202 493-4075

RIN: 2120–AG06

2199. FEES FOR AEROMEDICAL EDUCATION TRAINING SERVICES

Priority: Substantive, Nonsignificant

Legal Authority: 31 USC 9701; 49 USC 106(g); 49 USC 40104; 49 USC 40105; 49 USC 40109; 49 USC 40113 to 40114; 49 USC 44702; 49 USC 45301 to 45303

CFR Citation: 14 CFR 187

Legal Deadline: None

Abstract: This action would have established (1) a schedule of fees for all aeromedical education training services, (2) the methodology for computing user fees, and (3) a timetable for periodic updates of established fees. The FAA has determined this rulemaking is not needed at this time. Priorities have allocated the resources to other projects ahead of this one. If the agency determines at a future date that this rulemaking is still needed, it will be placed in the agenda for the public's information.

Timetable:

Action	Date	FR Cite
Action Terminated	02/09/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Project Number: AAM-95-065R.

Agency Contact: B. J. Hudson, Aeromedical Standards Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591
Phone: 202 493-4077

RIN: 2120–AG07

2200. CIVIL PENALTIES: STREAMLINED ENFORCEMENT TEST AND EVALUATION PROGRAM; SECURITY; DRUG AND ALCOHOL ABATEMENT

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 have proposed to establish a two-year test and evaluation program designed to streamline the procedures used to process certain civil penalty enforcement actions. The FAA has determined this rulemaking is not needed at this time. Priorities have allocated the resources to other projects ahead of this one. If the agency determines at a future date that this rulemaking is still needed, it will be placed in the agenda for the public's information.

Timetable:

Action	Date	FR Cite
Action Terminated	02/09/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Brian Reed, Office of the Chief Counsel, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591
Phone: 202 267-7158

RIN: 2120–AG49

2201. +HIGH DENSITY AIRPORTS; ALLOCATION OF SLOTS

Priority: Other Significant

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

CFR Citation: 14 CFR 93

Legal Deadline: None

Abstract: This action codifies the provision of the U.S./Canadian Bilateral Agreement, which was signed on February 24, 1995, with the current provisions of the High Density Rule. The agreement allows for a three-year phase-in period to ''Open Skies'' between the two countries. Service between the two countries would convert from international service to domestic service. To achieve the mandate, Canadian carriers have been allocated additional slots that would be subject to the restrictions currently mandated for domestic operations of U.S. carriers. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	01/12/99	64 FR 2086
Correction	01/20/99	64 FR 3054
NPRM Comment Period End	02/11/99	
Final Action	10/01/99	64 FR 53558
Final Action Effective	10/31/99	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Project Number: AGC-97-474R.

ANALYSIS: Regulatory Evaluation, 01/12/99, 64 FR 2086

Regulatory Evaluation, 10/01/99, 64 FR 53558

Agency Contact: Lorelei Peter, Office of the Chief Counsel, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591
Phone: 202 267-3134

RIN: 2120–AG50

2202. FLIGHT PLAN REQUIREMENTS FOR HELICOPTER OPERATIONS UNDER INSTRUMENT FLIGHT RULES

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

to 44717; 49 USC 44722; 49 USC 46306; 49 USC 46315; 49 USC 46316

CFR Citation: 14 CFR 91

Legal Deadline: None

Abstract: This action is needed because current rules discourage helicopter operations under Instrument Flight Rules (IFR) in marginal weather conditions. This rulemaking increases safety by allowing helicopter operators access into the IFR system commensurate with the unique flight characteristics of helicopters. This rulemaking project is a recommendation of the Aviation Rulemaking Advisory Committee, forwarded to the FAA on November 18, 1997.

Timetable:

Action	Date	FR Cite
NPRM	09/02/98	63 FR 46834
NPRM Comment Period End	10/02/98	
SNPRM	07/01/99	64 FR 35902
SNPRM Comment Period End	08/02/99	
Final Action	01/21/00	65 FR 3540
Final Action Effective	01/21/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: ANALYSIS: Regulatory Evaluation, 07/01/99, 64 FR 35902.

Regulatory Evaluation, 01/21/2000, 65 FR 3540

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–AG53

2203. LICENSING AND TRAINING OF PILOTS, FLIGHT INSTRUCTORS, AND GROUND INSTRUCTORS OUTSIDE THE UNITED STATES

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 106(g); 49 USC 40113; 49 USC 44701 to 44703; 49 USC 44707 to 44711; 49 USC 45102 to 45104; 49 USC 45301 to 45303

CFR Citation: 14 CFR 61; 14 CFR 141; 14 CFR 142

Legal Deadline: None

Abstract: The FAA is issuing a final rule versus an NPRM because the FAA does not believe there is any interest by the public and any delay could be detrimental to U.S. Pilot Schools and Training Centers. This rulemaking is needed to remove language restricting licensing for persons outside the U.S. who are not U.S. citizens and remove language restricting the operation of airmen training institutions outside the U.S. Efforts between the FAA, Joint Aviation Authorities (JAA), and European Civil Aviation Commission have identified these subject areas as obstructionist to harmonization efforts and detrimental to U.S. pilot schools, which seek to continue to train students from the JAA member states. The harmonization working groups, set up by the above organizations, are expected to recommend that the JAA remove similarly restrictive language from its Joint Aviation Regulations.

Timetable:

Action	Date	FR Cite
Final Rule	10/05/98	63 FR 53532
Final Rule Effective	10/05/98	
Disposition of Comments	01/13/00	65 FR 2022

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Project Number: AFS-98-338R.

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

RIN: 2120–AG66

2204. REDUCED VERTICAL SEPARATION MINIMUM

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

CFR Citation: 14 CFR 91

Legal Deadline: None

Abstract: This final rule amends part 91, Appendix G to allow the use of reduced vertical separation minimum (RVSM) in the Pacific oceanic airspace. RVSM is the separation of aircraft by 1,000 feet in the vertical dimension at flight levels (FL) between FL 290 and FL 410. Section 91.706 requires that operators of civil U.S. registry aircraft be qualified, equipped, and trained to use RVSM. Similar International Civil Aviation Organization Standards and Recommended Practices provides similar requirements for International operators. As of April 1999, 20 U.S. operators and 1,500 aircraft have been approved to use RVSM.

Timetable:

Action	Date	FR Cite
NPRM	07/08/99	64 FR 37018
Correction	07/28/99	64 FR 40791
NPRM Comment Period End	09/07/99	
Final Action	02/07/00	65 FR 5936
Final Action Effective	02/24/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Project Number: AFS-98-252R.

ANALYSIS: Regulatory Evaluation, 07/08/99, 64 FR 37018

Regulatory Evaluation, 02/07/2000, 65 FR 5936

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–AG82

DEPARTMENT OF TRANSPORTATION (DOT) — Prerule Stage
Federal Highway Administration (FHWA)

2205. CERTIFICATION OF SIZE AND WEIGHT ENFORCEMENT

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 23 USC 127; 23 USC 141; 23 USC 315

CFR Citation: 23 CFR 657

Legal Deadline: None

Abstract: The FHWA has resumed consideration of changes in the guidance provided to state agencies for preparing the annual size and weight enforcement plans and certifications. Previous efforts in this area were suspended by the agency in 1994 as a result of a commitment by the Federal Highway Administrator to Congress in June 1994 to conduct a comprehensive study of all aspects of the truck size and weight issue. That study is nearly completed. Accordingly, public comment is again requested on the type of information and data that should be submitted by the states in support of their annual certification of enforcement, and how the FHWA should use the information.

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	
Second ANPRM	04/00/00	

Regulatory Flexibility Analysis Required: Undetermined

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

Bob Davis, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-2997

RIN: 2125–AC60

2206. HIGHWAY BEAUTIFICATION

Priority: Substantive, Nonsignificant

Legal Authority: 23 USC 131; 23 USC 315; 49 USC 1651

CFR Citation: 23 CFR 750

Legal Deadline: None

Abstract: The revision of these subparts will reduce their complexity, recognize the existence of State laws, regulations, and organizations implementing 23 USC 131, and emphasize the position of the State as the initial, primary, and principal focal point regarding the requirement of effective control. Potential costs should be reduced, albeit minimally. The principal benefit will be to give the States greater ability, in the context of the broad requirements of 23 USC 131, to respond to concepts and issues relevant to the States. We have been reviewing these regulations with the intent to focus on changes necessitated by ISTEA and subsequent legislation (NHS Act, etc.)

We have initiated research projects to identify key information States need to administer their OAC programs. We will evaluate that study and incorporate the results in our proposed ANPRM.

Timetable:

Action	Date	FR Cite
ANPRM	09/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: FHWA intends to continue review and analysis of all aspects of the HBA under RIN 2125-AD24 to propose changes to reduce the complexity of the highway beautification regulations and to emphasize the role of the State in its implementation. Intended changes which appeared in a prior Agenda under RIN 2125-AD88 related to the Dire Emergency Supplemental Appropriations Act of 1992 have been suspended and consolidated under this rulemaking.

Agency Contact: Robert A. Johnson, Chief, Program Services Division, Office of Real Estate Services, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-2020

RIN: 2125–AD24

DEPARTMENT OF TRANSPORTATION (DOT) — Proposed Rule Stage
Federal Highway Administration (FHWA)

2207. TRUCK LENGTH AND WIDTH EXCLUSIVE DEVICES

Priority: Substantive, Nonsignificant

Legal Authority: 23 USC 315; 49 USC 31111; 49 USC 31112; 49 USC 31113; 49 USC 31114

CFR Citation: 23 CFR 658

Legal Deadline: None

Abstract: The FHWA is requesting public comment on how, under 49 USC 31111 through 31113, the Secretary may determine which safety or efficiency-enhancing devices are to be excluded when measuring the length and width of vehicles for compliance with federally mandated dimensions.

The Surface Transportation Assistance Act of 1982 (STAA), Pub. L. 97-424, 96 Stat. 2097, gave the Secretary of Transportation the authority to determine what safety and energy conservation devices are necessary for safe and efficient operation of commercial motor vehicles (CMVs), and what could be excluded when measuring vehicle length (section 411(h))(49 U.S.C. 31111(d)), and what could be excluded when measuring width (section 416(b))(49 U.S.C. 31113(b)).

Section 411(h) also provided that no device excluded from length measurement by the Secretary could have, by design or use, the capability to carry cargo.

Timetable:

Action	Date	FR Cite
ANPRM	12/26/89	54 FR 52951
ANPRM Comment Period End	03/26/90	

Action	Date	FR Cite
ANPRM Comment Period Extended	06/01/90	
ANPRM Docket Reopened; Comment Period Extended to 08/21/90	06/22/90	55 FR 25673
NPRM	07/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: State

Agency Contact: Tom Klimek, Transportation Specialist, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590 Phone: 202 366-2212

RIN: 2125–AC30

2208. PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION: INTERMODAL CARGO CONTAINERS

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 31136; 49 USC 31502

CFR Citation: 49 CFR 393; 49 CFR 1.48

Legal Deadline: None

Abstract: This rulemaking action addresses the requirements of the Federal Motor Carrier Safety Regulations for securing intermodal cargo containers to trailers.

Timetable:

Action	Date	FR Cite
ANPRM	08/23/93	58 FR 44485
ANPRM Comment Period End	11/22/93	
To Be Withdrawn	05/00/00	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Larry W. Minor, Mechanical Engineer, Office of Motor Carrier Research and Standards, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590 Phone: 202 366-4012

RIN: 2125–AC74

2209. WORK ZONE 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 in highway and street work zones. Section 1051 of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) requires 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 action is necessary to update the existing regulation, clarify the current policy, and emphasize important issues affecting the safety of highway workers and highway users. This action proposes to transfer and redesignate the regulations currently found in 23 CFR part 630, subpart J, to a new part 636.

Timetable:

Action	Date	FR Cite
NPRM	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Charlie L. Sears, Office of Transportation Operations, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590 Phone: 202 366-2981

RIN: 2125–AE29

2210. NATIONAL STANDARDS FOR TRAFFIC CONTROL DEVICES; MUTCD; MINIMUM RETROREFLECTIVITY REQUIREMENTS FOR TRAFFIC SIGNS

Priority: Substantive, Nonsignificant

Legal Authority: 23 USC 101; 23 USC 104; 23 USC 105; 23 USC 109(d); 23 USC 114(a); 23 USC 135; 23 USC 217; 23 USC 307; 23 USC 315; 23 USC 402(a); PL 102-388

CFR Citation: 23 CFR 1.32; 49 CFR 1.48

Legal Deadline: None

Abstract: Revisions to the MUTCD are being done in phases due to the voluminous amount of text. This notice of proposed amendment is intended to revise the MUTCD to include a standard for a minimum level of retroreflectivity that must be maintained for traffic signs. This minimum level is to ensure that highway users can detect and read the sign during nighttime conditions. Although the MUTCD states that regulatory and warning signs, and some guide signs, need to reflectorize, no level of retroreflectivity is specified. In recognition of this situation, the United States Congress directed the U.S. Department of Transportation, through the 1993 Department of Transportation Appropriations Act, to revise the MUTCD to include a standard for minimum levels of retroreflectivity that must be maintained.

Timetable:

Action	Date	FR Cite
Notice of Proposed Amendments	10/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

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–AE39

2211. 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 would amend procurement procedures on administration of engineering and design related services contracts to reflect the changes made by section 307 of Public Law 204-59, 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	04/00/00	

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

2212. +STATEWIDE 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 5305-5309

CFR Citation: 23 CFR 450; 49 CFR 613; 49 CFR 1.48(b); 49 CFR 1.51

Legal Deadline: None

Abstract: In this action, the FHWA and the FTA are jointly proposing to revise the regulations governing the development of transportation plans and programs for urbanized (metropolitan) areas and States. These revisions are the product of statutory changes made by the Transportation Equity Act for the 21st Century (TEA-21), which requires a continuous, comprehensive and coordinated process in metropolitan areas and States. The regulation at 23 CFR part 450 is being modified to reflect the impacts of TEA-21. These changes are being proposed in concert with revisions to regulations concerning environmental impact and related procedures and its architecture consistency.

The intent of these changes is to more effectively link planning regulations and environmental streamlining regulations to facilitate integration of decisions, reduce paperwork and analytical activity, where feasible, and to refine procedures and processes to achieve greater efficiency in decisionmaking.

In addition, the agencies believe that an integrated approach to planning and project development will contribute to more effective and environmentally sound decisions regarding investment choices.

Timetable:

Action	Date	FR Cite
NPRM	06/00/00	

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: 202 366-7660
Email: sheldon.edner@fhwa.dot.gov

RIN: 2125–AE62

2213. 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 is proposing 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	10/00/00	

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

2214. +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 Federal Highway Administration and the Federal Transit Administration are issuing an NPRM to propose updating and revising the National Environmental Policy Act implementing regulation for FHWA and FTA funded or approved projects. The current regulations were issued in 1987 (23 CFR part 771, August 28, 1987) and experience since that time as well as changes in legislation, most recently by the Transportation Equity Act for the 21st Century (TEA-21), call for an updated approach to implementation of NEPA for FHWA and FTA projects and actions.

Under this proposed rulemaking, the FHWA/FTA regulation for implementing NEPA would be moved to a new part (23 CFR part 530) and would be revised to further emphasize using the NEPA process to facilitate effective and timely decisionmaking.

Timetable:

Action	Date	FR Cite
NPRM	06/00/00	

Regulatory Flexibility Analysis Required: No

DOT—FHWA

Proposed Rule Stage

Government Levels Affected: None

Additional Information: This action will incorporate the issues contained in RIN 2125-AD32.

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

2215. INTELLIGENT TRANSPORTATION SYSTEMS ARCHITECTURE AND STANDARDS

Priority: Substantive, Nonsignificant

Legal Authority: 23 USC 101; 23 USC 109; 23 USC 315; 23 USC 502 note; 23 USC 508; PL 105-178; sec. 5206(e)

CFR Citation: 23 CFR 655; 23 CFR 940; 49 CFR 350

Legal Deadline: None

Abstract: In this action, the FHWA proposes to implement section 5206(e) of the Transportation Equity Act for the 21st Century (TEA-21), to develop an Intelligent Transportation Systems (ITS) regional architecture based on the National ITS Architecture. The regional architecture would be derived from an ITS integration strategy and all subsequent ITS projects would be consistent with the regional architecture. All ITS projects would be developed using the system engineering process and would use U.S. DOT adopted standards and interoperability tests.

Timetable:

Action	Date	FR Cite
NPRM	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Shelley Row, Office of Travel Management, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590
Phone: 202 366-8028

RIN: 2125–AE65

2216. REVISION OF THE MUTCD; REGULATORY SIGNS, TRAFFIC CONTROL FOR LOW VOLUME RURAL ROADS; TRAFFIC CONTROL FOR HIGHWAY-RAIL GRADE CROSSINGS

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: This document proposes new text for MUTCD in Chapter 2B—Regulatory Signs, Part 5—Traffic Control Device for Low Volume Rural Roads,and Part 8—Traffic Control for Highway-Rail Grade Crossings (update information). The purpose of this rewrite effort is to reformat the text for clarity of intended meanings, to include metric dimensions and values for the design and installation of traffic control devices, and to improve the overall organization and discussion of the contents in the MUTCD. The proposed changes included herein are intended to expedite traffic, promote uniformity,improve safety,and incorporate technology advances in traffic control device application.

Timetable:

Action	Date	FR Cite
Notice of Proposed Amendments	12/21/99	64 FR 71358
Comment Period End	06/30/00	
Final Action	12/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Linda Brown, Office of Transportation Operations, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-2192

RIN: 2125–AE66

2217. UTILITIES

Priority: Substantive, Nonsignificant

Legal Authority: 23 USC 101; 23 USC 109; 23 USC 116; 23 USC 123; 23 USC 315; ...

CFR Citation: 23 CFR 1.23; 23 CFR 1.27; 49 CFR 1.38(b)

Legal Deadline: None

Abstract: The FHWA proposes these changes to conform the utilities regulations to more recent laws, regulations, or guidance and to provide the state transportation departments clarification and more flexibility in implementing them.

Timetable:

Action	Date	FR Cite
NPRM	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: C. Paul Scott, Federal-Aid Program Branch, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-4104

RIN: 2125–AE68

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Highway Administration (FHWA)

Final Rule Stage

2218. 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 rescind 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 are inconsistent with title 23, United States Code, because of technical amendments to 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. Consequently, in the interests of

streamlining and providing more flexibility in the administration of advance construction, the FHWA is proposing to eliminate these regulations.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/19/95	60 FR 36991
Comment Period End	09/18/95	
To Be Withdrawn	06/00/00	

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

2219. FEDERAL-AID HIGHWAY SYSTEMS

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

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
Interim Final Rule Effective	07/21/97	
Final Action	06/00/00	

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. The FHWA believes that prior notice and opportunity for comment were unnecessary within the meaning of 5 U.S.C. 553(b)(3)(B) because this rule amends existing regulations in accordance with the requirements of the ISTEA and the NHS Act and will simplify administrative procedures, minimize regulatory burdens, and provide flexibility for accomplishing required system actions. 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: 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

RIN: 2125–AD74

2220. MITIGATION OF IMPACTS TO WETLANDS

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 42 USC 4321; 23 USC 109(h); 23 USC 138; 23 USC 315(i); 23 USC 133(b); EO 11990

CFR Citation: 23 CFR 777; 49 CFR 1.48(b)

Legal Deadline: None

Abstract: The FHWA is further supplementing its June 17, 1996, notice of proposed rulemaking (NPRM), Mitigation of Impacts to Wetlands, and June 18, 1997, supplemental notice of proposed rulemaking (SNPRM) on the same subject. The recently enacted Transportation Equity Act for the 21st Century (TEA-21) (Pub. L. 105-178, 112 Stat. 107) added the term ''natural habitat'' to those provisions of title 23, United States Code (U.S.C.), making wetlands mitigation banking efforts eligible for National Highway System (NHS) and Surface Transportation Program (STP) funds. This second SNPRM would update the FHWA's wetlands regulation to make it consistent with the authority established in TEA-21 by including mitigation of impacts to natural habitat, as well as wetlands within the scope of the regulation, specifying that it applies to all projects funded pursuant to the provisions of title 23, U.S.C. This SNPRM would also include a provision requiring that existing mitigation banks be used to provide mitigation for these highway impacts to wetlands and natural habitat when they are available and practicable.

Timetable:

Action	Date	FR Cite
NPRM	06/17/96	61 FR 30553
NPRM Comment Period End	08/16/96	
SNPRM	06/18/97	62 FR 33047
SNPRM Comment Period End	08/18/97	
Second SNPRM	04/07/99	64 FR 16870
SNPRM Comment Period End	06/07/99	
Final Action	05/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Additional authority DOT Order 5660.1A

Agency Contact: Paul Garrett, Water and Ecosystems Team, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 303 969-5772
Email: paul.garrett@fhwa.dot.gov

RIN: 2125–AD78

2221. RAILROAD HIGHWAY PROJECTS

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

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
Comment Period End	10/27/97	
Final Action	10/00/00	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions

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

2222. TRAFFIC CONTROL DEVICES, MARKINGS, SIGNALS, AND SYSTEMS FOR RAILROAD-HIGHWAY GRADE CROSSINGS

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: This document adds new text for the Manual on Uniform Traffic Control Devices (MUTCD) in part III, markings; in part IV, signals; and in part VIII, traffic control systems for railroad-highway grade crossings. The purpose of these amendments is to include metric dimensions and values for the design and installation of traffic control devices and to improve the organization and discussion of the contents of the MUTCD.

Timetable:

Action	Date	FR Cite
Notice of Proposed Amendments	01/06/97	62 FR 691
Comment Period End	08/30/97	
NPRM Comment Period Extended	10/21/97	62 FR 54598
Final Action	12/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Linda L. Brown, Office of Highway Safety, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590 Phone: 202 366-2192

RIN: 2125–AE11

2223. +FEDERAL MOTOR CARRIER SAFETY REGULATIONS; DEFINITION OF COMMERCIAL MOTOR VEHICLE

Priority: Other Significant

Legal Authority: 49 USC 31132; 49 USC 31136; 49 USC 31502; PL 104-88, sec 104(f)

CFR Citation: 49 CFR 390; 49 CFR 391; 49 CFR 392; 49 CFR 393; 49 CFR 395; 49 CFR 396; 49 CFR 1.48

Legal Deadline: Final, Statutory, June 9, 1999.

Abstract: The FHWA is initiating this action to consider whether to amend the definition of commercial motor vehicle in the Federal Motor Carrier Safety Regulations to make those safety regulations applicable to vehicles designed to transport less than 18 passengers including the driver. This rulemaking is significant because of substantial public interest concerning the possible extension of the applicability of the Federal Motor Carrier Safety Regulations (FMCSRs) to a larger portion of motor carrier operations.

Timetable:

Action	Date	FR Cite
ANPRM	08/05/98	63 FR 41766
ANPRM Comment Period End	10/05/98	
Interim Final Rule	09/03/99	64 FR 48510
Final Action	05/00/00	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Section 4008 of the TEA-21 requires the FHWA to either make the FMCSRs applicable to operators of commercial motor vehicles designed or used to transport more than 8 passengers for compensation, or exempt such entities through a rulemaking proceeding within one year after the enactment of the statute. The FHWA has proposed to regulate the operation of small passenger-carrying CMVs, and has considered the extent to which the regulations should be made applicable to such CMVS.

This action has been transferred to FMCSA RIN 2126-AA51.

Agency Contact: Larry W. Minor, Mechanical Engineer, Office of Motor Carrier Research & Standards, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590 Phone: 202 366-4012

RIN: 2125–AE22

2224. REVISION OF MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES; GENERAL PROVISIONS AND TRAFFIC CONTROL FOR SCHOOL AREAS

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; 23 CFR 1.32; 49 CFR 1.48

Legal Deadline: None

Abstract: In this action, new text for the MUTCD, part 1, General Provisions and part 7, Traffic Control for School Areas, is proposed. The purpose of such revision is to reformat the text for clarity of intended meanings, to include metric dimensions and values for the design and installation of traffic control devices, and to improve the overall organization and discussion of the contents in the MUTCD. The proposed changes in this action are intended to

expedite traffic, promote uniformity, improve safety, and incorporate technology advances in traffic control device applications.

Timetable:

Action	Date	FR Cite
Notice of Proposed Amendments	12/05/97	62 FR 64324
Comment Period End	09/08/98	
Final Action	12/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: None

Agency Contact: Linda Brown, Office of Transportation Operations, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590 Phone: 202 366-2192

RIN: 2125–AE25

2225. EMERGENCY RELIEF PROGRAM — $500,000 DISASTER ELIGIBILITY THRESHOLD

Priority: Substantive, Nonsignificant

Legal Authority: 23 USC 101; 23 USC 120(e); 23 USC 125; 23 USC 315

CFR Citation: 23 CFR 668; 49 CFR 1.48(b)

Legal Deadline: None

Abstract: The FHWA has initiated this rulemaking to evaluate the need to revise the FHWA's regulation pertaining to the $500,000 threshold established to distinguish between heavy maintenance or routine emergency repair and serious damage, which is used as one of the criteria to qualify a disaster under the FHWA emergency relief program for repair of Federal-aid highways. The FHWA has published an ANPRM with the intention of generating discussion and comments on the appropriateness of the current threshold value as well as any additional options regarding establishment of a disaster eligibility threshold. An NPRM has been published, soliciting comments on a proposal to increase the threshold to $700,000.

Timetable:

Action	Date	FR Cite
ANPRM	02/19/98	63 FR 8377
ANPRM Comment Period End	04/20/98	
NPRM	06/07/99	64 FR 30263
NPRM Comment Period End	08/06/99	
Final Action	05/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Mohan Pillay, Office of Engineering, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590 Phone: 202 366-4655

RIN: 2125–AE27

2226. REVISION OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES; PART II — SIGNS

Priority: Substantive, Nonsignificant

Legal Authority: 23 USC 109(d); 23 USC 114 (a); 23 USC 315; 23 USC 402

CFR Citation: 23 CFR 655; 23 CFR 1.32; 23 CFR 1.48

Legal Deadline: None

Abstract: Revision of the MUTCD is being done in phases due to the voluminous amount of text. This amendment represents the third phase of the rewrite effort and embraces proposed changes for part II — signs. This action is intended to rewrite and reformat the text for clarity of intended meanings; to include metric dimensions and values for the design and installation of traffic control devices; to improve the overall organization and discussion; and to propose changes that will enhance the mobility of all road users, promote uniformity, improve traffic safety by reducing the potential for run-off-road incidents, and incorporate technology advances in traffic control device application.

Timetable:

Action	Date	FR Cite
NPRM	06/11/98	63 FR 31950
Comment Period End	03/11/99	
Final Action	12/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: State, Local

Agency Contact: Linda Brown, Office of Transportation Operations, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590 Phone: 202 366-2192

RIN: 2125–AE38

2227. REVISION OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES; TOURIST ORIENTED DIRECTIONAL SIGNS, RECREATION AND CULTURAL INTEREST SIGNS, AND TRAFFIC CONTROLS FOR BICYCLE FACILITIES

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; 23 CFR 1.32; 49 CFR 1.48

Legal Deadline: None

Abstract: The MUTCD is incorporated by reference in 23 CFR part 655, subpart F, approved by the Federal Highway Administrator, and recognized as the national standard for traffic control on all public roads.

This document proposes new text for the MUTCD in Chapter 2G-Tourist Oriented Directional Signs (TODS), Chapter 2H-Recreation and Cultural Interest Area Signs, and Part 9, Traffic Controls for Bicycle Facilities. The purpose of this rewrite effort is to reformat the text to clarify intended meanings, to include metric dimensions and values for the design and installation of traffic control devices, and to improve the overall organization and discussion of the contents in the MUTCD. The proposed changes to the MUTCD are intended to expedite traffic, promote uniformity, improve safety, and incorporate technology advances in traffic control device application.

Timetable:

Action	Date	FR Cite
Notice of Proposed Amendments	06/24/99	64 FR 33802
Comment Period End	03/24/00	
Final Action	12/00/00	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: No

Government Levels Affected: Undetermined

Agency Contact: Linda Brown, Office of Transportation Operations,

Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-2192

RIN: 2125–AE50

2228. 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 (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
Interim Final Rule Effective	07/19/99	
Final Action	03/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: The Administrative Procedure Act (APA), 5 U.S.C. 551 et seq. allows agencies engaged in rulemaking to dispense with prior notice and opportunity for comment when the agency for good cause finds that such procedures are impracticable, unnecessary, or contrary to the public interest. The FHWA has determined that prior notice and opportunity for comment are unnecessary because comments regarding the project selection/fund allocation procedures for the IRRBP were solicited in a February 12, 1999, Federal Register notice (64 FR 7229) along with informal meetings on this subject that were held during December 1998. We have reviewed all comments and incorporated changes to the original document where necessary.

Agency Contact: Paul Los, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590
Phone: 202 366-9480

RIN: 2125–AE57

2229. REVISION OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES; WARNING SIGNS AND TRAFFIC CONTROLS FOR HIGHWAY-LIGHT RAIL GRADE CROSSINGS

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; 23 CFR 1.32; 49 CFR 1.48

Legal Deadline: None

Abstract: The Manual on Uniform Traffic Control Devices (MUTCD) is incorporated by reference in 23 CFR part 655, subpart F, approved by the Federal Highway Administrator, and recognized as the national standard for traffic control on all public roads. The FHWA announced its intent to rewrite and reformat the MUTCD on January 10, 1992, at 57 FR 1134. This action proposes new text for the MUTCD in Chapter 2C - Warning Signs and Part 10 - Traffic Controls for Highway-Light Rail Grade Crossings. The purpose of this rewrite effort is to reformat the text for clarity of intended meanings, to include metric dimensions in values for the design and installation of traffic control devices, and to improve the overall organization and discussion of the contents in the MUTCD. The proposed changes to the MUTCD are intended to expedite traffic, promote uniformity, improve safety, and incorporate technology advances in traffic control device application.

Timetable:

Action	Date	FR Cite
Notice of Proposed Amendments	06/24/99	64 FR 33806
Comment Period End	03/24/00	
Final Action	12/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Linda Brown, Office of Transportation Operations, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-2192

RIN: 2125–AE58

2230. +REVISION OF COLOR SPECIFICATIONS FOR SIGNS AND PAVEMENT MARKING RETROREFLECTIVE MATERIALS

Priority: Other Significant

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 is proposing to revise its color specifications for retroreflective sign materials. This revision would include 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 would also be included.

Timetable:

Action	Date	FR Cite
Notice of Proposed Amendments	12/21/99	64 FR 71354
Final Action	10/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Ernest Huckaby, Office of Highway Safety, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-9064

RIN: 2125–AE67

2231. ● REVISION OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES; GENERAL PROVISIONS, MARKINGS, AND SIGNALS

Priority: Substantive, Nonsignificant

Legal Authority: 23 USC 109(d); 23 USC 114(a); 23 USC 315; 23 USC 402(a)

DOT—FHWA — Final Rule Stage

CFR Citation: 23 CFR 1.32; 49 CFR 1.48; 23 CFR 655

Legal Deadline: None

Abstract: This action proposes new text for the MUTCD in Part 1 — General Provisions, Part 3—Markings, and Part 4 — Signals. The proposed changes included herein are intended to expedite traffic, promote uniformity, improve safety, and incorporate technology advances in traffic control device application.

Timetable:

Action	Date	FR Cite
Notice of Proposed Amendments	12/30/99	64 FR 73162
Final Action	12/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Linda Brown, Office of Transportation Operations, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590 Phone: 202 366-2192

RIN: 2125–AE71

2232. ● REVISION OF THE MUTCD - PROPOSED AMENDMENTS FOR TEMPORARY TRAFFIC CONTROL

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: This action proposes new text for the Manual on Uniform Traffic Control Devices in Part 6 - Temporary Traffic Control. The proposed changes included herein are intended to expedite traffic, promote uniformity, improve safety, and incorporate technology advances in traffic control device application.

Timetable:

Action	Date	FR Cite
Notice of Proposed Amendments	12/30/99	64 FR 73605
Final Action	12/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Charlie L. Sears, Office of Transportation Operations, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590 Phone: 202 366-2981

RIN: 2125–AE72

DEPARTMENT OF TRANSPORTATION (DOT) — Long-Term Actions
Federal Highway Administration (FHWA)

2233. +APPLICATION OF THE NATIONAL TRANSPORTATION COMMUNICATIONS FOR ITS PROTOCOL (NTCIP) STANDARDS IN ITS PROJECTS

Priority: Other Significant

Legal Authority: 23 USC 109; 23 USC 315; 23 USC 402; PL 102-240

CFR Citation: 23 CFR 625; 23 CFR 655; 49 CFR 1.48

Legal Deadline: None

Abstract: This action would propose amending FHWA regulations to require application of Intelligent Transportation System (ITS) Standards for ITS projects using Federal-aid highway funds. In the ISTEA of 1991, Congress directed the Department to develop and implement standards and protocols to promote widespread use of ITS. The proposed regulations would apply ITS standards to ITS systems, subsystems, devices, equipment and software to be acquired with Federal-aid highway funds, including ITS funds.

However, at this time, the FHWA is postponing this action on ITS Standards until such time as the standards are demonstrated to be viable and mature enough that the public sector risk in use of the standard is minimized.

This action is significant because it represents new and changed policy under DOT Order 2100.5.

Timetable: Next Action Undetermined

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–AE21

2234. PROCEDURES FOR ABATEMENT OF HIGHWAY TRAFFIC NOISE AND CONSTRUCTION NOISE

Priority: Substantive, Nonsignificant

Legal Authority: 23 USC 109(h); 23 USC 109(i); 49 USC 4331; 49 USC 4332; PL 104-59

CFR Citation: 23 CFR 772

Legal Deadline: None

Abstract: This action proposes to amend the FHWA regulation which specifies the traffic noise prediction method to be used in traffic noise analyses. This revision would allow the use of the FHWA Traffic Noise Model, which was released on March 30, 1998. It would update the specific references to acceptable traffic noise prediction methodology and vehicle noise emission levels. It would also remove references to specific noise prediction and measurement reports and vehicle noise emission levels that have been or will be superseded.

Work on this rulemaking has been suspended due to the extension of the phase-in period for the FHWA traffic noise model to December 31, 2002.

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Robert Armstrong, Office of Environment and Planning, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590 Phone: 202 366-2073

RIN: 2125–AE51

2235. +FEDERAL LANDS HIGHWAY PROGRAM; TRANSPORTATION PLANNING PROCEDURES AND 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.

In four related ANPRMs, the FHWA will seek public comment concerning these matters. Specifically in this ANPRM, the FHWA invites comment on an approach to implementing section 1115(d) under which the FHWA's Federal lands Highway, in consultation with the National Park Service (NPS) would develop a rule to meet the transportation planning and management systems requirements pertaining to the NPS including park roads and parkways program. Each of the ANPRMs 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 programs.

Timetable:

Action	Date	FR Cite
ANPRM	09/01/99	64 FR 47749
NPRM	05/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Paul Schneider, Federal Lands Highway Office, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590 Phone: 202 366-6799

RIN: 2125–AE52

2236. +FEDERAL LANDS HIGHWAY PROGRAM; TRANSPORTATION PLANNING PROCEDURES AND 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.

In four related ANPRMs, the FHWA will seek public comment concerning these matters. Specifically, In this ANPRM, the FHWA invites comment on an approach to implementing section 1115(d) under which the FHWA's Federal Lands Highway, in consultation with the Bureau of Indian Affairs (BIA), would develop a rule to meet the transportation planning and management system requirements pertaining to the BIA, including the Indian reservations road program. Each of the ANPRMs 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 programs.

Timetable:

Action	Date	FR Cite
ANPRM	09/01/99	64 FR 47746
NPRM	05/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Paul Schneider, Federal Lands Highway Office, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590 Phone: 202 366-6799

RIN: 2125–AE53

2237. +FEDERAL LANDS HIGHWAY PROGRAM; TRANSPORTATION PLANNING PROCEDURES AND 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.

In four related ANPRMs, the FHWA will seek public comment concerning these matters. Specifically, in this ANPRM, the FHWA invites comment on an approach to implementing section 1115(d) under which the FHWA's Federal Lands Highway, in

consultation with the Fish and Wildlife Service (FWS), would develop a rule to meet the transportation planning and management systems requirement pertaining to the FWS, including refuge roads. Each of the ANPRMs 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 programs.

Timetable:

Action	Date	FR Cite
ANPRM	09/01/99	64 FR 47741
NPRM	05/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Paul Schneider, Federal Lands Highway Office, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590 Phone: 202 366-6799

RIN: 2125–AE54

2238. +FEDERAL LANDS HIGHWAY PROGRAM; TRANSPORTATION PLANNING PROCEDURES AND 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 managment 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.

In four related ANPRMs, the FHWA will seek public comment concerning these matters. Specifically in this ANPRM, the FHWA invites comment on an approach to implementing section 1115(d) under which the FHWA's Federal Lands Highway, in consultation with the Forest Service (FS), would develop a rule to meet the transportation planning and management systems requirements pertaining to the FS, including the forest highway program. Each of the ANPRMs 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 programs.

Timetable:

Action	Date	FR Cite
ANPRM	09/01/99	64 FR 47744
NPRM	05/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Paul Schneider, Federal Lands Highway Office, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590 Phone: 202 366-6799

RIN: 2125–AE55

DEPARTMENT OF TRANSPORTATION (DOT) — Completed Actions

Federal Highway Administration (FHWA)

2239. +QUALIFICATION OF DRIVERS; DIABETES

Timetable:

Action	Date	FR Cite
Transferred to RIN 2126-AA00	12/06/99	

RIN: 2125–AB91

2240. ACQUISITION OF REAL PROPERTY FOR RIGHTS-OF-WAY

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 23 USC 315; PL 100-17, sec 126; PL 100-17, sec 146; 42 USC 4601 et seq

CFR Citation: 23 CFR 172; 23 CFR 710; 23 CFR 712; 23 CFR 713; 23 CFR 720; 23 CFR 740; 23 CFR 620; 23 CFR 635; 23 CFR 645

Legal Deadline: None

Abstract: The Federal Highway Administration (FHWA) is proposing to revise and consolidate several right-of-way regulations to improve the organization of the subject matter and update the content. This action will also implement the Right-of-Way portions of Sections 1301 and 1303 of TEA-21. This action is being incorporated into RIN 2125-AE44.

Timetable:

Action	Date	FR Cite
ANPRM	11/06/95	60 FR 56004
ANPRM Comment Period End	01/05/96	
Interim Final Rule	04/25/96	61 FR 18246
Interim Final Rule Effective	05/28/96	
Final Action	12/21/99	64 FR 71284
Final Action Effective	01/20/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State, Local

Additional Information: Two related rulemaking actions are: (1) a proposed rule entitled ''Right-of-Way'' which appeared in a prior Agenda under RIN 2125-AB58 and (2) a proposed rule entitled ''Property Management; Disposals and Airspace'' which appeared in a prior Agenda under RIN 2125-AB60. Those entries have been consolidated into this rulemaking. The FHWA has determined that several

right-of-way regulations are duplicated or otherwise covered elsewhere in DOT regulations. Accordingly, the FHWA has decided to remove these provisions from its regulations. RIN 2125-AD87 was completed and changes contemplated in that rulemaking were consolidated into the interim final rule published under this RIN.

ANALYSIS: Regulatory Evaluation

Agency Contact: James E. Ware, Realty Specialist, Office of Real Estate Services, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-2019

RIN: 2125–AC17

2241. +COMMERCIAL DRIVER'S LICENSE STANDARDS; BIOMETRIC IDENTIFIER

Timetable:

Action	Date	FR Cite
Transferred to RIN 2126-AA01	12/06/99	

RIN: 2125–AC24

2242. +FEDERAL MOTOR CARRIER SAFETY REGULATIONS; GENERAL; PERIODIC REGISTRATION REQUIREMENTS FOR MOTOR CARRIERS

Timetable:

Action	Date	FR Cite
Transferred to RIN 2126-AA02	12/06/99	

RIN: 2125–AC28

2243. PERIODIC INSPECTION REQUIREMENTS

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 49 USC 31131; 49 USC 31137; 49 USC 31142

CFR Citation: 49 CFR 396

Legal Deadline: None

Abstract: The FHWA had considered proposing to amend its periodic inspection requirements for commercial motor vehicles operated in interstate commerce. However, the agency has now decided to consider these revisions as part of the zerobase rulemaking for the Federal Motor Carrier Safety Regulations listed under RIN 2126-AA39.

Timetable:

Action	Date	FR Cite
Notice:Request for Comments	03/16/89	54 FR 11020
Final Rule: Delay in Compliance Date	12/08/89	54 FR 50722
Notice: State Inspection Programs	12/08/89	54 FR 50726
Petition: Comment Period End: 07/02/90	05/02/90	55 FR 18355
Notice: State Inspection Programs	09/23/91	56 FR 47982
Denial of Petition	07/02/92	57 FR 29457
Merged With 2126-AA39	02/01/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Larry W. Minor, Mechanical Engineer, Office of Motor Carrier Research and Standards, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-4012

RIN: 2125–AC47

2244. COMMERCIAL LEARNER PERMITS AND CDL EFFECTIVENESS

Timetable:

Action	Date	FR Cite
Transferred to RIN 2126-AA03	12/06/99	

RIN: 2125–AC54

2245. +QUALIFICATION OF DRIVERS; VISION

Timetable:

Action	Date	FR Cite
Transferred to RIN 2126-AA05	12/06/99	

RIN: 2125–AC62

2246. REVISION OF MEDICAL EXAMINATION FORM AND PROCEDURES

Timetable:

Action	Date	FR Cite
Transferred to RIN 2126-AA06	12/06/99	

RIN: 2125–AC63

2247. +FEDERAL MOTOR CARRIER SAFETY REGULATIONS; GENERAL TRANSPORTATION OF HAZARDOUS MATERIALS

Timetable:

Action	Date	FR Cite
Transferred to RIN 2126-AA07	12/06/99	

RIN: 2125–AC78

2248. +MINIMUM TRAINING REQUIREMENTS FOR OPERATORS AND TRAINING INSTRUCTORS OF MULTIPLE TRAILER COMBINATION VEHICLES

Timetable:

Action	Date	FR Cite
Transferred to RIN 2126-AA08	12/06/99	

RIN: 2125–AC92

2249. +TRAINING FOR ENTRY-LEVEL DRIVERS OF COMMERCIAL MOTOR VEHICLES

Timetable:

Action	Date	FR Cite
Transferred to RIN 2126-AA09	12/06/99	

RIN: 2125–AD05

2250. +COMMERCIAL DRIVER PHYSICAL FITNESS AS PART OF THE CDL PROCESS

Timetable:

Action	Date	FR Cite
Transferred to RIN 2126-AA10	12/06/99	

RIN: 2125–AD20

2251. +QUALIFICATIONS OF DRIVERS: HEARING DEFICIENCIES

Timetable:

Action	Date	FR Cite
Transferred to RIN 2126-AA11	12/06/99	

RIN: 2125–AD22

2252. PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION; SLEEPER BERTHS ON MOTOR COACHES

Timetable:

Action	Date	FR Cite
Transferred to RIN 2126-AA12	12/06/99	

RIN: 2125–AD25

2253. MOTOR CARRIER SAFETY ASSISTANCE PROGRAM (MCSAP) ALLOCATION FORMULA

Timetable:

Action	Date	FR Cite
Transferred to RIN 2126-AA13	12/06/99	

RIN: 2125–AD30

2254. +DEPARTMENT OF TRANSPORTATION NEPA AND RELATED PROCEDURES FOR TRANSPORTATION DECISIONMAKING

Priority: Other Significant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 42 USC 4321; 23 USC 109; 23 USC 128; 23 USC 138; 23 USC 315; PL 102-240; 49 USC 303(c); 49 USC 1602(d); 49 USC 1604(h); 49 USC 1604(i); 49 USC 1610; 33 USC 401; 33 USC 491 et seq; 33 USC 511 et seq; 33 USC 525 et seq

CFR Citation: 23 CFR 771; 49 CFR 622; 40 CFR 1500 to 1508; 49 CFR 1.48(b); 49 CFR 1.51; 33 CFR 114.05

Legal Deadline: None

Abstract: The Federal Highway Administration and the Federal Transit Administration have a joint environmental regulation at 23 CFR 771, ''Environmental Impact and Related Procedures.'' Nevertheless, each agency's guidance for implementing those regulations is procedurally different. This causes difficulties and inconsistencies for sponsors of transportation projects, particularly where joint FHWA and FTA funds are involved. In the ISTEA, the Congress recognized the importance of providing uniformity and consistency between FHWA and FTA environmental procedures.

In addition, TEA-21 directed the Secretary of Transportation to develop a streamlined and coordinated environmental review process for highway and transit projects involving permits or environmental reviews by other Federal agencies. This rulemaking will implement, in part, the requirements of both ISTEA and TEA-21.

This action is being incorporated into a new RIN 2125-AE64.

Timetable:

Action	Date	FR Cite
Merged With 2125-AE64	02/01/00	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: State

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–AD32

2255. +FEDERAL MOTOR CARRIER SAFETY REGULATIONS; GENERAL; MOTOR VEHICLE MARKING

Timetable:

Action	Date	FR Cite
Transferred to RIN 2126-AA14	12/06/99	

RIN: 2125–AD49

2256. +HOURS OF SERVICE OF DRIVERS; SUPPORTING DOCUMENT RECORDKEEPING

Priority: Other Significant

Legal Authority: PL 103-311; PL 106-159; 49 USC 31136; 49 USC 31502

CFR Citation: 49 CFR 395.8; 49 CFR 1.73

Legal Deadline: Final, Statutory, February 26, 1996, PL 103-311, sec. 113.
NPRM, Statutory, August 26, 1995, PL 103-311; sec. 113.

Abstract: A record of duty status is required to be prepared for each day a driver operates a commercial motor vehicle in interstate commerce. All motor carriers are required to maintain the record of duty status for at least 6 months along with all documents that support the accuracy of the record of duty status. The Hazardous Materials Transportation Authorization Act of 1994 mandates the Secretary of Transportation to specify what documents must be maintained to support the accuracy of the record of duty status. The statutory mandate requires the agency to describe the type of supporting documents to be generated and maintained, as well as specify the quantity and length of time to maintain the supporting documents.

Comments to the docket predominantly suggest delay of this action until the FMCSA has proposed new hours of service rules and new recordkeeping systems under RIN 2126-AA23. The FMCSA will respond to the docket comments and modify its ''supporting documents'' proposal, based on the recordkeeping systems being proposed in RIN 2126-AA23.

Timetable:

Action	Date	FR Cite
NPRM	04/20/98	63 FR 19457
NPRM Comment Period End	06/19/98	
Merged With RIN 2126-AA23	02/01/00	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: State, Local, Federal

Agency Contact: David Miller, Transportation Specialist, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-1790

RIN: 2125–AD52

2257. RULES OF PRACTICE FOR MOTOR CARRIER PROCEEDINGS; INVESTIGATIONS; DISQUALIFICATIONS AND PENALTIES

Timetable:

Action	Date	FR Cite
Transferred to RIN 2126-AA15	12/06/99	

RIN: 2125–AD64

2258. +ADVANCED TECHNOLOGY IN COMMERCIAL MOTOR VEHICLE OPERATIONS (SECTION 610 REVIEW)

Timetable:

Action	Date	FR Cite
Transferred to RIN 2126-AA16	12/06/99	

RIN: 2125–AD65

2259. SAFETY PERFORMANCE HISTORY OF NEW DRIVERS

Timetable:

Action	Date	FR Cite
Transferred to RIN 2126-AA17	12/06/99	

RIN: 2125–AD66

2260. STANDARDS FOR CENTER LINE AND EDGE LINE MARKINGS ON STREETS AND HIGHWAYS

Priority: Substantive, Nonsignificant

Legal Authority: 23 USC 109(d); 23 USC 114(a); 23 USC 315; 23 USC 402(a); PL 102-388

CFR Citation: 23 CFR 655

Legal Deadline: None

Abstract: The Manual on Uniform Traffic Control Devices (MUTCD) is incorporated by reference in 23 CFR part 655, subpart F, and recognized as the national standard for traffic control on all public roads. The DOT and Related Agencies Appropriations Act of 1992, Pub. L. 102-388, sec. 406, requires that the MUTCD include a national standard to define the roads that must have center line or edge line markings or both. The MUTCD amendments in this action will improve traffic operations and safety, provide national standards and guidance to establish uniform application and use of center line and edge line markings on streets and highways.

Timetable:

Action	Date	FR Cite
NPRM	08/02/96	61 FR 40484
NPRM Comment Period End	05/02/97	
Final Action	01/03/00	65 FR 0009
Final Action Effective	01/03/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: None

Agency Contact: Ernest D. L. Huckaby, Office of Highway Safety, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-9064

RIN: 2125–AD68

2261. +RAILROAD GRADE CROSSING SAFETY

Timetable:

Action	Date	FR Cite
Transferred to RIN 2126-AA18	12/06/99	

RIN: 2125–AD75

2262. PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION; TELEVISION RECEIVERS AND DATA DISPLAY UNITS

Timetable:

Action	Date	FR Cite
Transferred to RIN 2126-AA19	12/06/99	

RIN: 2125–AD76

2263. +TRANSPORTATION OF MIGRANT WORKERS

Priority: Other Significant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 49 USC 5901 to 5907; 49 USC 31132; 49 USC 31133; 49 USC 31136; 49 USC 31502; 49 USC 31504; ...

CFR Citation: 49 CFR 390; 49 CFR 392; 49 CFR 398; 49 CFR 1.73

Legal Deadline: None

Abstract: The FMCSA's predecessor agency, the FHWA conducted a 5 U.S.C. section 610 review of the continued need, if any, for its specific regulations on the transportation of migrant workers under 49 CFR 398. This action is considered significant due to substantial public interest. As a result of the FMCSA's section 610 review, the agency decided there is continued need for some of the specific rules, but other general rules should be incorporated throughout 49 CFR Chapter III, Subchapter B. The hours-of-service-of-driver rules contained in 49 CFR 398.6 have been reviewed as a part of RIN 2126-AA23. All other rules have been reviewed as a part of the FMCSA's ''zerobase'' section 610 review efforts under RIN 2126-AA39.

Timetable:

Action	Date	FR Cite
Merged With 2126-AA23, 2126-AA39	02/01/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State, Local, Federal

Federalism: This action may have federalism implications as defined in EO 13132.

Agency Contact: David Miller, Transportation Specialist, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-1790

RIN: 2125–AD81

2264. INSPECTION, REPAIR, AND MAINTENANCE

Timetable:

Action	Date	FR Cite
Transferred to RIN 2126-AA20	12/06/99	

RIN: 2125–AD82

2265. +MOTOR CARRIER REPLACEMENT INFORMATION/REGISTRATION SYSTEM

Timetable:

Action	Date	FR Cite
Transferred to RIN 2126-AA22	12/06/99	

RIN: 2125–AD91

2266. +HOURS OF SERVICE OF DRIVERS (SECTION 610 REVIEW)

Timetable:

Action	Date	FR Cite
Transferred to RIN 2126-AA23	12/06/99	

RIN: 2125–AD93

2267. ELECTRONIC FILING OF SURETY BONDS, TRUST FUND AGREEMENTS, INSURANCE CERTIFICATES; CANCELLATIONS

Timetable:

Action	Date	FR Cite
Transferred to RIN 2126-AA24	12/06/99	

RIN: 2125–AD94

2268. GENERAL JURISDICTION OVER FREIGHT FORWARDER SERVICE

Timetable:

Action	Date	FR Cite
Transferred to RIN 2126-AA25	12/06/99	

RIN: 2125–AE00

2269. REGISTRATION OF FOR-HIRE MOTOR CARRIERS, PROPERTY BROKERS, AND FREIGHT FORWARDERS

Timetable:

Action	Date	FR Cite
Transferred to RIN 2126-AA26	12/06/99	

RIN: 2125–AE01

2270. +DEVELOPMENT OF A NORTH AMERICAN STANDARD FOR PROTECTION AGAINST SHIFTING AND FALLING CARGO

Timetable:

Action	Date	FR Cite
Transferred to RIN 2126-AA27	12/06/99	

RIN: 2125–AE05

2271. +QUALIFICATIONS OF MOTOR CARRIERS TO SELF-INSURE THEIR OPERATIONS AND FEES TO SUPPORT THE APPROVAL AND COMPLIANCE PROCESS

Timetable:

Action	Date	FR Cite
Transferred to RIN 2126-AA28	12/06/99	

RIN: 2125–AE06

2272. +FEDERAL MOTOR CARRIER SAFETY REGULATIONS; HOURS-OF-SERVICE AND CDL EXEMPTIONS

Timetable:

Action	Date	FR Cite
Transferred to RIN 2126-AA29	12/06/99	

RIN: 2125–AE09

2273. MINIMUM LEVELS OF FINANCIAL RESPONSIBILITY FOR MEXICAN MOTOR CARRIERS

Timetable:

Action	Date	FR Cite
Transferred to RIN 2126-AA30	12/06/99	

RIN: 2125–AE14

2274. +ENGLISH LANGUAGE REQUIREMENT; QUALIFICATIONS OF DRIVERS

Timetable:

Action	Date	FR Cite
Transferred to RIN 2126-AA31	12/06/99	

RIN: 2125–AE19

2275. TRANSPORTATION OF HOUSEHOLD GOODS; CONSUMER PROTECTION REGULATIONS

Timetable:

Action	Date	FR Cite
Transferred to RIN 2126-AA32	12/06/99	

RIN: 2125–AE30

2276. +REVISION OF APPLICATION FORM FOR MEXICAN MOTOR CARRIERS: COMMERCIAL ZONES

Timetable:

Action	Date	FR Cite
Transferred to RIN 2126-AA33	12/06/99	

RIN: 2125–AE31

2277. +REVISION OF APPLICATION FORM FOR MEXICAN MOTOR CARRIERS: NAFTA

Timetable:

Action	Date	FR Cite
Transferred to RIN 2126-AA34	12/06/99	

RIN: 2125–AE32

2278. +ACCELERATED SAFETY MONITORING SYSTEM AND COMPLIANCE INITIATIVE FOR MEXICAN MOTOR CARRIERS OPERATING IN THE UNITED STATES

Timetable:

Action	Date	FR Cite
Transferred to RIN 2126-AA35	12/06/99	

RIN: 2125–AE33

2279. OUT-OF-SERVICE CRITERIA

Timetable:

Action	Date	FR Cite
Transferred to RIN 2126-AA36	12/06/99	

RIN: 2125–AE35

2280. SAFETY FITNESS PROCEDURES

Timetable:

Action	Date	FR Cite
Transferred to RIN 2126-AA37	12/06/99	

RIN: 2125–AE37

2281. +GENERAL REQUIREMENTS; INSPECTION, REPAIR, AND MAINTENANCE; INTERMODAL CONTAINER CHASSIS AND TRAILERS

Timetable:

Action	Date	FR Cite
Transferred to RIN 2126-AA38	12/06/99	

RIN: 2125–AE40

DOT—FHWA

Completed Actions

2282. +FEDERAL MOTOR CARRIER SAFETY REGULATIONS; ZERO-BASE REVISION

Timetable:

Action	Date	FR Cite
Transferred to RIN 2126-AA39	12/06/99	

RIN: 2125–AE42

2283. RIGHT-OF-WAY PROGRAM ADMINISTRATION

Priority: Substantive, Nonsignificant

Legal Authority: 23 USC 101(a); 23 USC 107; 23 USC 108; 23 USC 111; 23 USC 114; 23 USC 133; 23 USC 142(f)

CFR Citation: 23 CFR 710; 23 CFR 712; 23 CFR 713; 23 CFR 645; 23 CFR 620; 23 CFR 635; 23 CFR 630; 23 CFR 712

Legal Deadline: None

Abstract: This action amends right-of-way regulations for federally assisted transportation programs. The regulations are arranged to follow the same sequence as the development and implementation of a Federal-aid project to assist the public and State transportation agency (STA) in locating regulations applicable to a specific point of interest. The amendments should clarify the State-Federal partnership.

Timetable:

Action	Date	FR Cite
NPRM	12/24/98	63 FR 71238
NPRM Comment Period End	03/24/99	
Final Action	12/21/99	64 FR 71284
Final Action Effective	01/20/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: RIN 2125-AC17 will be completed in this action.

Agency Contact: James E. Ware, Realty Specialist, Office of Real Estate Services, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-2019

RIN: 2125–AE44

2284. MOTOR CARRIER SAFETY ASSISTANCE PROGRAM (MCSAP)

Timetable:

Action	Date	FR Cite
Transferred to RIN 2126-AA40	12/06/99	

RIN: 2125–AE46

2285. FEDERAL MOTOR CARRIER SAFETY REGULATIONS; WAIVERS, EXEMPTIONS, AND PILOT PROGRAMS; RULES AND PROCEDURES

Timetable:

Action	Date	FR Cite
Transferred to RIN 2126-AA41	12/06/99	

RIN: 2125–AE48

2286. +SAFETY FITNESS PROCEDURES—UNSATISFACTORY SAFETY RATINGS

Timetable:

Action	Date	FR Cite
Transferred to RIN 2126-AA42	12/06/99	

RIN: 2125–AE56

2287. SAFETY FITNESS PROCEDURES; AMENDMENTS TO SAFETY FITNESS RATING METHODOLOGY (SFRM) APPENDIX

Timetable:

Action	Date	FR Cite
Transferred to RIN 2126-AA43	12/06/99	

RIN: 2125–AE59

2288. +FEDERAL MOTOR CARRIER SAFETY REGULATIONS; REQUIREMENTS FOR OPERATORS OF SMALL PASSENGER CARRYING COMMERCIAL MOTOR VEHICLES

Timetable:

Action	Date	FR Cite
Transferred to RIN 2126-AA44	12/06/99	

RIN: 2125–AE60

2289. FEDERAL MOTOR CARRIER SAFETY REGULATIONS; TECHNICAL AMENDMENT

Timetable:

Action	Date	FR Cite
Transferred to RIN 2126-AA45	12/06/99	

RIN: 2125–AE61

DEPARTMENT OF TRANSPORTATION (DOT)

Proposed Rule Stage

Federal Motor Carrier Safety Administration (FMCSA)

2290. ● +FEDERAL MOTOR CARRIER SAFETY REGULATIONS; GENERAL; PERIODIC REGISTRATION REQUIREMENTS FOR MOTOR CARRIERS

Priority: Other Significant

Legal Authority: 49 USC 31502; 49 USC 31103; 49 USC 31136

CFR Citation: 49 CFR 390

Legal Deadline: None

Abstract: In this rulemaking, the FHWA, the predecessor agency to the FMCSA, was considering a requirement for all motor carriers subject to the Federal Motor Carrier Safety Regulations (FMCSRs) to periodically update certain carrier information maintained by the agency in a national interstate motor carrier census file. Consideration was being given to the frequency and methods for updating this information.

The ICC Termination Act of 1995, which added 49 U.S.C. 13908, requires the Secretary to initiate a rulemaking to replace the current DOT identification number system, the single State registration system, the registration/licensing system and the financial responsibility system, with a single, on-line Federal system. This new rulemaking (2125-AD91/2126-AA22) will address some ofthe issues contained in this action (2125-AC28).

Timetable:

Action	Date	FR Cite
ANPRM	07/17/89	54 FR 29912
ANPRM Comment Period End	09/15/89	
NPRM	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Please note that this action (2125-AC28) was previously titled ''Federal Motor Carrier Safety Regulations; General; Motor Vehicle Marking.'' A new RIN has been assigned for this subject. See 2125-AD49 for further information about motor vehicle marking 1992 Agenda.

ANALYSIS: Regulatory Evaluation

Transferred from RIN 2125-AC28.

Agency Contact: Neill L. Thomas, Chief, Vehicle and Operations, Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-5884

RIN: 2126–AA02

2291. ● COMMERCIAL LEARNER PERMITS

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 31136; PL 99-570; 49 USC 3102

CFR Citation: 49 CFR 384; 49 CFR 383; 49 CFR 386; 49 CFR 395; 49 CFR 1.48

Legal Deadline: None

Abstract: The FHWA, the predecessor agency to the Federal Motor Carrier Safety Administration (FMCSA), 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 FMCSA plans to establish more uniform practices, such as: 1) screening drivers before permitting them to initially drive a CMV without having obtained a full CDL; 2) the length of time a state allows the driver to hold a learner's permit; 3) procedures for drivers to obtain CDL training in a state other than their normal residency; 4) supervision requirements for learner permit drivers; 5) commercial driver license information systems (CDLIS) recordkeeping requirements.

Timetable:

Action	Date	FR Cite
NPRM	08/22/90	55 FR 34478
NPRM Comment Period End	10/22/90	
NPRM Comment Period Extended to 11/30/90	10/23/90	55 FR 42741
SNPRM	07/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: None

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

Transferred from RIN 2125-AC54.

Agency Contact: David Goettee, Transportation Specialist, Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-4001

RIN: 2126–AA03

2292. ● +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 significant due to public interest.

Timetable:

Action	Date	FR Cite
ANPRM	01/15/93	58 FR 4638
ANPRM Comment Period End	03/16/93	
NPRM	07/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Transferred from RIN 2125-AC92.

Agency Contact: Robert Redmond, Transportation Specialist, Office of Bus and Truck Standards and Operations, Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-5014

RIN: 2126–AA08

2293. ● +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: NPRM, Statutory, December 18, 1992.
Final, Statutory, December 18, 1993.

Abstract: This action is in response to section 4007 of the Motor Carrier Act of 1991 (title IV of the Intermodal Surface Transportation Efficiency Act of 1991). The Department has initiated a rulemaking on the need to require training of all entry-level drivers of commercial motor vehicles. The agency has submitted a report to Congress (02/05/96) 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 have been 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	

Action	Date	FR Cite
Notice of Availability	04/25/96	61 FR 18355
NPRM	09/00/00	

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 703 487-4650.

Transferred from RIN 2125-AD05.

Agency Contact: David Lehrman, Attorney Advisor, Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-4009

RIN: 2126–AA09

2294. ● +COMMERCIAL DRIVER PHYSICAL FITNESS AS PART OF THE CDL PROCESS

Priority: Other Significant

Legal Authority: 49 USC 2704(a); 49 USC 2505; 49 USC 3102

CFR Citation: 49 CFR 391; 49 CFR 383; 49 CFR 1.48; 49 CFR 391.11; 49 CFR 391.45

Legal Deadline: None

Abstract: The Federal Motor Carrier Safety Administration is proposing 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	04/00/00	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Governmental Jurisdictions, Businesses

Government Levels Affected: Undetermined

Additional Information: Please note the following notice publications with respect to the advisory committee: 04/29/96 at 61 FR 18713; 07/26/96 at 61 FR 38133; 08/26/96 at 61 FR 43725; 10/07/96 at 61 FR 52401; 11/05/96 at 61 FR 56936; 12/17/96 at 66 FR 66250; and 02/13/97 at 62 FR 6753.

Transferred from RIN 2125-AD20.

Agency Contact: Teresa Doggett, Transportation Specialist, Office of Bus and Truck Standards and Operations, Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-4001

RIN: 2126–AA10

2295. ● +ADVANCED TECHNOLOGY IN COMMERCIAL MOTOR VEHICLE OPERATIONS (RULEMAKING RESULTING FROM A SECTION 610 REVIEW)

Priority: Other Significant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 49 USC 31136; 49 USC 31502; PL 74-255; PL 84-939; PL 98-554; ...

CFR Citation: 49 CFR 395; 49 CFR 1.73

Legal Deadline: None

Abstract: Current Federal Motor Carrier Safety Regulations limit the hours of service of commercial motor vehicle (CMV) drivers in order to reduce fatigue-related accidents. These regulations include substantial recordkeeping requirements to monitor drivers' hours of service. The FHWA, the predecessor agency to the FMCSA, conducted a 5 U.S.C. section 610 review of the ways to reduce the recordkeeping burden while maintaining or improving safety. This rulemaking is significant because of the broad industry impacts.

As a result of the section 610 review, the FMCSA has decided to add the rulemaking action to RIN 2126-AA23 and issue an NPRM under that RIN that includes advanced technological recordkeeping systems to improve compliance and safety.

Timetable:

Action	Date	FR Cite
Notice: Request for Information	09/07/95	60 FR 46682
Comment Period End	11/06/95	
NPRM Under RIN 2126-AA23	09/00/00	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: State, Local

Federalism: This action may have federalism implications as defined in EO 13132.

Additional Information: Transferred from RIN 2125-AD65.

Agency Contact: David R. Miller, Transportation Specialist, Office of Bus and Truck Standards and Operations, Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh Street SW., Washington, DC
Phone: 202 366-1790

RIN: 2126–AA16

2296. ● SAFETY PERFORMANCE HISTORY OF NEW DRIVERS

Priority: Substantive, Nonsignificant

Legal Authority: 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 1.48

Legal Deadline: NPRM, Statutory, January 1999, See sec. 4014 of PL 105-178.

Abstract: This action proposes amending FHWA regulations to specify minimum safety information that new or prospective employers must seek from former employers during the investigation of a driver's employment record. This action also proposes to increase the period of time for which carriers must record accident information in the accident register from one to three years. This proposal was mandated by the Hazardous Materials Reauthorization Act of 1994. This rule is also impacted by TEA-21, Section 4014 and given a new statutory

deadline of 1/99. Public Law 105-347 may affect this rule because it discusses the release of employment information by consumer reporting agencies currently investigating this issue.

Timetable:

Action	Date	FR Cite
NPRM	03/14/96	61 FR 10548
NPRM Comment Period End	05/13/96	
SNPRM	06/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Transferred from RIN 2125-AD66.

Agency Contact: Valerie Height, Office of Policy, Plans and Regulations, Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-1790

RIN: 2126–AA17

2297. ● PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION; TELEVISION RECEIVERS AND DATA DISPLAY UNITS

Priority: Substantive, Nonsignificant

Legal Authority: PL 102-240; 49 USC 31136; 49 USC 31502

CFR Citation: 49 CFR 393; 49 CFR 1.48

Legal Deadline: None

Abstract: The FHWA, the predecessor agency to the FMCSA, proposed to amend the provision of the Federal Motor Carrier Safety Regulations (FMCSRs) concerning television viewers or screens in commercial motor vehicles. The agency was concerned that the current restrictions on the locations of such devices may have the unintended effect of discouraging the 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. In response to comments to the April 3, 1993, notice of proposed rulemaking (61 FR 14733) to rescind the regulation concerning television viewers or screens, the 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	
SNPRM	10/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Transferred from RIN 2125-AD76.

Agency Contact: Gary R. Woodford, Office of Bus and Truck Standards, Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh Street SW, Washington, DC 20590
Phone: 202 366-4009

RIN: 2126–AA19

2298. ● +MOTOR CARRIER REPLACEMENT INFORMATION/REGISTRATION SYSTEM

Priority: Other Significant

Legal Authority: 49 USC 13908

CFR Citation: 49 CFR 36

Legal Deadline: Final, Statutory, January 1, 1998.

Abstract: This action is in response to the requirements of section 103 of the Interstate Commerce Commission Termination Act of 1995, which added 49 USC 13908. This section requires the Secretary to initiate a rulemaking proceeding to replace the current DOT identification number system, single State registration system, the registration/licensing system, and the financial responsibility system, with a single, on-line Federal system. This action is considered significant due to substantial public interest. Statutory deadline was not met due to range and depth of issues involved.

Timetable:

Action	Date	FR Cite
ANPRM	08/26/96	61 FR 43816
ANPRM Comment Period End	10/25/96	
NPRM	10/00/00	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: State, Federal

Additional Information: This action is incorporating the issues contained in RIN 2125-AC28.

Transferred from RIN 2125-AD91.

Agency Contact: Stanley M. Braverman, Attorney, Office of Policy, Plans and Regulations, Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-1565

RIN: 2126–AA22

2299. ● +HOURS OF SERVICE OF DRIVERS; DRIVER REST AND SLEEP FOR SAFE OPERATIONS (RULEMAKING RESULTING FROM A SECTION 610 REVIEW)

Priority: Economically Significant. Major under 5 USC 801.

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

Legal Authority: PL 104-88; PL 106-159; 49 USC 31136; 49 USC 31502; PL 74-255; PL 84-939; PL 98-554; PL 103-311; PL 104-59

CFR Citation: 49 CFR 395; 49 CFR 1.73

Legal Deadline: Other, Statutory, March 1, 1996, ANPRM.PL 104-88,sec.408(a).
NPRM, Statutory, November 5, 1997, PL 104-88, sec. 408(b).
Final, Statutory, November 5, 1999, PL 104-88,sec.408(b).

Abstract: This action would revise the regulations for commercial motor vehicle driver rest requirements and duty period limitations for safe highway transportation. A broad rulemaking is required by the ICC Termination Act of 1995 (ICCTA). Other Congressional actions prior to the ICCTA require modifications to the current rules. Overall changes are necessary to attain four principal agency mandates. The Agency must:

(1) Provide the minimum level of safety for the operation of commercial motor vehicles on public roads;

(2) Ensure the responsibilities imposed on operators of commercial motor vehicles do not impair their ability to operate the vehicle safely;

(3)Ensure the physical condition of operators of commercial motor vehicles

is adequate to enable them to operate vehicles safely; and

(4) Ensure the operation of commercial motor vehicles does not have a deleterious effect on the physical condition of the operators.

This rulemaking responds to public and congressional interest in regulating commercial motor vehicle driver rest requirements, the NTSB's safety recommendations, petitions for rulemaking, and scientific data. There is substantial public and congressional interest in the regulation of medium- and heavy-duty truck and bus drivers' sleep, off-duty, and working periods of time. The FMCSA will propose new rules based upon comments and scientific data submitted to the advance notice of proposed rulemaking docket, an initial regulatory flexibility analysis, including a cost-benefit analysis, an unfunded mandates analysis, and a paperwork reduction analysis. This action is considered significant because of substantial public and congressional interest.

Statement of Need: The motor carrier industry requires 24-hour activities to meet the operational demands of a healthy U.S. economy. Growth in long-haul, regional, overnight,local, for-hire and private carriage operations is increasing with the unprecedented growth of the U.S. economy. Therefore, night work, shift work, and irregular work schedules continue to be commonplace.

The scientific knowledge about sleep, sleep disorders, circadian physiology, fatigue, and performance decrements has also grown. One of the purposes of this rulemaking is to incorporate as much of the scientific knowledge as possible into the applicable regulations.

In addition, industry, drivers, and concerned individuals have told the FMCSA that the current regulations are confusing, difficult to enforce, and are inflexible, one-size-fits-all rules for long-haul ''truckers.'' Private motor carriers especially want flexibly tailored rules. Therefore, a second purpose of the rulemaking is to establish consistent and clear rest requirements and duty period limitations for all types of operations.

Summary of Legal Basis: Section 31136 of title 49, United States Code, authorizes the Secretary of Transportation to prescribe minimum safety standards for commercial motor vehicles under the Motor Carrier Safety Act of 1984 (Pub. L. 98-554, Title II, October 30, 1984). Regulations prescribed under this section must ensure that:

(1) commercial motor vehicles are operated safely;

(2) the responsibilities imposed on operators of commercial motor vehicles do not impair their ability to operate the vehicle safely

(3) the physical condition of operators of commercial motor vehicles is adequate to enable them to operate the vehicles safely; and

(4)the operation of commercial motor vehicles does not have a deleterious effect on the physical condition of the operators.

Section 31502 of Title 49, United States Code, authorizes the Secretary of Transportation to prescribe maximum hours-of-service and qualifications requirements for operators of motor carriers when needed to promote the safety of operations under the Motor Carrier Act of 1935(Pub. L. 74-255, August 9, 1935) and the Migrant Farm Workers-Regulation of Interstate Transportation Act (Public Law 84-939, August 3, 1956)

Section 113 of the Hazardous Materials Transportation Authorization Act of 1994 (Pub.L.103-311, August 26, 1994) requires the Secretary of Transportation to prescribe regulations amending part 395 to improve the compliance by commercial motor vehicle drivers and motor carriers with HOS requirements and the effectiveness and efficiency of Federal and State enforcement officers reviewing such compliance.

Section 345 of the National Highway System Designation Act of 1995 (Pub. L. 104-59, November 28, 1995) created four specific exemptions from the hours-of-service-of-drivers requirements of part 395. A fifth exemption applied only to commercial driver licensing-related requirements requiring testing of operators for alcohol and controlled substances. The Secretary of Transportation was authorized to conduct rulemaking, except for the water well drilling hours-of-service exemption, to negate or modify the exemptions upon a determination, after a rulemaking proceeding, that the exemption is not in the public interest and would have a significant adverse impact on the safety of commercial motor vehicles.

Section 408 of the ICC Termination Act of 1995 (Pub. L. 104-88, December 29, 1995) requires the Federal Highway Administration (functions transferred to the Federal Motor Carrier Safety Administration under Pub.L. 106-59) to issue a final rule dealing with a variety of fatigue-related issues pertaining to commercial motor vehicle safety (including 8 hours of continuous sleep after 10 hours of driving, loading and unloading operations, automated and tamper-proof recording devices, rest and recovery cycles, fatigue and stress in longer combination vehicles, fitness for duty, and other appropriate regulatory and enforcement countermeasures for reducing fatigue-related incidents and increasing driver-alertness).

Alternatives: One alternative is to continue the current rules. Other alternatives may include replacing the current daily maximum 15-hour on-duty, maximum 10-hour-driving, minimum 8-hour-off-duty periods and weekly 60-hour-in-seven-day sliding week with an alternative set of rules based upon scientific knowledge and submitted comments. The FMCSA will consider different regulations for different types of drivers, operations, or classification of vehicles.

The FMCSA will also consider modifying the information collection burdens that have been placed upon the motor carrier industry, including the following types of record keeping methods. 1. Reducing the required items on the record of duty status (log book), 2. Adding automated on-board recording devices to commercial motor vehicles, 3. Adding global positioning system on-board recording devices to commercial motor vehicles. 4. Eliminating all FMCSA hours-of-service record keeping requirements while relying exclusively on the duplicative hours-of-service record keeping system of records required by the U.S. Department of Labor under the Fair Labor Standards Act of 1938, as amended.

Anticipated Cost and Benefits: A cost-benefit analysis completed in 1981 and based upon a 1978 notice of proposed rulemaking calculated national costs between $10.6 and $11.5 billion with possible societal benefits of about $450 million, a benefit to cost ratio under one. (In 1997 dollars, this would be national costs between $20.67 and $22.43 billion with possible societal

benefits of about $878 million.) An initial regulatory flexbility analysis, including a cost-benefit analysis has been conducted.

Preliminary anticipated discounted costs over a ten-year period are expected to be over $100 million with discounted benefits likely to be less than $6 billion.

Risks: Fatigue is increasingly becoming the focus of possible causes following many crashes. Driver reports of being fatigued to the point of incapacity are not uncommon, and intuitively, it is reasonable, given the sheer volume of traffic, to expect fatigue to be a factor in future crashes if the regulations are not corrected. Fatigue was identified by the industry, public, and government as the highest priority safety issue at a 1995 Truck and Bus Safety Summit in Kansas City, MO.

The National Highway Traffic Safety Administration's databases show fatigue as a contributing factor in 306 to 1,163 annual police-reported crashes for all commercial motor vehicles nationally. Some scientific research suggests the number may be closer to 364 to 4,070 of all crashes (police-reported and non-police reported).

The FMCSA has established a goal to reduce by 50 percent over ten years the number of crashes involving any commercial motor vehicle. The FMCSA anticipates its proposal will reduce fatigue-related crashes by at least 15 percent each year to assist in its efforts to meet its overall goal of 50 percent crash reduction.

Timetable:

Action	Date	FR Cite
ANPRM	11/05/96	61 FR 57251
Notice of Meeting	02/11/97	62 FR 6161
ANPRM Comment Period End	03/31/97	
NPRM	09/00/00	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: State, Local, Federal

Federalism: This action may have federalism implications as defined in EO 13132.

Additional Information: Transferred from RIN 2125-AD93.

During the agency's broad section 610 review of the 65-year history of the rule and all its amendments and revisions, the agency identified that RINs 2125-AD52, 2125-AD81, 2126-AA16, and 2126-AA29 also contain pertinent actions that must be incorporated into this action. Therefore, the agency incorporated them and plans to publish a combined proposal addressing the entire topic of hours-of-service of drivers and related recordkeeping issues.

The DOT Docket Management System identifies this rulemaking as number FHWA-1997-2350.

More Information on ''ALTERNATIVES'':

Following publication of the NPRM, the FMCSA plans to hold seven (7) public meetings at different locations to address the research findings on various key issues that form the basis of the published proposal. The process will be structured in the following manner: (1) an initial period following publication of the NPRM to enable the public to analyze the proposal; (2) a subsequent period at a public meeting of which the first part will be an educational presentation of the research findings and the second part will be a structured dialogue on the findings; and (3) a period following the public meeting for agency receipt of written comments addressing issues raised in the structured dialogue.

The decision to hold such public meetings arises, in part, from earlier consideration by the FMCSA's predecessor agency, the FHWA, of the possibility of a negotiated rulemaking (reg-neg) in this matter. The convenors retained by the FHWA to assess the feasibility of such an action concluded that a negotiated rulemaking was not likely to result in consensus-based recommendations to the agency, but recommended that some type of collaborative scientific dialogue, while unlikely to end in consensus, nonetheless held the greatest promise for engaging various groups of stakeholders in meaningful dialogue that might narrow the differences on a number of key issues. See, Convenors' Report (June 10, 1999) in DOT Docket No. FHWA-1997-2350-727, which may be viewed at http://dms.dot.gov. The FMCSA believes that this process has the potential to set a more positive tone for future discussions and, further, will not unduly delay agency publication of the NPRM.

Agency Contact: David R. Miller, Transportation Specialist, Office of Bus and Truck Standards and Operations, Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh Street SW., Washington, DC
Phone: 202 366-1790

RIN: 2126–AA23

2300. ● REGISTRATION OF FOR-HIRE MOTOR CARRIERS, PROPERTY BROKERS, AND FREIGHT FORWARDERS

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 553; 5 USC 559; 16 USC 1456; 49 USC 13101; 49 USC 13301; 49 USC 13901 to 13905; 49 USC 14708; 49 USC 31138; 49 USC 31144

CFR Citation: 49 CFR 365; 49 CFR 385

Legal Deadline: None

Abstract: This action governs registration of for-hire motor property and passenger carriers, property brokers, and freight forwarders. This action is required by 49 USC 13901 to 13905, which mandates that a registration system be administered by the Secretary of Transportation to replace the former Interstate Commerce Commission's licensing system for motor carriers, property brokers, and freight forwarders. The registration system prescribed in 49 USC 13901 to 13905 is intended to be a temporary and stand-alone procedure while the FMCSA undertakes to design and implement the revised system through the 49 USC 13908 rulemaking mandated by Congress.

Timetable:

Action	Date	FR Cite
NPRM	02/13/98	63 FR 7362
NPRM Comment Period End	04/14/98	
NPRM	10/00/00	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: Transferred from RIN 2125-AE01.

Agency Contact: Henry Sandhusen, Chief, Hazardous Materials Routing and

Special Studies Branch, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-2218

RIN: 2126–AA26

2301. ● +DEVELOPMENT OF A NORTH AMERICAN STANDARD FOR PROTECTION AGAINST SHIFTING AND FALLING CARGO

Priority: Other Significant

Legal Authority: 49 USC 31136; 49 USC 31502

CFR Citation: 49 CFR 393; 49 CFR 1.48

Legal Deadline: None

Abstract: The FMCSA is considering proposing amendments to its regulations concerning cargo securement requirements for commercial motor vehicles engaged in interstate commerce. The FMCSA intends to consider adopting 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. The FMCSA is also requesting comments on the process to be used in developing these preliminary cargo securement guidelines. The FMCSA recently completed work on this research program with the Canadian Council of Motor Transport Administrators (CCMTA), State and Provincial agencies responsible for motor carrier safety activities, the Commercial Vehicle Safety Alliance (CVSA), and U.S. and Canadian industry groups.

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	05/00/00	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Transferred from RIN 2125-AE05.

Agency Contact: Larry Minor, Office of Bus and Truck Standards and Operations, Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-4009

RIN: 2126–AA27

2302. +FEDERAL MOTOR CARRIER SAFETY REGULATIONS; HOURS-OF-SERVICE AND CDL EXEMPTIONS

Priority: Other Significant

Legal Authority: PL 104-59, sec 345

CFR Citation: 49 CFR 382; 49 CFR 395

Legal Deadline: None

Abstract: As a result of the section 610 review under RIN 2126-AA23 conducted by the FHWA, the FMCSA's predecessor agency, the FMCSA has decided to add this rulemaking action to RIN 2126-AA23 and issue an NPRM under that RIN that includes clarifications of its rule incorporating certain exemptions from the hours-of-service requirements of the Federal Motor Carrier Safety Regulations, created by section 345 of the National Highway System Designation Act of 1995.

The final rule that incorporated the exemptions created by section 345 of the NHS Act was issued under RIN 2125-AD83, 4/3/96 (61 FR 14677).

This action is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM Under 2126-AA23	09/00/00	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: State

Federalism: This action may have federalism implications as defined in EO 13132.

Additional Information: Transferred from RIN 2125-AE09.

Agency Contact: David R. Miller, Transportation Specialist, Office of Bus and Truck Standards and Operations, Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh Street SW., Washington, DC
Phone: 202 366-1790

RIN: 2126–AA29

2303. ● MINIMUM LEVELS OF FINANCIAL RESPONSIBILITY FOR MEXICAN MOTOR CARRIERS

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 31138; 49 USC 31139

CFR Citation: 49 CFR 387; 49 CFR 1.48

Legal Deadline: None

Abstract: The FMCSA is proposing to amend part 387, Minimum Levels of Financial Responsibility for Motor Carriers to clarify and amend the financial responsibility requirement for Mexican motor carriers.

Timetable:

Action	Date	FR Cite
NPRM	06/00/00	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: Transferred from RIN 2125-AE14.

Agency Contact: Janet Nunn, Office of Policy, Plans, and Regulations, Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-2797

RIN: 2126–AA30

2304. ● +REVISION OF APPLICATION FORM FOR MEXICAN MOTOR CARRIERS: COMMERCIAL ZONES

Priority: Other Significant

Legal Authority: 49 USC 13907

CFR Citation: 49 CFR 368

Legal Deadline: None

Abstract: This action proposes collection of some new information and also proposes revisions to the registration application form filed by one of the two classes of Mexican motor carriers that operate in the U.S. This class of carriers operates in the U.S.-Mexico border commercial zones which existed prior to NAFTA. This action is intended to increase the information available concerning these Mexican property carriers' safety profiles. This action is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Transferred from RIN 2125-AE31.

Agency Contact: Stanley M. Braverman, Attorney, Office of Policy, Plans and Regulations, Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-1565

RIN: 2126–AA33

2305. ● +REVISION OF APPLICATION FORM FOR MEXICAN MOTOR CARRIERS: NAFTA

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 1.48

Legal Deadline: None

Abstract: This action proposes collection of some new information and also proposes revisions to the registration application form filed by one of the two classes of Mexican carriers that operate in the U.S. This class of carriers has operations that go beyond the established border commercial zones. This proposed unified application form would be used by both Mexican property and passenger carriers who provide services pursuant to provisions of NAFTA. This action is intended to increase the information available concerning these Mexican carriers' safety profiles. This action is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Transferred from RIN 2125-AE32.

Agency Contact: Stanley M. Braverman, Attorney, Office of Policy, Plans and Regulations, Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-1565

RIN: 2126–AA34

2306. ● +ACCELERATED SAFETY MONITORING SYSTEM AND COMPLIANCE INITIATIVE FOR MEXICAN MOTOR CARRIERS OPERATING IN THE UNITED STATES

Priority: Other Significant

Legal Authority: 49 USC 104; 49 USC 504; 49 USC 521(b)(5)(A); 49 USC 5113; 49 USC 31136; 49 USC 31144; 49 USC 31502

CFR Citation: 49 CFR 385

Legal Deadline: None

Abstract: This action would implement an accelerated safety fitness screen as part of the Motor Carrier Management Information System (MCMIS). A new screening program is being targeted to collect more information on Mexican carriers. The data will be collected and stored using the existing systems and information gathering structures that are used for domestic carriers. The data collected will be used to oversee operations of both classes of Mexican motor carriers, those operating in the U.S.-Mexico border commercial zones and those operating in the U.S. pursuant to the various entry provisions of NAFTA. This action is significant due to anticipated public interest and safety-related issues.

Timetable:

Action	Date	FR Cite
NPRM	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Transferred from RIN 2125-AE33.

Agency Contact: Stanley M. Braverman, Attorney, Office of Policy, Plans and Regulations, Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-1565

RIN: 2126–AA35

2307. ● SAFETY FITNESS PROCEDURES

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 3144

CFR Citation: 49 CFR 385

Legal Deadline: None

Abstract: The FHWA, the predecessor agency to the FMCSA, published a final rule of RIN 2125-AC71 at 62 FR 60035 on November 6, 1997, which incorporated the safety fitness rating methodology (SFRM) into 49 CFR 385 as appendix B. In that document the 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	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: Transferred from RIN 2125-AE37.

Agency Contact: William Hill, Office of Policy, Plans, and Regulations, Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-4009

RIN: 2126–AA37

2308. ● +FEDERAL MOTOR CARRIER SAFETY REGULATIONS; ZERO-BASE REVISION

Priority: Economically Significant

Legal Authority: 49 USC 104; 49 USC 501; 49 USC 504; 49 USC 13101; 49 USC 13301; 49 USC 13902; 49 USC 31101; 49 USC 31132; 49 USC 31136; 49 USC 31301; 49 USC 31502; PL 104-88

CFR Citation: 49 CFR 301 to 399; 49 CFR 1.48

Legal Deadline: None

Abstract: The FMCSA is revising the Federal Motor Carrier Safety Regulations (FMCSRs) and related regulations. In 1992, a ''Zero-Base 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 six-year ''zero-based'' review of motor carrier safety regulations to establish more effective, enforceable requirements. This action is the product of that review. It proposes provisions that could affect public safety and potentially raises novel policy issues concerning federalism. The changes proposed here constitute a major rewrite of the FMCSRs, including significant format and organizational changes, as well as a significant decrease in administration, recordkeeping, and paperwork burdens (an estimated reduction of 37 million burden hours). This action is significant under the regulatory policies and procedures of the DOT because of the substantial public interest concerning motor carrier safety issues.

Timetable:

Action	Date	FR Cite
NPRM	09/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: State

Federalism: This action may have federalism implications as defined in EO 13132.

Additional Information: Previous rulemakings from this comprehensive effort have included removing and redesignating redundant or obsolete safety regulations (RIN 2125-AD55 and RIN 2125-AD28) and more substantive and complex revisions of the FMCSRs (RIN 2125-AD72). This action is also incorporating the issues contained in 2125-AD64.

Transferred from RIN 2125-AE42.

Agency Contact: Valerie Height, Office of Policy, Plans and Regulations, Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-1790

RIN: 2126–AA39

2309. ● 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 1.48

Legal Deadline: None

Abstract: The FMCSA is proposing to amend the Federal Motor Carrier Safety Regulations (FMSCRs) 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 proposal would allow State and local enforcement officials to issue citations based on PBBT braking force measurements.

Timetable:

Action	Date	FR Cite
NPRM	08/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Transferred from RIN 2125-AE69.

Agency Contact: Gary R. Woodford, Office of Bus and Truck Standards, Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh Street SW, Washington, DC 20590
Phone: 202 366-4009

RIN: 2126–AA46

2310. ● +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: The Federal Motor Carrier Safety Administration (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 the 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 rulemaking would propose to require employers to provide information to FARS analysts, irrespective of their State authority, working under contract with the National Highway Traffic Safety Administration. The information employers would be required to submit to the analysts would enable the NHTSA, working in conjunction with the 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.

The data would also be used by the FMCSA to help assess the effectiveness of its controlled substances and alcohol testing regulations. This action is intended to improve the FMCSA's and NHTSA's CMV crash data and assess the need for new initiatives to further reduce the use of controlled substances and alcohol by CMV drivers.

Timetable:

Action	Date	FR Cite
NPRM	06/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Organizations

Government Levels Affected: Local, Federal

Agency Contact: David R. Miller, Transportation Specialist, Office of Bus and Truck Standards and Operations, Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh Street SW., Washington, DC
Phone: 202 366-1790

RIN: 2126–AA50

DOT—FMCSA

Proposed Rule Stage

2311. ● +FEDERAL MOTOR CARRIER SAFETY REGULATIONS; COMMERCIAL VAN OPERATIONS THAT TRANSPORT NINE TO FIFTEEN PASSENGERS ACROSS THE U.S.-MEXICO BORDER

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, Sec. 212 of PL 106-159.

Abstract: The Federal Motor Carrier Safety Administration (FMCSA) is proposing to amend the Federal Motor Carrier Safety Regulations (FMCSRs) to require motor carriers operating commercial motor vehicles (CMVs) designed or used to transport from 9 to 15 passengers (including the driver) for compensation and transporting passengers from points in Mexico to points in the U.S., or vice versa, comply with the FMCSRs. This action is is response to section 212 of the Motor Carrier Safety Improvement Act of 1999.

This action is considered significant because of the substantial public interest concerning the possible extension of the applicability of the FMCSRs to a larger population of motor carrier operations.

Timetable:

Action	Date	FR Cite
NPRM	08/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Peter C. Chandler, Office of Bus and Truck Standards and Operations, Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh Street, SW., Washington, DC 20590
Phone: 202 366-5763

RIN: 2126–AA52

DEPARTMENT OF TRANSPORTATION (DOT)

Final Rule Stage

Federal Motor Carrier Safety Administration (FMCSA)

2312. ● REVISION OF MEDICAL EXAMINATION FORM AND PROCEDURES

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 2505; 49 USC 3102

CFR Citation: 49 CFR 391

Legal Deadline: None

Abstract: Substantial changes in medical technology and the technology, operating practices, and economics of the motor carrier industry have affected the physical and mental demands on commercial motor vehicle (CMV) drivers and in turn, have rendered portions of the current medical examination form used to assess drivers' physical qualifications outdated, difficult to use, or irrelevant. This action redesigns the existing medical examination form and amends the examination procedures to reflect the latest medical and technological advances.

Timetable:

Action	Date	FR Cite
NPRM	08/05/98	63 FR 41769
NPRM Comment Period End	11/03/98	
Final Action	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: State

Additional Information: This action was formerly titled ''Qualification of Drivers; Medical Examination Form.''

Transferred from RIN 2125-AC63.

Agency Contact: Sandra L. Zywokarte, Health and Welfare Specialist, Department of Transportation, Federal Motor Carrier Safety Administration
Phone: 202 366-2981

RIN: 2126–AA06

2313. ● +FEDERAL MOTOR CARRIER SAFETY REGULATIONS; GENERAL; MOTOR VEHICLE MARKING

Priority: Other Significant

Legal Authority: 49 USC 104; 49 USC 504; 49 USC 521(b)(5)(A); 49 USC 31502; 49 USC 5113; 49 USC 31136; 49 USC 31144; 49 USC 5113

CFR Citation: 49 CFR 390

Legal Deadline: None

Abstract: The Federal Motor Carrier Safety Administration is proposing to revise its regulations dealing with the identification and marking of commercial motor vehicles (CMVs). Five changes are being proposed which would: (1) Apply the marking requirements to all CMVs operated in interstate commerce, including those common and contract motor carriers of property or passengers formerly authorized by the Interstate Commerce Commission (ICC); (2) require motor carriers to mark both sides of each CMV with a specific legal name or name under which it does business (DBA name); (3) require all new motor carriers to file Form MCS-150 before beginning operations; and (4) move sec. 385.23 to a new section in part 390. The States would also be allowed and encouraged to use USDOT identification numbers to identify intrastate motor carriers. These changes will improve the identification of motor carriers and CMVs, aid enforcement, and enhance data collection and analysis.

Timetable:

Action	Date	FR Cite
NPRM	06/16/98	63 FR 32801
NPRM Comment Period End	08/17/98	
Final Action	06/00/00	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Additional Information: Transferred from RIN 2125-AD49.

Agency Contact: Deborah M. Freund, Senior Transportation Specialist, Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh Street SW., Washington, DC
Phone: 202 366-4009

RIN: 2126–AA14

2314. ● RULES OF PRACTICE FOR MOTOR CARRIER PROCEEDINGS; INVESTIGATIONS; DISQUALIFICATIONS AND PENALTIES

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 104; 49 USC 307

CFR Citation: 49 CFR 301; 49 CFR 302; 49 CFR 303; 49 CFR 304; 49 CFR 385; 49 CFR 386

Legal Deadline: None

Abstract: The FMCSA proposes 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. The FMCSA further proposes 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 programmatic changes. The rules would apply to all motor carriers, other business entities and individuals involved in motor carrier safety and hazardous materials administrative actions on the effective date of the final rule. The rules would constitute the major part of the administrative/procedural portion of the agency's zero-base revision of the entire FMCSRs. This action is being incorporated into 2125-AE42, ''Federal Motor Carrier Safety Regulations; Zero-Base Revision''.

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	10/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: A final rule published on November 6, 1997, (RIN 2125-AC71), incorporated the proposed provision designated as section 362.107 in the April 29 NPRM. This section with minor changes was incorporated as section 385.17. A final rule regarding adjustments to civil penalties due to inflation was published under a separate rulemaking action (RIN 2105-AC63) on 3/13/98.

Transferred from RIN 2125-AD64.

Agency Contact: Paul Brennan, Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-0834

RIN: 2126–AA15

2315. ● +RAILROAD GRADE CROSSING SAFETY

Priority: Other Significant

Legal Authority: PL 102-240; PL 103-311; 49 USC 5101; 49 USC 31136; 49 USC 31502

CFR Citation: 49 CFR 392; 49 CFR 1.48

Legal Deadline: Final, Statutory, February 26, 1995.

Abstract: This action prohibits 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. The intent of this action is to reduce the incidence of collisions between trains and CMVs. This action is required by the Hazardous Materials Transportation Authorization Act of 1994 (PL 103-311; sec. 112). 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	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Transferred from RIN 2125-AD75.

Agency Contact: David Lehrman, Attorney Advisor, Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-4009

RIN: 2126–AA18

2316. ● +QUALIFICATIONS OF MOTOR CARRIERS TO SELF-INSURE THEIR OPERATIONS AND FEES TO SUPPORT THE APPROVAL AND COMPLIANCE PROCESS

Priority: Other Significant

Legal Authority: 49 USC 31138; 49 USC 31139; 49 USC 13906

CFR Citation: 49 CFR 1043; 49 CFR 387; 49 CFR 1.48

Legal Deadline: None

Abstract: This action proposes to amend the regulations governing qualifications for motor carriers that seek authorization to self-insure their transportation operations. Also, the FMCSA is proposing technical amendments necessitated by the ICC Termination Act of 1995 (Pub. L. 104-88), which transferred the ICC's authority to qualify motor carriers as self-insurers to DOT. The agency is also requesting comments regarding the need for additional backup collateral or security to protect the public against uncompensated losses. The FMCSA believes that this will be a significant regulatory action because of substantial congressional and public interest in the insurance requirements for motor carriers.

Timetable:

Action	Date	FR Cite
ANPRM	09/23/97	62 FR 49654
Correction	09/29/97	62 FR 50892
ANPRM Comment Period End	11/24/97	
NPRM	05/05/99	64 FR 24123
NPRM Comment Period End	07/06/99	
Final Action	06/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Transferred from RIN 2125-AE06.

Agency Contact: Stanley M. Braverman, Attorney, Office of Policy, Plans and Regulations, Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-1565

RIN: 2126–AA28

2317. • TRANSPORTATION OF HOUSEHOLD GOODS; CONSUMER PROTECTION REGULATIONS (RULEMAKING RESULTING FROM A SECTION 610 REVIEW)

Priority: Substantive, Nonsignificant

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: The FMCSA proposed to amend the regulations governing the transportation of household goods. These regulations protect individual consumers who ship certain household goods 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	
Final Action	11/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Transferred from RIN 2125-AE30.

Agency Contact: David R. Miller, Transportation Specialist, Office of Bus and Truck Standards and Operations, Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh Street SW., Washington, DC
Phone: 202 366-1790

RIN: 2126–AA32

2318. • MOTOR CARRIER SAFETY ASSISTANCE PROGRAM (MCSAP)

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 31136; 49 USC 31140 to 31141; 49 USC 31161; 49 USC 31310 to 31311; 49 USC 31502; 49 USC 31100 to 31104; 49 USC 31108

CFR Citation: 49 CFR 350; 49 CFR 1.48

Legal Deadline: Final, Statutory, October 1, 1999.

Abstract: This action would amend the Motor Carrier Safety Assistance Program (MCSAP) as required by the Transportation Equity Act for the 21st Century (TEA-21). The changes will incorporate those applicable provisions. The MCSAP provides grants to the States to enforce the Federal Motor Carrier Safety and Hazardous Materials Regulations or compatible State regulations.

The revisions will include requirement for all participating States to develop performance-based programs. This will allow States to have greater flexibility to design programs addressing national, regional, and State needs in reducing the number and severity of commercial motor vehicle crashes.

Timetable:

Action	Date	FR Cite
NPRM	03/09/99	64 FR 11414
NPRM Comment Period End	05/10/99	
Final Action	10/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State, Local, Federal

Additional Information: Transferred from RIN 2125-AE46.

Agency Contact: James McCauley, National Programs Division, Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-0133

RIN: 2126–AA40

2319. • 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 the 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 FHWA, the predecessor agency to the FMCSA has 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 (180 days after date of enactment of TEA-21).

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	05/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: Transferred from RIN 2125-AE48.

Agency Contact: Larry Minor, Office of Bus and Truck Standards and Operations, Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-4009

RIN: 2126–AA41

2320. ● +SAFETY FITNESS PROCEDURES—UNSATISFACTORY SAFETY RATINGS

Priority: Other Significant

Legal Authority: 49 USC 104; 49 USC 504; 49 USC 521 (b)(5)(A); 49 USC 31136; 49 USC 31144; 49 USC 31502

CFR Citation: 49 CFR 385; 49 CFR 1.48

Legal Deadline: None

Abstract: This action would expand the prohibition against interstate operations by carriers with ''unsatisfactory'' safety ratings. The existing ''unsatisfactory'' safety rating prohibition, applicable to motor carriers of passengers and hazardous materials, would be extended to all motor carriers. This action would implement section 4009 of the Transportation Equity Act for the 21st Century which prohibits motor carriers found to be unfit according to a safety fitness determination from operating commercial motor vehicles in interstate commerce. This action is considered a significant regulatory action because of the substantial public interest in the provision of safe interstate motor freight and passenger transportation.

Timetable:

Action	Date	FR Cite
NPRM	08/16/99	64 FR 44460
NPRM Comment Period End	09/15/99	
Final Action	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Transferred from RIN 2125-AE56.

Agency Contact: Deborah M. Freund, Senior Transportation Specialist, Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh Street SW., Washington, DC
Phone: 202 366-4009

RIN: 2126–AA42

2321. ● SAFETY FITNESS PROCEDURES; AMENDMENTS TO SAFETY FITNESS RATING METHODOLOGY (SFRM) APPENDIX

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 104; 49 USC 504; 49 USC 521(b)(5)(A); 49 USC 5113; 49 USC 31136; 49 USC 31144; 49 USC 31502

CFR Citation: 49 CFR 385; 49 CFR 1.48

Legal Deadline: None

Abstract: This action amends the Safety Fitness Rating Methodology (SFRM) appendix to the safety fitness procedures by updating the list of acute and critical regulations to conform to several regulatory removals and substantive amendments. As a result of earlier rulemaking, several of the citations in the list must be changed to reflect the amendments and revisions to the Federal Motor Carrier Safety Regulations (FMCSRs). The SFRM is used to measure the safety fitness of motor carriers against the safety fitness standard contained in the regulations on safety fitness procedures.

Timetable:

Action	Date	FR Cite
Final Action	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: This final action makes corrections to the List of Acute and Critical Regulations under section VII of appendix B to part 385 in the November 6, 1997, final rule concerning safety fitness procedures. Since the amendments to the final rule are simply corrections, the FHWA finds good cause pursuant to 5 U.S.C. 553(b)(3)(B) to promulgate this final rule without notice and comment rulemaking and to make it effective on the date of publication in the Federal Register pursuant to 5 U.S.C. 553(d)(3).

Transferred from RIN 2125-AE59.

Agency Contact: William Hill, Office of Policy, Plans, and Regulations, Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-4009

RIN: 2126–AA43

2322. ● +FEDERAL MOTOR CARRIER SAFETY REGULATIONS; REQUIREMENTS FOR OPERATORS OF SMALL PASSENGER CARRYING COMMERCIAL MOTOR VEHICLES

Priority: Other Significant

Legal Authority: PL 105-178

CFR Citation: 49 CFR Part 390

Legal Deadline: None

Abstract: In this action, the FMCSA is proposing to amend the Federal Motor Carrier Safety Regulations (FMCSRs) to require that motor carriers operating commercial motor vehicles (CMVs) designed or used to transport between 9 and 15 passengers (including the driver) for compensation, file a motor carrier identification report, mark their CMVs with a USDOT identification number and certain other information, and maintain an accident register. This action is in response to the Transportation Equity Act for the 21st Century (TEA-21). In a separate action, the FMCSA is adopting the statutory definition of a CMV found at 49 USC 31132 to be consistent with sec. 4008(a) of TEA-21, but is exempting the operation of these small, passenger-carrying vehicles from all of the FMCSRs, pending the completion of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	09/03/99	64 FR 48518
NPRM Comment Period End	11/02/99	
Final Action	05/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Transferred from RIN 2125-AE60.

Agency Contact: Larry Minor, Office of Bus and Truck Standards and Operations, Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-4009

RIN: 2126–AA44

DOT—FMCSA **Final Rule Stage**

2323. ● FEDERAL MOTOR CARRIER SAFETY REGULATIONS; TECHNICAL AMENDMENT

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 504; 49 USC 31133; 49 USC 31136; 49 USC 31502

CFR Citation: 49 CFR Part 391; 49 CFR 1.48

Legal Deadline: None

Abstract: This action makes technical amendments to the Federal Motor Carrier Safety Regulations to update the rules concerning qualifications of drivers who have loss or impairment of limbs by changing the designated official who authorizes and signs the skill performance evaluation (SPE) certificate for such drivers and to remove the reference to ''waiver.'' These amendments are necessitated by an agency organizational restructuring and by changes in the statute. Also, the name of the national program ''Handicapped Driver Waiver Program,'' as it is now known, will be changed to the ''SPE Certification Program for Loss or Impairment of Limbs.''

Timetable:

Action	Date	FR Cite
Final Action	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: This action merely reflects a change in the name of ''The Handicapped Driver Waiver Program,'' a change in the title of the designated official authorized to sign the SPE certificate and the merging of the SPE certificate form into current regulations. As a result, the FHWA has determined that prior notice and opportunity for public comment on this action are unnecessary.

Transferred from RIN 2125-AE61.

Agency Contact: Teresa Doggett, Transportation Specialist, Office of Bus and Truck Standards and Operations, Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-4001

RIN: 2126–AA45

2324. ● +FEDERAL MOTOR CARRIER SAFETY REGULATIONS; DEFINITION OF COMMERCIAL MOTOR VEHICLE

Priority: Other Significant

Legal Authority: 49 USC 31132; 49 USC 31136; 49 USC 31502; PL 104-88, sec 104(f)

CFR Citation: 49 CFR 390; 49 CFR 391; 49 CFR 392; 49 CFR 393; 49 CFR 395; 49 CFR 396; 49 CFR 1.48

Legal Deadline: Final, Statutory, June 1999, See sec. 4008 of PL 105-178.

Abstract: The FMCSA is considering amending the definition of commercial motor vehicle in the Federal Motor Carrier Safety Regulations to make those safety regulations applicable to vehicles designed to transport less than 18 passengers including the driver. This rulemaking is significant because of substantial public interest concerning the possible extension of the applicability of the Federal Motor Carrier Safety Regulations to a larger portion of motor carrier operations.

Timetable:

Action	Date	FR Cite
ANPRM	08/05/98	63 FR 41766
ANPRM Comment Period End	10/05/98	
Interim Final Rule	09/03/99	64 FR 48510
Final Action	05/00/00	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Section 4008 of the TEA-21 requires the FMCSA to either make the FMCSRs applicable to operators of commercial motor vehicles designed or used to transport more than 8 passengers for compensation, or exempt such entities through a rulemaking proceeding within one year after the enactment of the statute. The FMCSA has proposed to regulate the operation of small passenger-carrying CMVs, and has considered the extent to which the regulations should be made applicable to such CMVs.

Agency Contact: Larry Minor, Office of Bus and Truck Standards and Operations, Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-4009

RIN: 2126–AA51

DEPARTMENT OF TRANSPORTATION (DOT) — Long-Term Actions

Federal Motor Carrier Safety Administration (FMCSA)

2325. ● +QUALIFICATION OF DRIVERS; DIABETES

Priority: Other Significant

Legal Authority: 49 USC 3102; 49 USC 2505; 23 USC 315

CFR Citation: 49 CFR 391.41(b)(3)

Legal Deadline: None

Abstract: The Federal Motor Carrier Safety Administration (FMCSA) is considering revising the driver qualification requirements to allow certain insulin-using diabetics to operate commercial motor vehicles in interstate commerce. The FHWA, the predecessor agency to the FMCSA, issued a final disposition accepting waiver applications under certain conditions. The deadline for submitting applications was April 30, 1994. The waiver program ended March 31, 1996. It was instituted to permit the FMCSA to observe and collect data on the driving experience of a group of insulin-using drivers. This action is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	11/25/87	52 FR 45204
ANPRM Comment Period End	12/28/87	
ANPRM Comment Period Extended	02/01/88	
NPRM	10/05/90	55 FR 41028
NPRM Comment Period Extended to 01/03/91	11/01/90	55 FR 46080
NPRM Comment Period End	12/04/90	
Notice of Intent to Issue Waivers: Comment Request	10/21/92	57 FR 48011

Action	Date	FR Cite
Final Action To Accept Waivers	07/29/93	58 FR 40690
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Under RIN 2125-AD73, the 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 61 FR 606 (Jan. 8, 1996) (notice of proposed rulemaking); 61 FR 13338 (March 26, 1996) (final rule); 61 FR 17253 (April 19, 1996) (final rule; technical correction). With the closing of the diabetes waiver study (03-31-96), no definitive empirical results were produced. Therefore, the FHWA initiated a retrospective case-referent study to assess the level of risk associated with the operation of commercial motor vehicles by insulin-using diabetic drivers. This is not a waiver study. Further rulemaking on diabetes is deferred until the completion of the retrospective case-referent study, expert panel review and the TEA-21 feasibility study (02-29-00).

Section 4019 of the Transportation Equity Act for the 21st Century (TEA-21), directs the FHWA to determine if it is practical and cost effective to have a program that allows insulin-treated diabetic drivers to operate CMVs in interstate commerce.

The FHWA established a panel of medical experts to develop medically-based recommendations for amending the current Federal diabetes standard and for establishing, if appropriate, a screening protocol for qualifying insulin-treated diabetic commercial drivers.

ANALYSIS: Regulatory Evaluation, 10/05/90, 55 FR 41028

Transferred from RIN 2125-AB91.

Agency Contact: Sandra L. Zywokarte, Health and Welfare Specialist, Department of Transportation, Federal Motor Carrier Safety Administration
Phone: 202 366-2981

RIN: 2126–AA00

2326. ● +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: This action was initiated to improve identification systems for truck and bus drivers as identified by the Congress in the Truck and Bus Regulatory Reform Act of 1988. Alternatives that were considered included retinal eye scans and advanced fingerprint technologies. After (1) further review, (2) a careful analysis of public comments submitted to the ANPRM, and (3) a review of demonstration project results, the FHW, the predecessor agency to the FMCSA, determined that current technology has not progressed to the point where an identification system could be established nationwide in a cost-effective manner and still provide the benefits for which a system was intended. Therefore, the FHWA has published an informational notice to summarize the results of the pilot study and the comments to the ANPRM to demonstrate how the technologies studied fall short of the demands in a commercial licensing environment. Additional studies are being conducted to assess the current state of the art of technology in biometric identification systems. The public docket will remain open while this research is being conducted. This project is considered significant because of substantial public interest.

The State of California undertook a demonstration pilot to determine if fingerprinting is a viable identifier for CDL purposes. This pilot will be ongoing for 2 years.

This action is being suspended pending completion of this research study for technical feasibility.

Timetable:

Action	Date	FR Cite
ANPRM	05/15/89	54 FR 20875
ANPRM Comment Period End	07/14/89	
Information Notice	03/08/91	56 FR 9925
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State

Additional Information: Transferred from RIN 2125-AC24.

Agency Contact: Phil Forjan, Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh Street, SW., Washington, DC 20590
Phone: 202 366-4009

RIN: 2126–AA01

2327. ● +QUALIFICATION OF DRIVERS; VISION

Priority: Other Significant

Legal Authority: 49 USC 2505; 49 USC 3102

CFR Citation: 49 CFR 391

Legal Deadline: None

Abstract: As part of a review of the medical qualification standards applicable to interstate CMV drivers, the FHWA requested comments on the need, if any, to amend its driver qualification requirements relating to the vision standard. A temporary waiver program was initiated and was concluded on March 31, 1996, to permit the FHWA to observe and collect data on the driving experience of a group of vision—deficient drivers who meet certain preconditions. Additionally, the FHWA, the predecessor agency to the FMCSA, 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 in the Federal Register on June 5, 1996, at 61 FR 28547. The FHWA awarded a contract with a medical center to develop medically-based recommendations for amending the current Federal vision requirements. Recommendations were delivered in October, 1998. These recommendations are being evaluated and considered in deciding what, if any, further proposals should be made concerning the vision standard.

New legislation (Section 4007 of the Transportation Equity Act for the 21st Century (TEA-21), Public Law 105-178) enacted effective June 9, 1998, changes the agency's authority to issue waivers and exemptions. The procedures to implement the new authority were published in the Federal Register on

December 8, 1998 (63 FR 67600). We are now considering all requests for exemptions from the vision requirements in the Federal Motor Carrier Safety Regulations.

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
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: Under RIN 2125-AD73, the 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 61 FR 606 (Jan. 8, 1996) (notice of proposed rulemaking); 61 FR 13338 (March 26, 1996) (final rule) 61 FR 17253 (April 19, 1996) (final rule; technical correction). (See notices published at 57 FR 6793, February 28, 1992; 57 FR 10295, March 25, 1992; 57 FR 22370, June 3, 1992; 59 FR 50887, October 6, 1994; 59 FR 59386, November 17, 1994.

Transferred from RIN 2125-AC62.

Agency Contact: Sandra L. Zywokarte, Health and Welfare Specialist, Department of Transportation, Federal Motor Carrier Safety Administration Phone: 202 366-2981

RIN: 2126–AA05

2328. ● +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; 49 CFR 397; 49 CFR 1.48

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	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Transferred from RIN 2125-AC78.

Agency Contact: Larry Minor, Office of Bus and Truck Standards and Operations, Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh Street SW., Washington, DC 20590 Phone: 202 366-4009

RIN: 2126–AA07

2329. ● PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION; SLEEPER BERTHS ON MOTOR COACHES

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 31136; 49 USC 31502

CFR Citation: 49 CFR 393; 49 CFR 1.48

Legal Deadline: None

Abstract: Comments have been sought 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

Additional Information: Transferred from RIN 2125-AD25.

Agency Contact: Phil Hanley, Office of Bus and Truck Standards and Operations, Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh Street SW., Washington, DC 20590 Phone: 202 366-4009

RIN: 2126–AA12

2330. ● ELECTRONIC FILING OF SURETY BONDS, TRUST FUND AGREEMENTS, INSURANCE CERTIFICATES; CANCELLATIONS

Priority: Substantive, Nonsignificant

Legal Authority: PL 104-88

CFR Citation: 49 CFR 387

Legal Deadline: None

Abstract: This action proposes 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.

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Transferred from RIN 2125-AD94.

Agency Contact: Stanley M. Braverman, Attorney, Office of Policy, Plans and Regulations, Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh Street SW., Washington, DC 20590 Phone: 202 366-1565

RIN: 2126–AA24

2331. ● GENERAL JURISDICTION OVER FREIGHT FORWARDER SERVICE

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 13701; 49 USC 13709; 49 USC 13906; 49 USC 14101; 49 USC 14706

CFR Citation: 49 CFR 373

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.

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, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-0834

RIN: 2126–AA25

2332. ● +ENGLISH LANGUAGE REQUIREMENT; QUALIFICATIONS OF DRIVERS

Priority: Other Significant

Legal Authority: 49 USC 504; 49 USC 31133; 49 USC 31136; 49 USC 31502

CFR Citation: 49 CFR 391; 49 CFR 1.48

Legal Deadline: None

Abstract: The current regulation is little changed from the original rule adopted in 1936. The American Civil Liberties Union (ACLU) has written 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 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 seeks to modify its current regulation to require drivers to possess the basic functional communication/comprehension ability necessary to ensure safety, consistent with applicable law. This action is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	08/26/97	62 FR 45200
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: Richard Singer, Mechanical Engineer, Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-4009

RIN: 2126–AA31

2333. ● OUT-OF-SERVICE CRITERIA

Priority: Substantive, Nonsignificant

Unfunded Mandates: Undetermined

Legal Authority: 49 USC 31133; 49 USC 31136; 49 USC 31310; 49 USC 31502; PL 104-59

CFR Citation: 49 CFR 395; 49 CFR 396; 49 CFR 1.48

Legal Deadline: None

Abstract: This action seeks public comment on the ''North American Uniform Out-of-Service Criteria'' (OOS Criteria). During roadside inspections, Federal, State, and local safety inspectors use the OOS Criteria as a guide in determining whether to place commercial motor vehicles (CMVs), or their drivers, ''out of service.'' Such a status means that the CMVs or drivers are so unsafe that corrections must be undertaken before operations can resume. The FHWA is seeking public comment on the future scope and effect of the OOS Criteria, which are not part of the Federal Motor Carrier Safety Regulations (FMCSRs). In addition, the FMCSA is seeking 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	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: Transferred from RIN 2125-AE35.

Agency Contact: Gary R. Woodford, Office of Bus and Truck Standards, Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh Street SW, Washington, DC 20590
Phone: 202 366-4009

RIN: 2126–AA36

2334. ● +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 1.48; 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 FHWA, the predecessor agency to the FMCSA, agreed to consider revisions to the requirements in parts 390 and 396 of the Federal Motor Carrier Safety regulations (FMCSRs) 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 public interest.

Timetable:

Action	Date	FR Cite
ANPRM	02/17/99	64 FR 7849
ANPRM Comment Period End	04/19/99	
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

Additional Information: Transferred from RIN 2125-AE40.

Agency Contact: Richard Singer, Mechanical Engineer, Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-4009

RIN: 2126–AA38

DEPARTMENT OF TRANSPORTATION (DOT) — Completed Actions

Federal Motor Carrier Safety Administration (FMCSA)

2335. ● CERTIFICATION OF SIZE AND WEIGHT ENFORCEMENT

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 23 USC 127; 23 USC 141; 23 USC 315

CFR Citation: 23 CFR 657

Legal Deadline: None

Abstract: The FHWA has resumed consideration of changes in the guidance provided to state agencies for preparing the annual size and weight enforcement plans and certifications. Previous efforts in this area were suspended by the agency in 1994 as a result of a commitment by the Federal Highway Administrator to Congress in June 1994 to conduct a comprehensive study of all aspects of the truck size and weight issue. That study is nearly completed. Accordingly, public comment is again requested on the type of information and data that should be submitted by the states in support of their annual certification of enforcement, and how the FHWA should use the information.

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	
Withdrawn	02/01/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: Transferred from RIN 2125-AC60.

Agency Contact: Bob Davis, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-2997

RIN: 2126–AA04

2336. ● +QUALIFICATIONS OF DRIVERS: HEARING DEFICIENCIES

Priority: Other Significant

Legal Authority: 49 USC 3102; 49 USC 2505

CFR Citation: 49 CFR 391; 49 CFR 1.48

Legal Deadline: None

Abstract: The FHWA, the predecessor agency to the FMCSA, was considering amending its driver qualification requirements relating to the hearing standard found at 49 CFR 391.41(b)(11). The FHWA believed that a review of the standard is necessary to assess the effect advances in medical science and technology may have on the standard. Such advances might have led to amending the current standard. The FHWA published an ANPRM (FHWA Docket No. MC-93-30) seeking comment on the hearing standard. This action was considered significant because of substantial public interest.

The FHWA initiated research in FY 1995 to determine if the hearing requirement is necessary and if so, what criteria it should encompass in relationship to driving tasks. The research was completed in August 1997 and the FHWA is not amending the current hearing standard at this time.

Timetable:

Action	Date	FR Cite
ANPRM	12/15/93	58 FR 65634
ANPRM Comment Period Extended to 04/05/94	02/04/94	59 FR 5376
ANPRM Comment Period End	02/14/94	
Withdrawn	02/02/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: A related notice regarding possible waivers was published at 58 FR 65638 (Dec. 15, 1993). The FHWA has decided not to issue waivers in light of the decision of the U.S. Court of Appeals for the DC Circuit in Advocates for Highway and Auto Safety v. the Federal Highway Administration, No. 92-1411, August 2, 1994. In that case, the FHWA rule allowing commercial drivers with impaired vision in one eye to apply for waivers from the Federal vision standard was struck down because the Court of Appeals held that the agency lacked the data necessary to support its determination that the vision waiver program ''is consistent with the safe operation of commercial motor vehicles.''

Transferred from RIN 2125-AD22.

Agency Contact: Albert Alvarez, Transportation Specialist, Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-4706

RIN: 2126–AA11

2337. ● MOTOR CARRIER SAFETY ASSISTANCE PROGRAM (MCSAP) ALLOCATION FORMULA

Priority: Substantive, Nonsignificant

Legal Authority: PL 102-240, sec 4002

CFR Citation: 49 CFR 350

Legal Deadline: None

Abstract: This action would modify the Motor Carrier Safety Assistance Program (MCSAP) distribution formula to allow States with incompatible intrastate regulations limited participation in the basic grant program beyond October 1, 1994. It does not change the distribution formula pertaining to those States that have achieved compatibility with respect to both interstate and intrastate transportation.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/03/94	59 FR 5262
Interim Final Rule Effective	03/07/94	
Interim Final Rule Comment Period End	04/04/94	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: Transferred from RIN 2125-AD30.

Agency Contact: James McCauley, National Programs Division, Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-0133

RIN: 2126–AA13

2338. ● INSPECTION, REPAIR, AND MAINTENANCE

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 49 USC 31133; 49 USC 31136; 49 USC 31502

CFR Citation: 49 CFR 396

Legal Deadline: None

Abstract: This action involves the use of technology to reduce recordkeeping. The FHWA, the predecessor agency to the FMCSA, issued a notice (60 FR 46682) requesting comments from motor carriers, vehicle and component manufacturers, technology vendors and the public on the use of advanced driver, vehicle and inspection technology. The FMCSA has evaluated comments received and does not believe further action is warranted at this time.

Timetable:

Action	Date	FR Cite
Withdrawn	02/01/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: Transferred from RIN 2125-AD82.

Agency Contact: Larry Minor, Office of Bus and Truck Standards and Operations, Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-4009

RIN: 2126–AA20

2339. ● RAILROAD HIGHWAY PROJECTS

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

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 FMCSA is amending 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 FMCSA 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
Comment Period End	10/27/97	
Withdrawn	02/01/00	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State, Local

Additional Information: Transferred from RIN 2125-AD86.

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: 2126–AA21

2340. ● MOTOR CARRIER SAFETY REGULATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 301; 49 USC 322; PL 106-69

CFR Citation: 49 CFR 1

Legal Deadline: None

Abstract: This action amends the heading for Chapter III concerning motor carrier safety regulations. On October 9, 1999, the Secretary of Transportation rescinded the authority previously delegated to the Federal Highway Administrator to perform motor carrier functions and operations, and redelegated the authority to the Director, Office of Motor Carrier Safety, a new office within the Department of Transportation. The title of Chapter III is therefore being changed from ''Federal Highway Administration, Department of Transportation,'' to ''Office of Motor Carrier Safety, Department of Transportation,'' to reflect the organizational changes.

Timetable:

Action	Date	FR Cite
Final Action	10/29/99	64 FR 58355

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Transferred from RIN 2125-AE70.

Agency Contact: Charles Medalen, Department of Transportation, Federal

Motor Carrier Safety Administration, 400 Seventh Street, SW, Washington, DC 20590
Phone: 202 366-1354

RIN: 2126–AA47

2341. ● FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION (RENAMING TITLE OF CHAPTER III)

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 301; 49 USC 322; PL 106-159

CFR Citation: 49 CFR 1.73; 49 CFR ch III; 49 CFR 301

Legal Deadline: None

Abstract: This action amends the heading for chapter III concerning motor carrier safety regulations. On October 9, 1999, the Secretary of Transportation rescinded the authority previously delegated to the Federal Highway Administrator to perform motor carrier functions and operations, and to carry out the duties and powers related to motor carrier safety vested in the Secretary by chapters 5 and 315 of title 49, United States Code; and redelegated that authority to the Director, Office of Motor Carrier Safety, a new office within the Department. The title of Chapter III, therefore, was changed from ''Federal Highway Administration, Department of Transportation'' to ''Office of Motor Carrier Safety, Department of Transportation'' on October 29, 1999.

On December 9, 1999, the Motor Carrier Safety Improvement Act of 1999 established a new administration — the Federal Motor Carrier Safety Administration (FMCSA) within the Department to improve the motor carrier safety program, effective January 1, 2000. Accordingly, the title of chapter III is now being changed from ''Office of Motor Carrier Safety, Department of Transportation'' to ''Federal Motor Carrier Safety Administration, Department of Transportation'' to reflect the statutory changes noted above. This action also removes regulations that reference the organizational structure of the FHWA so that new regulations may be added for the FMCSA.

Timetable:

Action	Date	FR Cite
Final Action	12/29/99	64 FR 72959
Final Action Effective	01/01/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Charles Medalen, Attorney, Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-1354

RIN: 2126–AA48

2342. ● RULES OF PRACTICE FOR MOTOR CARRIER PROCEEDINGS; VIOLATIONS OF COMMERCIAL REGULATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 104; 49 USC 307; 49 USC ch 5; 49 USC ch 51; 49 USC ch 59; ...

CFR Citation: 49 CFR 386; 49 CFR 1.45; 49 CFR 1.48

Legal Deadline: None

Abstract: The Federal Motor Carrier Safety Administration (FMCSA) is amending its rules of practice for motor carrier administrative proceedings to include proceedings arising under the ICC Termination Act of 1995 (ICCTA). These proceedings formerly fell within the jurisdiction of the Interstate Commerce Commission and were implemented and administered under ICC regulations. The ICCTA transferred much of the ICC's motor carrier jurisdiction to the Secretary of Transportation who delegated it to the FHWA, the predecessor to the FMCSA.

However, the FHWA's rules of practice for motor carrier administrative proceedings applied only to proceedings involving violations of the Federal Motor Carrier Safety and Hazardous Materials regulations.

This action ensures that all civil forfeiture and investigation proceedings instituted by the FHWA or the FMCSA are governed by uniform and consistent procedures.The Federal Motor Carrier Safety Administration is amending its rules of practice for motor carrier administrative proceedings to include proceedings arising under the ICC Termination Act of 1995 (ICCTA). These proceedings formerly fell within the jurisdiction of the Interstate Commerce Commission and were implemented and administered under ICC regulations. The ICCTA transferred much of the ICC's motor carrier jurisdiction to the Secretary of Transportation who delegated it to the FHWA., the predecessor to the FMCSA.

However, the FHWA's rules of practice for motor carrier administrative proceedings applied only to proceedings involving violations of the Federal Motor Carrier Safety and Hazardous Materials regulations.

This action ensures that all civil forfeiture and investigation proceedings instituted by the FHWA or the Federal Motor Carrier Safety Administration are governed by uniform and consistent procedures.

Timetable:

Action	Date	FR Cite
Final Action	02/16/00	65 FR 7753
Final Action Effective	03/17/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Michael Falk, Office of the Chief Counsel, Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-0834

RIN: 2126–AA49

DEPARTMENT OF TRANSPORTATION (DOT) — Prerule Stage

National Highway Traffic Safety Administration (NHTSA)

2343. REVIEW: PASSENGER-CAR BACK SEAT OCCUPANT 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 571.208

Legal Deadline: None

Abstract: This notice announces the publication of a Technical Report concerning the back seat lap/shoulder belt requirement. The report's title is the ''Effectiveness of Lap/Shoulder Belts in the Back Outboard Seating Positions.'' The primary objective of this report is to evaluate the effectiveness of lap/shoulder belts for back seat outboard occupants and whether they are more effective than lap belts for these occupants. Other objectives are to determine whether lap belts are effective, whether lap belts are harmful to back seat belt users in specific crash modes, and whether lap/shoulder belts correct the problems found with lap belts. The regulation was selected for review because of public interest.

Timetable:

Action	Date	FR Cite
Begin Review	07/01/93	
Technical Report	07/22/99	64 FR 39554
End Review	06/00/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: The evaluation report indicates that lap/shoulder belts reduce the fatality risk of back seat occupants by 44 percent relative to an unrestrained occupant and by 15 percent relative to an occupant wearing the lap belt only.

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–AE95

2344. 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 has 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 has 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	
End Review	11/00/00	

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–AF53

2345. +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	
Request for Comments	12/08/99	64 FR 68717
Comment Period End	04/06/00	
End Review	06/00/02	

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 fatility risk in actual side-impact crashes on the highway. In model years 1981-93 cars, make models with low TTI(d) on the Federal motor vehicle safety standard no. 214 test tend to have low fatility 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

2346. 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
End Review	11/00/00	

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–AG18

2347. 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 is requesting 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 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	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Richard VanIderstine, Division Chief, Visibility and Injury Prevention Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-5280
Fax: 202 366-4329

RIN: 2127–AG41

2348. 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 is requesting 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	04/00/00	

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–AH14

2349. PUBLIC PARTICIPATION IN ACTIVITIES RELATING TO THE AGREEMENT ON GLOBAL TECHNICAL REGULATIONS: STATEMENT OF POLICY

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

CFR Citation: 49 CFR 551

Legal Deadline: None

Abstract: The agency has solicited public comments on a draft statement of policy concerning procedures for facilitating public participation in the agency's activities relating to the implementation of the pending United Nations/Economic Commission for Europe (UN/ECE) Agreement on Global Technical Regulations. On February 3, 1999, the agency held a public workshop to solicit views from the public on the draft policy statement. The agency is considering its next action which will be based on its review of all of the public comments it has received.

Timetable:

Action	Date	FR Cite
Notice of Public Workshop	01/05/99	64 FR 563
Comment Period End	02/18/99	
Agency Decision	09/00/00	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Julie Abraham, Director, Office of International Harmonization, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-1455

RIN: 2127–AH29

2350. 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 plans to request comments on the agency's ''Ejection Mitigation Using Advanced Glazing: Status Report II.''

Timetable:

Action	Date	FR Cite
Request for Comments	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Clarke Harper, Division Chief, Light Duty Vehicle Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-2264
Fax: 202 366-4329
Email: charper@nhtsa.dot.gov

RIN: 2127–AH50

2351. 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:

Action	Date	FR Cite
ANPRM	06/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

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

2352. SIDE IMPACT PROTECTION TEST PROCEDURES

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC S 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC S 30166

CFR Citation: 49 CFR 571.214; 49 CFR 572; 49 CFR 587

Legal Deadline: None

Abstract: In response to a petition for rulemaking, the agency is considering whether to modify the current US test dummy regulation used in the side impact tests (Side Impact Dummy [SID])to use the specifications for the European dummy (Eurosid-1). The petitioner also requested that the agency establish functional equivalence between the US and European Union (EU) side impact protection regulations.

Timetable:

Action	Date	FR Cite
Decision on Petitions	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Clarke Harper, Division Chief, Light Duty Vehicle Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-2264
Fax: 202 366-4329
Email: charper@nhtsa.dot.gov

RIN: 2127–AH66

2353. 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
Response to Petition	06/00/00	

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

2354. 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 Highway Administration regulations into the agency's brake regulation.

Timetable:

Action	Date	FR Cite
Agency Decision	06/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

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: 202 366-6346
Fax: 202 366-4329
Email: pboyd@nhtsa.dot.gov

RIN: 2127–AH79

2355. 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 intensities for headlamps to ensure that the two most important aspects of head lighting performance are balanced. These often conflicting aspects are (1) to assure the driver of the vehicles sees as much of the roadway possible, while (2) minimizing glare for other drivers using the road. The balance the agency has chosen of these two areas has changed very little since 1970. The agency has been receiving a significant number of public complaints about glare from other vehicles' headlamps. In light of significant technological changes, including improved halogen lamps and high intensity discharge lamps, fleet mix changes (nearly half of all new vehicles sold in 1998 were light trucks, with higher-mounted headlamps), and an increase in the age of the population, the agency wants to reexamine the balance it has chosen between seeing distance and glare to see if it is still appropriate. The agency will ask the public for comments and information to begin exploring this area more fully.

Timetable:

Action	Date	FR Cite
Request for Comments	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Richard VanIderstine, Division Chief, Visibility and Injury Prevention Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-5280
Fax: 202 366-4329

RIN: 2127–AH81

2356. NECK LATERAL BENDING FOR 50TH PERCENTILE MALE SIDE IMPACT DUMMY HYBRID III (SID/HIII)

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: In response to a petition for rulemaking, the agency is considering whether to modify the neck lateral bending response specifications for the Side Impact Hybrid Dummy 50th Percentile Male (SID/HIII).

Timetable:

Action	Date	FR Cite
Response to Petition	04/00/00	

Regulatory Flexibility Analysis Required: No

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
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RIN: 2127–AH87

2357. CHILD RESTRAINT SYSTEMS (SECTION 610 REVIEW)

Priority: Substantive, Nonsignificant

Legal Authority: PL 96-354, sec 610; EO 12866

CFR Citation: 49 CFR 571.213

Legal Deadline: None

Abstract: The agency is conducting a review of the Child Restraint Systems standard to determine whether this rule should be maintained without change, rescinded, or modified in order to make it more effective or less burdensome in achieving its objectives. This review also is being conducted to determine whether the rule can become more consistent with the objectives of the Regulatory Flexibility Act to achieve regulatory goals while imposing as few burdens as possible on small entities.

Timetable:

Action	Date	FR Cite
Begin Review	04/00/00	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Nita Kavalauskas, Office of Regulatory Analysis and Evlauation, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590
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Fax: 202 366-2559

RIN: 2127–AH90

2358. 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
Agency Decision	06/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Richard VanIderstine, Division Chief, Visibility and Injury Prevention Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-5280
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RIN: 2127–AH92

2359. ● GUILDLINES 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 is a result of the recent congressional change in this section of the law.

Timetable:

Action	Date	FR Cite
Request for Comment	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State

Agency Contact: Richard L. Van Iderstine, Division Chief, Visibility and Control Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-5280

RIN: 2127–AH97

DEPARTMENT OF TRANSPORTATION (DOT) — Proposed Rule Stage
National Highway Traffic Safety Administration (NHTSA)

2360. 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 reissued, 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	12/00/00	

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

2361. +WHEELCHAIR LIFTS

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

Legal Deadline: None

Abstract: With a Supplemental Notice of Proposed Rulemaking (SNPRM), the agency proposes to establish two new safety standards specifying requirements for platform lifts and for buses and multipurpose passenger vehicles equipped with such lifts. The equipment standard would set minimum platform dimensions and would limit the size of platform protrusions and gaps between the platform and either the vehicle floor or the ground. The standard would also require handrails, warning signals and retaining barriers. The proposed vehicle standard would require vehicle manufacturers to install lifts in accordance with the lift manufacturer's instructions and ensure that specific information is made available to lift users. The standards are intended to prevent injuries and fatalities during lift operation and to promote uniformity of Federal standards and guidelines for platform lifts. This action is considered significant due to substantial public interest in transportation of individuals with disabilities.

Timetable:

Action	Date	FR Cite
NPRM	02/26/93	58 FR 11562
NPRM Comment Period End	04/27/93	
SNPRM	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: 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–AD50

2362. 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

Legal Deadline: None

Abstract: In response to a petition for rulemaking, the agency has requested comments on the feasibility of and necessity for rulemaking to require the installation of thermal locking radiator caps or other devices on motor vehicles with water-cooled engines to prevent scalding injuries. Although the notice referred only to thermal locking radiator caps, comments were solicited on any device or technology designed to prevent such scalding injuries. Petition was granted.

Timetable:

Action	Date	FR Cite
Request for Comments	06/10/93	58 FR 32503
Comment Period End	08/09/93	
NPRM	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Richard VanIderstine, Division Chief, Visibility and Injury Prevention Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-5280
Fax: 202 366-4329

RIN: 2127–AE59

2363. 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 is proposing to replace the current rear impact test procedures with a more stringent test procedure. The agency is also proposing to replace 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	06/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: This action will respond to RIN 2127-AE83.

Agency Contact: George Mouchahoir, Team Leader, Special Vehicles and Systems Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590
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RIN: 2127–AF36

2364. DOOR LATCH EXEMPTION FOR VEHICLES EQUIPPED WITH WHEELCHAIR LIFTS AND RAMPS

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

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 a petition for rulemaking, the agency is proposing to modify the ''Door Locks and Door Retention Components'' requirements by exempting vehicles with wheelchair ramps and to establish uniform requirements for vehicles with wheelchair lifts and ramps. These modifications are necessary because of changes in the types of vehicles equipped with wheelchair lifts/ramps and changes in lift/ramp structural designs which have come to pass in recent years. Petition was granted.

Timetable:

Action	Date	FR Cite
NPRM	06/00/00	

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.

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RIN: 2127–AG16

2365. 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
Agency Decision	06/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Clarke Harper, Division Chief, Light Duty Vehicle Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590
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Email: charper@nhtsa.dot.gov

RIN: 2127–AG51

2366. 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	06/00/00	

Regulatory Flexibility Analysis Required: No

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
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RIN: 2127–AG79

2367. 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 is proposing to revise the requirements for signal lamps equipped with 3 or more light emitting diodes (LED). 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
Extension of Comment Period	08/03/98	63 FR 41222
NPRM Comment Period End	10/09/98	
SNPRM	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Richard VanIderstine, Division Chief, Visibility and Injury Prevention Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590
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RIN: 2127–AG88

2368. 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
NPRM	06/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Richard VanIderstine, Division Chief, Visibility and Injury Prevention Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590
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RIN: 2127–AG92

2369. +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	04/00/00	

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
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RIN: 2127–AG97

2370. BUY AMERICAN REQUIREMENTS

Priority: Substantive, Nonsignificant

Legal Authority: PL 97-424

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: The agency is proposing to exempt certain purchases by grantees from the requirements of the Department of Transportation's Buy American provisions to streamline and improve the grant process. These proposed exemptions will include small purchases not to exceed the current small purchase threshold.

Timetable:

Action	Date	FR Cite
NPRM	12/00/00	

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

2371. POLITICAL SUBDIVISION PARTICIPATION IN STATE HIGHWAY SAFETY PROGRAMS AND STATE HIGHWAY SAFETY AGENCY

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 23 USC 402

CFR Citation: 23 CFR 1250; 23 CFR 1251

Legal Deadline: None

Abstract: In response to the President's Regulatory Reinvention Initiative, the agency is proposing to amend certain provisions concerning the State Highway Safety Programs to streamline them and delete obsolete or unnecessary requirements.

Timetable:

Action	Date	FR Cite
NPRM	12/00/00	

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

2372. +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 is proposing to upgrade the current head restraint requirements to increase safety. The proposal also would, until the upgraded requirements become effective, allow 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 proposes 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 concerned significant due to the expected high cost to the private sector for the modifications to the standard.

Timetable:

Action	Date	FR Cite
NPRM	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Clarke Harper, Division Chief, Light Duty Vehicle Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590
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Email: charper@nhtsa.dot.gov

RIN: 2127–AH09

2373. DEFINITION OF COMMUNITY TRANSPORTATION VEHICLES

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: The agency will propose 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	07/00/00	

Regulatory Flexibility Analysis Required: Yes

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
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RIN: 2127–AH23

2374. 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	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

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

2375. 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 potential significant solutions to mitigating a substantial number of these fatalities and injuries by improving side door retention performance. Therefore, the agency is proposing to upgrade the door retention requirements.

Timetable:

Action	Date	FR Cite
NPRM	06/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Clarke Harper, Division Chief, Light Duty Vehicle Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590
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RIN: 2127–AH34

2376. ADMINISTRATIVE REWRITE OF THE LIGHTING REQUIREMENTS OTHER THAN HEADLAMPS

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

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 the President's regulatory reinvention initiative, 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 seperate 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 and objective. The administrative rewrite of the headlamp regulations can be found under RIN 2127-AG87.

Timetable:

Action	Date	FR Cite
NPRM	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Richard VanIderstine, Division Chief, Visibility and Injury Prevention Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590
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RIN: 2127–AH37

2377. 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.

Timetable:

Action	Date	FR Cite
NPRM	06/00/00	

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
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RIN: 2127–AH58

2378. 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 is proposing to amend the upper interior impact requirements (1) to modify the minimum distance between certain targets on vertical surfaces inside a vehicle and (2) add new definitions and test procedures for new-style door frames and vertical seat belt mounting structures.

Timetable:

Action	Date	FR Cite
NPRM	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2127–AH61

2379. 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 cable 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	11/00/00	

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

2380. 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 is proposing to reduce regulatory burdens associated with importation of Canadian vehicles for resale in the United States when those vehicles already comply in all essential respects with the Federal motor vehicle safety standards. This proposal will enhance safety by revising application procedures to ensure a higher caliber of registered importers and clarifying existing obligations.

Timetable:

Action	Date	FR Cite
NPRM	05/00/00	

Regulatory Flexibility Analysis Required: Yes

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
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RIN: 2127–AH67

2381. ACCELERATOR CONTROL SYSTEMS

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

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: Pursuant to the March 4, 1995, directive ''Regulatory Reinvention Initiative,'' the agency reviewed this standard and published a ''Request for Comment'' 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	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

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
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RIN: 2127–AH71

2382. FRONTAL OFFSET 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 571.208

Legal Deadline: None

Abstract: The agency is considering establishing a Federal motor vehicle safety standard for frontal offset crash testing. The frontal offset test is a crash test for automobiles and light trucks, where the subject vehicles are run into a deformable honeycomb barrier. The barrier contacts only 40 percent of the left front of the vehicle simulating off-

center frontal collision. The agency is considering adding the offset test to the frontal occupant protection standard to measure vehicle structural integrity and reduce the number and severity of lower-body injuries.

Timetable:

Action	Date	FR Cite
NPRM	06/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Clarke Harper, Division Chief, Light Duty Vehicle Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590
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RIN: 2127–AH73

2383. INSURER REPORTING REQUIREMENTS FOR OCTOBER 2000

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 33112

CFR Citation: 49 CFR 544

Legal Deadline: None

Abstract: The agency proposes to update its lists of passenger motor vehicle insurers that are required to file reports to the agency on their motor vehicle theft loss experience. If these revised lists are adopted in a final rule, each insurer included must file a report for the 1997 calendar year not later than October 25, 2000. Further, as long as the insurer remains listed, it must submit reports by each subsequent October 25.

Timetable:

Action	Date	FR Cite
NPRM	04/00/00	

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
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RIN: 2127–AH77

2384. 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	07/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Richard L. Van Iderstine, Division Chief, Visibility and Control Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-5280

RIN: 2127–AH80

2385. 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	06/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Other issued 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
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RIN: 2127–AH85

2386. 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 is proposing to amend its current regulations on Defect and Noncompliance Reports and Defect and Noncompliance Notification. The amendments are intended to implement the investigative and recall provisions by increasing the availability of information regarding safety related defects and noncompliance and by improving notification to consumers of recalls of defective and noncomplying motor vehicle equipment.

Timetable:

Action	Date	FR Cite
NPRM	12/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Jonathan D. White, Defects Investigator, Office of Defects Investigation, Department of

DOT—NHTSA

Proposed Rule Stage

Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-5227

RIN: 2127–AH89

2387. ● 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 is proposing to revise the corrosion and evaporation test procedures. These revisions are intended to improve the levels of compliance test repeatability and/or reproducibility.

Timetable:

Action	Date	FR Cite
NPRM	04/00/00	

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
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RIN: 2127–AH96

DEPARTMENT OF TRANSPORTATION (DOT)
National Highway Traffic Safety Administration (NHTSA)

Final Rule Stage

2388. +ROLLOVER PROTECTION

Priority: Other Significant

Legal Authority: Not Yet Determined

CFR Citation: None

Legal Deadline: None

Abstract: The agency will include a measure of rollover risk in its New Car Assessment Program (NCAP) consumer information program. Risk will be expressed as percent rollover risk given a single vehicle crash available both in ''star form'' and in numerical form. Over 80 percent of rollovers occur in single vehicle crashes, about 95 percent of them are tripped, and 85 percent occurred after the vehicle left the roadway. There is a clear casual relationship between static stability factor and rollover, both tripped and untripped. The high statistical correlation (R squared = 0.88) between static stability factor and rollovers in police reported crashes indicate that this casual relationship is a powerful predictor of rollover risk. This action is considered significant because of substantial public interest.

Statement of Need: Rollover crashes account for over 9,000 traffic fatalities annually. Currently, there is a requirement that most sport utility vehicles of under 10,000 pounds gross vehicle weight rating (GVWR) have a warning label. On March 9, 1999 (64 FR 11724 - RIN 2127-AG53), in a separate rulemaking, the agency upgraded the label with better graphics and stronger wording. However, there is no safety standard or rating test for rollovers.

Summary of Legal Basis: Section 30111, Title 49 of the United States Code states that the Secretary shall prescribe motor vehicle safety standards. Section 30117, Title 49 of the United States Code states that the Secretary may require each manufacturer of a motor vehicle to provide technical information related to performance and safety to purchasers. Authority to take these actions has been delegated to the NHTSA Administrator by 49 CFR 1.50.

Alternatives: A performance standard that would prohibit the sale of vehicles with low rollover resistence (defined by static rollover metrics) was considered, and it was rejected because it could eliminate classes of vehicles and the cost-effectiveness of potential vehicle changes could not be established.

A regulation requiring manufacturers to label vehicles with a rollover resistence metric was proposed, but the agency now believes that rollover information presented in the context of the other safety factors measured in the New Car Assessment Program(NCAP) will give consumers a better idea of the overall safety attributes of vehicles of interest to them.

Anticipated Cost and Benefits: This is not a rule and it imposes no requirements on businesses. The government would gather and publish information at its own expense (anticipated to be less than $100,000 per year). The benefits of this action have not yet been quantified.

Risks: Rollover crashes are the most dangerous collision type for all classes of light vehicles when measured either by fatalities or incapacitating injuries per involved occupant. In terms of fatalities per registered vehicle, rollovers are second only to frontal crashes in their level of severity. Expressed another way, rollovers accounted for 5.9 percent of light vehicle tow-away crashes in NHTSA's 1997 NASS-CDS data, less than 1/6 of the combined level of side and rear tow-away crashes. However, rollovers accounted for 29.4 percent of light vehicle occupant fatalities in 1997 FARS data, more deaths than the combined total of light vehicle occupant deaths in side and rear crashes. In addition, the rollover problem is generally more serious for light trucks and vans (LTV's) than for passenger cars. State crash data indicate that although the involvement rate for LTV's in all types of collisions is only 68 percent of that for passenger cars, their involvement rate in rollover accidents is 127 percent of that for passenger cars.

Timetable:

Action	Date	FR Cite
ANPRM	01/03/92	57 FR 242
ANPRM Comment Period End	04/03/92	
NPRM	06/28/94	59 FR 33254
Correction	07/26/94	59 FR 38038
NPRM Comment Period End	08/05/96	
Petition Grant	05/20/97	62 FR 27578
Agency Decision	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: A notice of availability of a planning document for this rulemaking was published 09/29/92 (57 FR 44721). As part of its comprehensive efforts to address the problem of light vehicle rollover, the agency proposed a new consumer information regulation that would require that passenger cars, and light multipurpose passenger vehicles and trucks be labeled with information about their resistance to rollover. In the NPRM, the agency terminated rulemaking to establish a vehicle stability standard. The agency denied petitions for reconsideration of this termination on 06/05/96 (61 FR 28560). The comment period for the NPRM was reopened after publication of a related study by the National Academy of Sciences (NAS). (This notice was inadvertently published under RIN 2127-AC54.) At the same time the agency published the grant notice on the petition for rulemaking, NHTSA published, in a separate notice, its response to the NAS study and requested comments by 08/18/97 (05/20/97 62 FR 27578). See RIN 2127-AG53 for related information on warning labels for sport utility vehicles.

ANALYSIS: Regulatory Evaluation, 06/28/94, 59 FR 33254

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–AC64

2389. 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 571.105

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
Final Action	06/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Steve Kratzke, Director, Office of Crash Avoidance Standards, Vehicle Dynamics Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590
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RIN: 2127–AC66

2390. 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	
Final Action	06/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

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 vehicle seat testing.

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RIN: 2127–AD08

2391. ELECTRIC VEHICLE SAFETY

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

CFR Citation: 49 CFR 1.50; 49 CFR 501.8; 49 CFR 571.305

Legal Deadline: None

Abstract: The agency has proposed to regulate electric vehicles (EVs) with respect to battery electrolyte spillage in a crash or rollover, and electric shock hazard in a crash or rollover, and during repair and maintenance and establish a new Federal motor vehicle safety standard no. 305 titled ''Electric-powered vehicles: electrolyte spillage and electric shock protection.

Timetable:

Action	Date	FR Cite
Request for Comments	09/30/94	59 FR 49901
Comment Period End	11/29/94	
NPRM	10/13/98	63 FR 54652
NPRM Comment Period End	11/27/98	
Final Action	04/00/00	

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

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RIN: 2127–AF43

2392. 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 is proposing 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 is issuing 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	06/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

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: Richard VanIderstine, Division Chief, Visibility and Injury Prevention Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590
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RIN: 2127–AF75

2393. 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	06/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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
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RIN: 2127–AF83

2394. AUTOMOTIVE FUEL ECONOMY REPORTS

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will eliminate existing text in the CFR.

Legal Authority: 49 USC 32907

CFR Citation: 49 CFR 537

Legal Deadline: None

Abstract: In response to the President's regulatory reinvention initiative, the agency is proposing to remove obsolete reporting requirements. These submission requirements include factors such as ''breakover angles'' for light trucks, which are essentially never used by NHTSA. Revising this part would reduce the costs to the industry of reporting to NHTSA. This action will not inhibit the agency's ability to comply with its statutory requirements.

Timetable:

Action	Date	FR Cite
NPRM	05/13/96	61 FR 22010
NPRM Comment Period End	07/12/96	
Final Action	04/00/00	

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
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RIN: 2127–AG00

2395. 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; 49 USC 30166

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 have 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	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Jonathan D. White, Defects Investigator, Office of Defects Investigation, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-5227

RIN: 2127–AG27

2396. 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 withdrawing the proposal because it could not find sufficient evidence of a safety problem.

Timetable:

Action	Date	FR Cite
NPRM	11/15/96	61 FR 58504
NPRM Comment Period End	01/14/97	
To Be Withdrawn	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2127–AG36

2397. MODIFIED VEHICLES TO ACCOMMODATE A PERSON'S DISABILITY

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 30122(c)

CFR Citation: 49 CFR 595

Legal Deadline: None

Abstract: The agency is proposing to establish new conditions under which a vehicle may be modified to accommodate a person's disability so that the modifier will not be subjected to the statutory prohibition against the ''making inoperative'' requirements.

Timetable:

Action	Date	FR Cite
NPRM	09/28/98	63 FR 51547
NPRM Comment Period End	12/28/98	
Final Action	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: 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–AG40

2398. 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 is proposing 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	04/00/00	

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
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RIN: 2127–AG49

2399. TRANSITION PROCEDURES FROM CURRENT TO NEW NATIONAL DRIVER REGISTER

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will eliminate existing text in the CFR.

Legal Authority: 23 USC 401

CFR Citation: 23 CFR 1325

Legal Deadline: Final, Statutory, February 6, 1997.

Abstract: In response to the President's Regulatory Reinvention Initiative, the agency proposed removing the regulation on procedures for transition to the National Driver Register (NDR). It also proposed amending portions of the regulation on participation in the NDR Problem Driver Pointer System (PDPS). These portions pertain to the steps States were to follow to notify the NDR of their interest in participating in the NDR under PDPS. Now that the transition to the new NDR has been completed, the agency will remove these provisions.

Timetable:

Action	Date	FR Cite
NPRM	04/17/96	61 FR 16729
NPRM Comment Period End	06/03/96	
Final Action	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State

Additional Information: NPRM incorrectly printed under RIN 2127-AG21.

Agency Contact: William Holden, Division Chief, Driver Register and Traffic Records Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-4800

RIN: 2127–AG68

2400. +ADVANCED AIR BAGS

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 571.208

Legal Deadline: Final, Statutory, March 1, 2000.

Abstract: On September 18, 1998, the agency proposed to upgrade its occupant protection standard to require advanced air bags. This proposal included performance tests for advanced air bags, requiring that advancements be made in the ability of air bags to protect occupants of different sizes, belted and unbelted, and requiring air bags to be designed to minimize risks to infants, children, and other occupants. In light of its review of the comments and other new information, the agency published a modified proposal in an SNPRM. This action is considered significant because of the degree of congressional and public interest in this subject and because of potential costs.

Statement of Need: While current air bags have been shown to be highly effective in reducing overall fatalities, they sometimes cause fatalities to out-of-position occupants, especially children. As part of NHTSA's program to mitigate adverse effects of current-design air bags, the agency has stated that the next step in the evolution of air bags would be systems that automatically prevent those effects. As of January 1, 2000, the agency was aware of 87 children and 63 adults who had been killed by current air bags. The agency has already required more graphic warning labels on all new air-bag-equipped vehicles, enhanced manufacturers' flexibility to quickly reduce the aggressivity of current-design air bags, allowed consumers in certain defined risk groups to install retrofit on-off switches for air bags, and participated in public programs to increase safety belt and child restraint use, to reduce fatalities. This program will pursue the next step: air bags incorporating advanced technologies.

Summary of Legal Basis: Section 30111, Title 49 of the United States Code, states that the Secretary shall prescribe motor vehicle safety standards. Section 7103 of the National Highway Traffic Safety Administration Reauthorization Act of 1998 requires the Secretary to issue amendments to improve occupant protection for occupants of different sizes, belted and unbelted, under Federal Motor Vehicle Safety Standard No. 208, while minimizing the risk to infants, children, and other occupants from injuries and deaths caused by air bags, by means that include advanced air bags. Authority to prescribe such standards is delegated to the Administrator by 49 CFR 1.50.

Alternatives: The agency has been participating with motor vehicle manufacturers, equipment suppliers, the insurance industry, and academia through the Advanced Air Bag Technology Working Group of NHTSA's Motor Vehicle Research Advisory Committee. The agency has been utilizing the resources of this partnership in identifying alternatives for this proposed rulemaking. Moreover, the agency joined with the National Aeronautics and Space Administration in a comprehensive state-of-the-art assessment for near-term air bag technology. As a result of these partnerships and due to its own internal research efforts, the agency is aware of the various advanced air bag technologies currently being seriously considered by the vehicle manufacturers. The proposed rule would permit the use of these technologies which include: suppression systems that could include weight sensors and/or proximity or positioning sensors, low-risk air bags that could include dual or multi-stage inflators, added or redesigned crash sensors, and/or modified fold patterns.

Anticipated Cost and Benefits: The agency estimates that the costs of the proposed rule would be in the range of $22 to $162 per vehicle, for an estimated total of up to $2.5 billion for 15.5 million vehicles per year. Property damage savings could exceed $2.4 billion annually depending on the extent to which manufacturers use air bag suppression systems. Several hundred lives could be saved annually, as well as a currently-unquantified number of serious injuries.

Risks: Air bags have been shown to substantially reduce fatalities in traffic crashes. When fully implemented, NHTSA estimates that air bags will save 3,000 lives per year and prevent about 34,000 moderate-to-critical injuries. However, current air bags deploy the same way for all occupants, regardless of their size or location at the time of deployment and regardless of crash severity. As a result of the designs of current air bags, there have been adult and child fatalities caused by the air bag. Therefore, the development and introduction of advanced air bags is being pursued aggressively by both the industry and the agency.

Timetable:

Action	Date	FR Cite
NPRM	09/18/98	63 FR 49957
Notice of Public Meeting	10/26/98	63 FR 57091
NPRM Comment Period End	12/17/98	
Notice of Technical Workshop	03/23/99	64 FR 13947
SNPRM	11/05/99	64 FR 60556
Final Action	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: A technical workshop was held February 11 and 12, 1997, in Washington, DC. The NPRM responded to the petitions received for reconsideration on the final rule published for Depowering of Air Bags, RIN 2127-AG59 and

Passenger-Side Manual Cutoff Switch for Air Bags, RIN 2127-AG60.

Public meetings to discuss technical issues relating to this NPRM were held on November 23 and 24, 1998. Also, biomechanics meetings were held on April 20 and 21, 1999.

ANALYSIS: Regulatory Evaluation, 09/18/98, 63 FR 49957

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RIN: 2127–AG70

2401. HYBRID III TYPE 3-YEAR-OLD SIZE

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; 49 CFR 571.213

Legal Deadline: None

Abstract: The agency is proposing specifications for a new Hybrid III type 3-year-old size test dummy for possible use in test procedures being proposed in amendments to Federal Motor Vehicle Safety Standard Nos. 208 and 213. 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 of smaller size children in a variety of automobile crash impacts.

Timetable:

Action	Date	FR Cite
NPRM	01/28/99	64 FR 4385
NPRM Comment Period End	03/29/99	
Final Action	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2127–AG77

2402. CRABI 12-MONTH-OLD SIZE

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; 49 CFR 571.213

Legal Deadline: None

Abstract: The agency is proposing specifications for a new CRABI 12-month-old size test dummy for possible use in test procedures being proposed in amendments to Federal Motor Vehicle Safety Standard Nos. 208 and 213. 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 forward and rearward facing child restraints technologies, as well as protection of smaller size children in car beds in a variety of automobile crash impacts.

Timetable:

Action	Date	FR Cite
NPRM	03/08/99	64 FR 10965
NPRM Comment Period End	04/22/99	
Final Action	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2127–AG78

2403. 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 is proposing to amend the lighting standard to reduce glare from daytime running lamps (DRLs). It would do this in three stages. One year after publication of the final rule, DRLs utilizing the upper headlamp beam would not be permitted to exceed 3,000 candela (cd) at any point, thus becoming subject to the maximum candela permitted for DRLs other than headlamps. This same limit would be applied to the upper half of lower beam DRLs two years after publication of the final rule. Finally, four years after publication of the final rule, all DRLs, except lower beam DRLs, would be subject to a flat 1,500 cd limit. Lower beam DRLs would be limited to 1,500 cd at horizontal or above. 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	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Richard VanIderstine, Division Chief, Visibility and Injury Prevention Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590
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RIN: 2127–AG86

2404. 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
Comment Period End 4/11/99	02/08/99	64 FR 6021
NPRM Comment Period End	02/10/99	
Final Action	06/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2127–AG87

2405. UNIFORM TIRE QUALITY GRADING TEST PROCEDURES

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 30123

CFR Citation: 49 CFR 575.104

Legal Deadline: None

Abstract: The agency is proposing modifications to the test procedures for tire treadwear under the Uniform Tire Quality Grading (UTQG) Standard. This change is intended to stabilize the unwarranted increases in treadwear grades by modifying the procedures for calibrating and selecting course monitoring tires. No change to the existing treadwear grade levels is anticipated.

Timetable:

Action	Date	FR Cite
NPRM	06/05/98	63 FR 30695
Extension of Comment Period	08/04/98	63 FR 41538
NPRM Comment Period End	10/05/98	
Final Action	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2127–AG96

2406. 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 is proposing 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 Action	06/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2127–AH03

2407. INCORPORATE THE 1996 REVISION OF THE AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI)

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 is proposing 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	07/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2127–AH08

2408. TRUCK AIR BRAKING 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 571.121

Legal Deadline: None

Abstract: In response to a petition for rulemaking, the agency is proposing to modify the air brake requirements for five of the ten recommended modifications. These areas are to provide consistency between table I., Stopping Sequence, item 4(b) and S5.7.3(b); provide wording for single-unit vehicles to prevent single-unit axle

overloading; clarify emergency brake requirements for trucks and buses; address the misconceptions about the wheel lock provisions as they apply to vehicles with tandem axles; and correct two minor typographical errors. The other five recommendations will be denied.

Timetable:

Action	Date	FR Cite
NPRM	02/03/99	64 FR 5259
NPRM Comment Period End	04/05/99	
Final Action	06/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

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
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RIN: 2127–AH11

2409. MOTORCYCLE BRAKING 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 571.122

Legal Deadline: None

Abstract: In response to a petition for rulemaking, the agency is considering eliminating the requirements for the minimum hand lever force (5 pounds) and the minimum foot pedal force (10 pounds) for fade and water recovery tests.

Timetable:

Action	Date	FR Cite
NPRM	11/17/99	64 FR 62622
NPRM Comment Period End	01/18/00	
Final Action	07/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2127–AH15

2410. 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	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2127–AH16

2411. +SAFETY INCENTIVE GRANTS FOR USE OF SEAT BELTS

Priority: Other Significant

Unfunded Mandates: This action may affect State, local or tribal governments.

Legal Authority: PL 105-178, sec 1403

CFR Citation: 23 CFR 1240

Legal Deadline: None

Abstract: Section 1403 of TEA-21 established a new program of incentive grants (under Section 157 of chapter 1 of Title 23) to encourage States to increase seat belt use rates. This rulemaking action establishes the criteria and procedures to be followed to implement this incentive grant program. A State is eligible for an incentive grant if: (1) The State had a seat belt use rate greater than the national average for the two preceding calendar years, OR (2) The State's seat belt use rate in the previous calendar year was higher than the State's ''base seat belt use rate.'' (The '' base seat belt use rate'' is defined as the State's highest use rate for any calendar year from 1996 through the calendar year preceding the previous calendar year.) The amount of funding each State is awarded will be based on calculations by the Secretary of the annual savings to the Federal Government in medical costs (including savings under the medicare and medicaid programs). According to the statute, on September 1 of each year, beginning in 1998, the Department will determine which States meet the eligibility criteria, and on October 1 of each year, the Department will allocate the incentive grant funds. This rule sets forth the procedures the agency will use to evaluate seat belt use rates and to allocate funds. It was published as an interim final rule with immediate effectiveness because the first evaluations of seat belt use information were required on September 1, 1998, and the first allocations of funds were required on October 1, 1998. In the next action, the agency expects to evaluate and respond to comments, as appropriate.

The statute authorizes a total of $500 million for grants under this section for fiscal years 1999 through 2003. A State may use these grant funds for any project eligible for assistance under Title 23. If there are any unallocated funds available in FY 1999, the excess amounts will be apportioned to the states for expenditure on the Surface

Transportation Program (STP). If there are any unallocated funds available in FY 2000 through FY 2003, the Secretary is directed to allocate the funds to selected States to carry out innovative projects that promote increased seat belt use rates. States will be selected based on plans submitted to the Secretary.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/29/98	63 FR 57904
Interim Final Rule Effective	10/29/98	
Comment Period End	01/29/99	
Final Action	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State

Agency Contact: John Oates, Chief, Implementation, Office of State and Community Services, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590
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RIN: 2127–AH38

2412. OCCUPANT PROTECTION INCENTIVE GRANTS

Priority: Substantive, Nonsignificant

Legal Authority: PL 105-178, sec 2003

CFR Citation: 23 CFR 1345

Legal Deadline: None

Abstract: TEA-21 established a new program of incentive grants to encourage States to adopt and implement effective programs to reduce highway deaths and injuries resulting from individuals riding unrestrained or improperly restrained in motor vehicles. An interim final rule was published to establish criteria and procedures to be followed to implement this incentive grant program. A State may become eligible to receive a grant under this section by demonstrating that it has implemented at least four of the following six criteria: 1) a law requiring safety belt use by all front seat passengers (and beginning in FY2001, in any seat in the vehicle); 2) a primary safety belt law; 3) minimum fines or penalty points for belt and child seat violations; 4) a special traffic enforcement program; 5) a child passenger protection education program; and 6) a child passenger protection law - requiring minors to be properly secured. The statute authorizes a total of $68 million for grants under this section over 5 years beginning in fiscal year 1999. Each State that qualifies for a grant receives up to 25 percent of its FY1997 section 402 apportionment. An interim final rule was published with immediate effectiveness, because its criteria applied to States seeking to receive funds beginning on October 1, 1998. A final rule will be published.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/01/98	63 FR 52592
Interim Final Rule Effective	11/02/98	
Comment Period End	11/30/98	
Final Action	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State, Tribal

Agency Contact: Joan Tetrault, Office of State and Community Services, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590
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RIN: 2127–AH40

2413. OPEN CONTAINER REQUIREMENTS

Priority: Substantive, Nonsignificant

Legal Authority: PL 105-206, 112 Stat 834

CFR Citation: 23 CFR 1230

Legal Deadline: None

Abstract: Section 5 of the TEA-21 Restoration Act established a new program (under section 154 of chapter 1 of title 23) to encourage States to enact Open Container laws. A State which does not have an Open Container law will have certain Federal-aid highway funds transferred to the State's section 402 State and Community Highway Safety grant program. An interim final rule was published to establish the criteria and procedures to be followed to implement this transfer program.

Each State shall have in effect an Open Container law that prohibits the possession of any open alcoholic beverage container, or the consumption of any alcoholic beverage, in the passenger area of any motor vehicle (including possession or consumption by the driver of the vehicle) located on a public highway, or the right-of-way of a public highway, in the State. On October 1, 2000, and October 1, 2001, if a State has not enacted and is not enforcing an Open Container law, 1-1/2 percent of the Federal-aid highway funds apportioned to the State under paragraphs (1), (3), and (4) of section 104(b) will be transferred to the State's section 402 apportionment. On October 1, 2002, and each October 1 thereafter, if a State has not enacted and is not enforcing an Open Container Law, the transferred amount increases to 3 percent. Funds transferred to section 402 must be used for alcohol-impaired driving countermeasures or enforcement of driving while intoxicated (DWI) or driving under the influence (DUI) and other related laws. A State may elect to use all or part of its transferred funds for activities eligible under the section 152 Hazard Elimination Program. The Federal share of a project funded under this section is 100 percent.

An interim final rule was published with immediate effectiveness because some state legislatures were not scheduled to meet in 2000, so they were preparing their legislative agendas at the time of publication for their 1999 legislative sessions. The states had a need to know what the criteria were to be as soon as possible so they could enact conforming legislation and avoid the transfer of funds on October 1, 2000. The agency concluded, therefore, that prior notice and opportunity to comment on the rule was both impracticable and contrary to the public interest and found good cause to publish an interim final rule. A final rule will be published.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/06/98	63 FR 53580
Interim Final Action Effective	11/05/98	
Comment Period End	12/07/98	
Final Action	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State

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RIN: 2127–AH41

2414. ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES INCENTIVE GRANTS

Priority: Substantive, Nonsignificant

Legal Authority: PL 105-178, sec 2004

CFR Citation: 23 CFR 1313

Legal Deadline: None

Abstract: An interim final rule was published to implement changes mandated by TEA 21 to the Section 410 impaired driving countermeasures grant program. New incentive grant programs include incentives for graduated licensing programs, anti-drunk driving programs aimed at young adults, increased sanctions for drivers with high blood alcohol levels, and increased alcohol testing for drivers involved in fatal accidents. The rulemaking also established an alternative incentive program in which states may qualify for grants by demonstrating reductions in fatally injured drivers with blood alcohol concentrations above .10. The rulemaking also provided for supplemental grants for those states qualifying for a basic grant. These supplemental grant programs added provisions aimed at reducing operation with suspended licenses and improving detection and conviction of drunk drivers. Appropriated for use in this program were the following: $30.6 million for FY 1998, $28.5 million for FY 1999, $29.3 million for FY 2000, $30.1 million for FY 2001, $38.7 million for FY 2002, and $39.8 million for FY 2003. An interim final rule, with immediate effectiveness, because its criteria applied to States seeking to receive funds beginning on October 1, 1998. A final rule will be published.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/29/98	63 FR 71687
Interim Final Rule Effective	01/28/99	
Comment Period End	03/01/99	
Final Action	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State, Tribal

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RIN: 2127–AH42

2415. STATE HIGHWAY SAFETY DATA IMPROVEMENTS INCENTIVE GRANTS

Priority: Substantive, Nonsignificant

Legal Authority: PL 105-178, sec 2005

CFR Citation: 23 CFR 1335

Legal Deadline: None

Abstract: TEA 21 established a new program of incentive grants to encourage States to adopt and implement programs to improve highway safety data. An interim final rule was to establish criteria and procedures to be followed to implement this incentive grant program to encourage States to adopt and implement effective programs to improve the timeliness, accuracy, completeness, uniformity, and accessibility of State data that is needed to identify priorities for national, State, and local highway and traffic and State programs. A State may become eligible to receive a grant under this section by demonstrating that it has met one of the following three options: 1)establish a multi-disciplinary highway safety data and traffic records coordination committee; complete a highway safety data and traffic records assessment or audit within the last five years and initiate development of a multi-year highway safety data and traffic records strategic plan. Upon completion of this option the State may receive $125,000. 2) certify that the State has met the criteria of option 1 and submit a data and traffic record multi-year plan, identifying goals, performance-based measures, and priorities; and specify how incentive funds will be used. Upon completion of this option the State may receive $250,000. 3) the Secretary may award grants of up to $25,000 for 1 year to any State that does not meet the criteria for option 1. In subsequent years a State must submit or update a data and traffic records multi-year plan, identifying goals, performance-based measures and priorities; and the specifics of how incentive funds will be used. The State must certify that the coordinating committee continues to support the multi-year plan and report annually on the progress made to implement the plan. States meeting these conditions in subsequent years may receive $225,000 or more, based on the population and road mileage in the state. A total of $32,000,000 is authorized for fiscal years 1999 through 2002, and all grant amounts are subject to the availability of funds. An interim final rule was published with immediate effectiveness, because its criteria applied to States seeking to receive funds beginning on October 1, 1998. A final rule will be published.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/08/98	63 FR 54044
Interim Final Rule Effective	11/09/98	
Comment Period End	12/07/98	
Final Action	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State, Tribal

Agency Contact: John Oates, Chief, Implementation, Office of State and Community Services, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590
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RIN: 2127–AH43

2416. MINIMUM PENALTIES FOR REPEAT OFFENDERS

Priority: Substantive, Nonsignificant

Legal Authority: PL 105-206, 112 Stat 834

CFR Citation: 23 CFR 1235

Legal Deadline: None

Abstract: Section 5 of the TEA-21 Restoration Act established a new program (under section 164 of chapter 1 of title 23) to encourage States to enact Repeat Intoxicated Driver laws. A State which does not have a Repeat Intoxicated Driver law will have certain Federal-aid highway funds transferred to the States section 402 State and Community Highway Safety grant program. An interim final rule was

published to establish the criteria and procedures to be followed to implement this transfer program.

Each State shall have in effect a Repeat Intoxicated Driver law that provides, as a minimum penalty, that an individual convicted of a second or subsequent offense for driving while intoxicated (DWI) or driving under the influence (DUI) after a previous conviction for that offense shall (A) receive a driver's license suspension for not less than 1 year; (B) be subject to the impoundment or immobilization of each of the individual's motor vehicles or the installation of an ignition interlock system on each of the motor vehicles; (C) receive an assessment of the individual's degree of abuse of alcohol and treatment as appropriate; and (D) receive (i) for 2nd offense, not less than 30 days community service or 5 days of imprisonment; and (ii) for 3rd and subsequent offense, not less than 60 days community service or 10 days of imprisonment. On October 1, 2000, and October 1, 2001, if a State has not enacted and is not enforcing a Repeat Intoxicated Driver law, 1-1/2 percent of the Federal-aid highway funds apportioned to the State under paragraphs (1), (3), and (4) of section 104(b) will be transferred to the State's section 402 apportionment. On October 1, 2002, and each October 1 thereafter, if a State has not enacted and is not enforcing a Repeat Intoxicated Driver law, the transferred amount increases to 3 percent. Funds transferred to section 402 must be used for alcohol-impaired driving countermeasures or enforcement of driving while intoxicated (DWI) or driving under the influence (DUI) and other related laws. A State may elect to use all or part of its transferred funds for activities eligible under the section 152 Hazard Elimination Program. The Federal share of a project funded under this section is 100 percent.

An interim final rule was published with immediate effectiveness, because some state legislatures are not scheduled to meet in the year 2000, so they were preparing their legislative agendas at the time of publication for their 1999 legislative sessions. The states had a need to know what the criteria would be as soon as possible so they could enact conforming legislation and avoid the transfer of funds on October 1, 2000. The agency concluded, therefore, that prior notice and opportunity to comment on the rule was both impracticable and contrary to the public interest and found good cause to publish an interim final rule. A final rule will be published.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/19/98	63 FR 55796
Interim Final Rule Effective	11/18/98	
Comment Period End	12/18/98	
Final Action	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State

Agency Contact: Glenn Karr, Office of State and Community Services, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW, Washington, DC 20590
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RIN: 2127–AH47

2417. EXTENSION OF COMPLIANCE DATE FOR ABS MALFUNCTION INDICATOR LAMP

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: In response to a petition for rulemaking received on October 20, 1998, the agency is extending the compliance date of the antilock brake system (ABS) malfunction indicator lamp activation protocol from March 1, 1999, to September 1, 1999. Because the original compliance date is so close, this action is being issued as an interim final rule in order to notify interested parties as quickly as possible of the extension of that compliance date.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/26/99	64 FR 9446
Interim Final Rule Effective	02/26/99	
Comment Period End	04/27/99	
Final Action	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2127–AH55

2418. PARKING BRAKE WARNING SYSTEM ON SCHOOL BUSES

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: In response to a petition for rulemaking, the agency is considering whether to require school buses be equipped with a parking brake warning system that activates when the school bus engine is turned off, the transmission is in neutral, and the parking brake has not been applied. This request for comments notice seeks to obtain information to help the agency determine the magnitude of the problem and the potential effectiveness of the proposed warning system.

Timetable:

Action	Date	FR Cite
Request for Comments	03/01/99	64 FR 9961
Comment Period End	04/30/99	
Agency Decision	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2127–AH57

2419. REQUIREMENTS FOR LOW-SPEED VEHICLES (LSV)

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

CFR Citation: 49 CFR 565; 49 CFR 571.500

Legal Deadline: None

Abstract: In response to petitions for reconsideration of the final rule published June 17, 1998 (63 FR 33194 RIN 2127-AG58), this technical amendment will establish the same Vehicle Identification Number (VIN) requirements for LSVs as exist for all other motor vehicles. This amendment also announces that States and local government may issue their own performance specifications for equipment on LSVs, if the current standard does not include any performance requirements for that equipment. Finally, the amendment announces the agency's intention to publish, in the near future, a proposal to establish performance requirements for the safety equipment of LSVs.

Timetable:

Action	Date	FR Cite
Technical Amendment	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: State, Local

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
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RIN: 2127–AH69

2420. COMPRESSED NATURAL GAS FUEL CONTAINER INTEGRITY

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

CFR Citation: 49 CFR 571.304

Legal Deadline: None

Abstract: In response to petitions for reconsideration of a final rule published on December 3, 1998 (63 FR 66762, RIN 2127-AF51) that deleted the material and manufacturing process requirements in the standard, the agency is amending the burst test performance requirements.

Timetable:

Action	Date	FR Cite
Final Action	04/00/00	

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
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RIN: 2127–AH72

2421. 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
Action Effective	01/31/00	
Final Action	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

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RIN: 2127–AH74

2422. THEFT DATA FOR CALENDAR YEAR 1998

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 33104(b)(4)

CFR Citation: 49 CFR 541

Legal Deadline: None

Abstract: The agency has published the preliminary data on passenger motor vehicle thefts that occurred in calendar year (CY) 1998 for model year (MY) 1998 vehicles. Publication of this data fulfills the agency's obligation to periodically obtain accurate and timely theft rate data and publish the information for review and comment.

Timetable:

Action	Date	FR Cite
Request for Comment	02/08/00	65 FR 6250
Comment Period End	04/10/00	
Final Action	06/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2127–AH76

2423. HIGH-THEFT LINES FOR MODEL YEAR 2001

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 33104

CFR Citation: 49 CFR 541

Legal Deadline: None

Abstract: This action will list the vehicle lines that are subject to the

parts-marking requirements of the theft prevention standard, as well as, high-theft lines that re exempted from the parts-marking requirements for model year (MY) 2001.

Timetable:

Action	Date	FR Cite
Final Action	05/00/00	

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
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RIN: 2127–AH78

2424. INTERIOR TRUNK RELEASE

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: During the summer of 1998, 11 children died when they were trapped inside car trunks. The agency has proposed to require that trunks have an interior release mechanism that can be operated by children to prevent future tragedies.

Timetable:

Action	Date	FR Cite
NPRM	12/17/99	64 FR 70672
NPRM Comment Period End	02/15/00	
Final Action	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Congress required the agency to provide a report on the benefits of an interior trunk release no later than December 1999. This proposed rulemaking will follow up on that report.

Agency Contact: Richard L. Van Iderstine, Division Chief, Visibility and Control Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590
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RIN: 2127–AH83

2425. SCHOOL BUS BODY JOINT 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 571.221

Legal Deadline: None

Abstract: In response to petitions for reconsideration of a final rule published on November 5, 1998 (63 FR 59732 RIN 2127-AC19) which extended the applicability of Standard No. 221, school bus body joint strength, to school buses with a gross vehicle weight rating (GVWR) of 10,000 pounds or less, narrowed an exclusion of maintenance access panels from the requirements of the standard, and revised testing requirements, the agency is considering amending the definition of bus body and allowing for the testing of surrogate bus body joint. Changing the definition could exclude those joints in the van cutaway chassis and enhance the possibility of allowing van cutaways to be manufactured into school buses.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/06/00	65 FR 11751
Final Action Effective	04/05/00	
Final Action	06/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: In response to petitions for reconsideration, this final rule extends the effective date of the November 5, 1998, final rule. Other issues are still under consideration.

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RIN: 2127–AH84

2426. 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; 49 CFR 596

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	06/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

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-AH85 - Stowable or Fold-Away Child Restraint Anchorages.

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RIN: 2127–AH86

2427. ● OFFSET DEFORMABLE BARRIER

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

CFR Citation: 49 CFR 587

DOT—NHTSA

Final Rule Stage

Legal Deadline: None

Abstract: The agency is considering establishing frontal offset crash test requirements. The frontal offset test would use a deformable honeycomb barrier to assess a vehicle's occupant protection capabilities. This rule would establish the specifications for the deformable honeycomb barrier. The proposed specifications were included in the NPRM for Advanced Air Bags (RIN 2127-AG70). However, the agency decided to publish the final rule for the offset deformable barrier as a separate regulatory action.

Timetable:

Action	Date	FR Cite
NPRM	09/18/98	63 FR 49957
Final Rule	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2127–AH93

2428. ● BONFIRE TEST PROCEDURE

Priority: Substantive, Nonsignificant

Legal Authority: 49 UCS 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

CFR Citation: 49 CFR 303; 49 CFR 304

Legal Deadline: None

Abstract: In response to petitions for reconsideration of a final rule published November 24, 1995 (60 FR 57943, RIN 2127-AF14) which amended the labeling requirements and the bonfire test requirements in standard No. 304, the agency is revising these test requirements. The agency has determined that the 1995 procedures are not technically feasible because the required thermocopule temperatures may not be reached during the test. The new test procedures are based on the Compressed Natural Gas (CNG) industries latest revision of NGV2.

Timetable:

Action	Date	FR Cite
Final Action	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

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RIN: 2127–AH94

2429. ● +LIGHT TRUCK FUEL ECONOMY STANDARDS FOR MODEL YEAR 2002

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: 49 USC 329

CFR Citation: 49 CFR 533

Legal Deadline: None

Abstract: The agency is establishing the fuel economy standards for manufacturers of light truck fleets for model year 2002. At the direction of Congress, the standard is the same as the 20.7 mpg previously established for MY 2001. Therefore, there is no need for a notice of proposed rulemaking. This action is considered significant because of substantial public interest.

Section 322 of the FY 2000 DOT Appropriations Act precludes the agency from expending any funds to prepare, propose, or promulgate any fuel economy standards that differs from those currently in effect. The agency cannot consider any other alternative standards that may result in lower costs, lesser burdens, or more cost-effectivness for state, local or tribal governments or the private sector. The agency has, therefore, not prepared a written assessment of this rule for the purposes of the Unfunded Mandates Act.

Timetable:

Action	Date	FR Cite
Final Action	04/00/00	

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
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RIN: 2127–AH95

DEPARTMENT OF TRANSPORTATION (DOT)

Long-Term Actions

National Highway Traffic Safety Administration (NHTSA)

2430. +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 has 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

Action	Date	FR Cite
NPRM Comment Period End	04/22/81	
Request for Comments	05/20/97	62 FR 27648
Comment Period End	08/18/97	
Next Action Undetermined		

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
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RIN: 2127–AA03

2431. +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	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2127–AA44

2432. 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 has established a negotiated rulemaking advisory committee to develop recommended amendments to the existing regulations.

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
Next Action Undetermined		

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

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RIN: 2127–AE27

2433. 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 initiating 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 is having 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	
End Review	09/00/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 2127–AG19

2434. STATE ISSUED IDENTIFICATION DOCUMENTS

Priority: Substantive, Nonsignificant

Legal Authority: PL 104-208, sec 656

CFR Citation: 23 CFR 1331

Legal Deadline: NPRM, Statutory, September 30, 1997.

Abstract: The agency issued a notice of proposed rulemaking to implement the requirements contained in section 656(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. This section of the Act entitled State-Issued Driver's Licenses and Comparable Identification Documents, provides that a Federal agency may only accept as proof of identity a driver's license or identification document that conforms to specific requirements, in accordance with regulations issued by the Department of Transportation. The agency received over 2000 comments to this notice. The agency's appropriations act imposed a restriction on the use of FY 99 funds to issue a final rule implementing the proposed requirements.

Timetable:

Action	Date	FR Cite
NPRM	06/17/98	63 FR 33220
NPRM Comment Period End	08/03/98	
Comment Period End 10/2/98	08/19/98	63 FR 44415
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State, Federal

Agency Contact: William Holden, Division Chief, Driver Register and Traffic Records Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590
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RIN: 2127–AG91

2435. 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	12/00/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Charles Kahane, Chief, Evaluation Division, Office of Plans and Policy, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590
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RIN: 2127–AG93

2436. 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	12/00/01	

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
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RIN: 2127–AH12

2437. 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	12/00/02	

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
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RIN: 2127–AH13

2438. ● 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

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	
End Review	09/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2127–AH98

DEPARTMENT OF TRANSPORTATION (DOT) — Completed Actions

National Highway Traffic Safety Administration (NHTSA)

2439. FIFTH PERCENTILE FEMALE 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 has to adopted the Hybrid III small female size dummy. The notice specifies instrumentation, calibration test procedures, and calibration performance criteria for the Hybrid III small female.

Timetable:

Action	Date	FR Cite
NPRM	09/03/98	63 FR 46981
NPRM Comment Period End	12/02/98	
Final Action	03/01/00	65 FR 10961
Final Action Effective	03/31/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: This rulemaking action is an additional part of the Adverse Side Effects of Air Bags (RIN 2127-AG14).

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RIN: 2127–AG66

2440. HYBRID III TYPE 6-YEAR-OLD SIZE

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; 49 CFR 571.213

Legal Deadline: None

Abstract: The agency has established design and performance specifications for a new, more advanced 6-year old child dummy. The agency believes that the new dummy, part of the family of Hybrid III test dummies, is more representative of humans than the existing 6-year old child dummy specified by the agency and will allow the assessment of more types of potential injuries. The new dummy is especially needed to evaluate the effects of air bag deployment on children, but will also provide greater and more useful information in a variety of environments to better evaluate child safety.

Timetable:

Action	Date	FR Cite
NPRM	06/29/98	63 FR 35170
Correction	09/03/98	63 FR 46979
NPRM Comment Period End	09/28/98	
Final Action	01/13/00	65 FR 2059
Final Action Effective	03/13/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2127–AG76

2441. TRANSMISSION CONTROL LEVERS

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: In response to a petition for rulemaking, the agency considered whether to issue a proposal to add requirements for vehicles without conventional mechanical transmission shift levers. The petitioner would like to use new interfaces that do not use the mandated linear sequence of PRNDL for automatic transmission gear selection indicated and to use push button switches, joy stick switches or voice activation as new driver interfaces with the transmission gear selection. This rulemaking has been withdrawn because we resolved the

issue in a letter of interpretation to the petitioner, BMW Corp.

Timetable:

Action	Date	FR Cite
Request for Comments	06/04/98	63 FR 30449
Comment Period End	09/02/98	
Withdrawn	11/15/99	64 FR 61810

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2127–AH21

2442. +UNIFORM CRITERIA FOR STATE OBSERVATIONAL SURVEYS OF SEAT BELT USE

Priority: Other Significant

Legal Authority: PL 105-178, sec 1403

CFR Citation: 23 CFR 1340

Legal Deadline: Final, Statutory, December 8, 1998.

Abstract: This rulemaking action establishes the criteria and procedures to be followed by the States to determine their seat belt use rates. Section 1403 of TEA-21 established a new program of incentive grants (under Section 157 of chapter 1 of title 23) that provides funds to States if: (1) The State had a seat belt use rate greater than the national average for the two preceding calendar years, OR (2) The State's seat belt use rate in the previous calendar year was higher than the State's ''base seat belt use rate.'' (The '' base seat belt use rate'' is defined as the State's highest use rate for any calendar year from 1996 through the calendar year preceding the previous calendar year.) For calendar years 1996 and 1997, the legislation directs the Department to weigh State-submitted use rates to insure national consistency in methods of measurement. For calendar years 1998 and beyond, States must establish their seat belt use rates in accordance with guidelines issued by the Secretary. This rulemaking provides the States with the required guidelines. These uniform criteria replace the ''Guidelines for State Observational Surveys of Safety Belt and Motorcycle Helmet Use,'' published in 1992, and rescinded by this rule.

The results of the survey conducted in accordance with this rule was used in making allocations of a total of $418 million during fiscal years 2000 through 2003. This rule was published as an interim final rule, with immediate effectiveness, because the criteria applied to surveys that the States were required to conduct being in calendar year 1998. In the next action, the agency evaluated the comments, as appropriate. This rulemaking is significant because it specifies the requirements states must follow to qualify for grant funds totalling almost 500 million dollars for fiscal years 1999-2000.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/01/98	63 FR 46389
Interim Final Rule Effective	09/01/98	
Comment Period End	03/01/99	
Final Action	03/14/00	65 FR 13679
Final Action Effective	04/13/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State

Agency Contact: John Oates, Chief, Implementation, 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–AH46

2443. DYNAMICALLY DEPLOYING HEAD PROTECTION 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 571.201

Legal Deadline: None

Abstract: The agency is responding to petitions for reconsideration of the final rule published on August 4, 1998 (63 FR 41466, RIN 2127-AG74). The final rule amended the upper interior impact requirements to allow, but not require, the installation of dynamically deploying head protection systems. This final rule deletes a humidity range specification for calibration of the test device used in the car-to-pole test.

Timetable:

Action	Date	FR Cite
Final Action	12/14/99	64 FR 69665

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Clarke Harper, Division Chief, Light Duty Vehicle Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-2264
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RIN: 2127–AH60

2444. BRAKE TESTING PROCEDURES

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 571.135

Legal Deadline: None

Abstract: In response to petitions for reconsideration of a final rule published on September 5, 1997 (62 FR 46907, RIN 2127-AG05), the agency is allowing the use, under certain conditions, of a regenerative braking system (RBS) for electric vehicles (EV). The modification will harmonize the US brake procedures more closely with Europe and allow for evaluation of a unique brake design for electric vehicles.

Timetable:

Action	Date	FR Cite
Final Action	02/09/00	65 FR 6327
Final Action Effective	03/27/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

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

DOT—NHTSA **Completed Actions**

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RIN: 2127–AH64

DEPARTMENT OF TRANSPORTATION (DOT) — Prerule Stage
Federal Railroad Administration (FRA)

2445. +HOURS OF SERVICE ELECTRONIC RECORDKEEPING PROJECT

Priority: Other Significant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 49 USC 20103

CFR Citation: 49 CFR 228

Legal Deadline: None

Abstract: In 1994, the Federal Railroad Administration (FRA) launched a major project to facilitate maintenance of hours-of-service records and submission of ''excess service'' reports in an electronic, rather than a paper, format. FRA is proposing a model waiver to railroads interested in maintaining electronic records for train and engine service employees. These employees compose the vast majority of those subject to the statutory limitations on hours of service. This project will eventually lead to the formal revision of 49 CFR 228. This is considered significant due to public interest.

Timetable:

Action	Date	FR Cite
Grant or Deny Waiver Application	11/00/00	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: David Kasminoff, Trial Attorney, Mail Stop 10, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 493-6043

RIN: 2130–AB04

2446. TOURIST AND HISTORIC WORKING GROUP REGULATORY REVIEW

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 20103

CFR Citation: None

Legal Deadline: None

Abstract: The Tourist and Historic Working Group of the Railroad Safety Advisory Committee was established to review existing and proposed regulations for their appropriate applicability to one segment of FRA's small business customers, the tourist and historic railroads. In addition, the group is examining FRA's policy with respect to exercise of jurisdiction over railroads off the general system of rail transportation.

Timetable:

Action	Date	FR Cite
Begin Review	04/01/96	
End Review	12/00/00	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Federalism: Undetermined

Additional Information: This rulemaking represents a long-term effort to review existing and proposed regulations for their appropriate applicability to tourist and historic railroads. The group was created in April of 1996 and met on June 17 - 18, 1996. Thus far, the group has reviewed the Steam Locomotive standards and FRA's Accident/Incident Reporting standards and provided recommendations regarding their applicability to the tourist and historic railroad industry. (See Notice of Meeting, 61 FR 54698.) The group is anticipated to next review the final rules on Track Safety Standards, Rail Passenger Service: Emergency Preparedness, and Railroad Communications.

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–AB12

DEPARTMENT OF TRANSPORTATION (DOT) — Proposed Rule Stage
Federal Railroad Administration (FRA)

2447. +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.

Abstract: This action would govern when and how 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.

Statement of Need: This rule is required by the Swift Development Act of 1994 (Act). The Act requires the use of locomotive horns at every public highway-rail grade crossing but gives FRA the authority to make reasonable exceptions. Congress amended this law in 1996 to require that FRA take into account the interest of the communities

with pre-existing restrictions on locomotive horns.

Summary of Legal Basis: Issuance of this rule is required by 49 USC 20153.

Alternatives: There was no alternative to initiating this rulemaking, as it is required by statute. However, the rule would provide a list of supplementary measures the FRA has determined to be effective substitutes for the locomotive horn in the prevention of highway-rail grade crossing casualties. The rule would also allow for whistle bans if there are alternative safety measures that compensate for the lack of a locomotive horn.

Anticipated Cost and Benefits: The problems considered by this rule are collisions and their associated casualties and property damage involving vehicles on public highways and the front ends of trains at whistle-ban grade crossings.

The costs of this rulemaking will be incurred predominantly by communities. However, there are also costs to railroads and to the Federal government. At this time, FRA does not know how many businesses would be impacted or the severity of the impact if a community elects to follow the mandate and become subject to whistleblowing at crossings. Nevertheless, the estimated benefits in terms of lives saved and injuries prevented will exceed the costs imposed on society for the proposed rule. Even under the best case scenario (falling collision rates over time) the safety benefits alone, excluding any benefit to railroads, exceed the most costly realistic scenario for community safety enhancements.

Risks: As a result of studies conducted on accident rates at crossings at which locomotive horns are banned, FRA has concluded that such crossings generally result in a higher risk of accident than at crossings at which horns are sounded. FRA has compared the number of collisions occurring within ten different groups of crossings grouped by risk and found that the risk of a collision was 62 percent greater at crossings equipped with automatic gates and flashing lights than at similarly equipped crossings across the nation without bans. FRA analysis also indicated that whistle ban crossings without gates, but equipped with flashing light signals and/or other types of active warning devices, on average, experienced 119 percent more collisions than similarly equipped crossings without whistle bans. Congress requires that FRA issue a regulation requiring the sounding of locomotive horns at all public highway rail grade crossings. However, an exception to the requirement is permissible in circumstances in which there is not a significant risk of loss of life or serious personal injury, use of the locomotive horn is impractical, or supplementary safety measures fully compensate for the absence of the warning provided by the horn. Issuance of the rule would lower the increased collision risk associated with crossings at which no locomotive horns are sounded.

Timetable:

Action	Date	FR Cite
NPRM	01/13/00	65 FR 2230
NPRM Comment Period End	05/26/00	
Final Action	01/00/01	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: State, Local

Federalism: This action may have federalism implications as defined in EO 13132.

Agency Contact: Mark Tessler, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590 Phone: 202 493-6061

RIN: 2130–AA71

2448. LOCOMOTIVE CAB WORKING CONDITIONS

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 20103

CFR Citation: 49 CFR 229

Legal Deadline: Final, Statutory, March 3, 1995.

Abstract: The agency has proposed to address crew working conditions on locomotives, pursuant to the Rail Safety Enforcement and Review Act (1992). FRA investigated a variety of locomotive working conditions, including sanitation, noise and temperature, and reported its findings to Congress. On October 31, 1996, the Railroad Safety Advisory Committee (RSAC) accepted a preliminary planning task to schedule handling of these issues, and established the Locomotive Crew Safety Working Group. The Working Group created a Noise Task Group and a Temperature Task Group, and those task groups are meeting regularly to address employee exposure to noise and temperature extremes. The Working Group has met on several occasions and is addressing sanitation in locomotive cabs. This project was originally considered significant because of substantial public interest, however, because the rule is being developed through the RSAC process, the expected interest has not materialized. FRA is awaiting the advice and recommendations of RSAC before taking further regulatory action.

Timetable:

Action	Date	FR Cite
Open Meeting Notice	07/22/94	59 FR 37528
Report to Congress	09/18/96	
NPRM (Sanitation)	06/00/00	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Federalism: This action may have federalism implications as defined in EO 13132.

Additional Information: As originally proposed, this rulemaking addressed both crew working conditions on locomotives and the crashworthiness of locomotives. However, in anticipation of issuing two distinct rulemakings, FRA has separated crashworthiness of locomotives out from the original proposal (RIN 2130-AB23).

Agency Contact: Christine Beyer, Deputy Assistant Chief Counsel, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW., Washington DC 20590 Phone: 202 493-6052

RIN: 2130–AA89

2449. +POSITIVE TRAIN CONTROL

Priority: Other Significant

Legal Authority: 49 USC 20103

CFR Citation: 49 CFR 234; 49 CFR 236

Legal Deadline: None

Abstract: Consistent with Congressional mandate, FRA has continued its commitment to identifying high risk corridors which may better support PTC investment;

supporting PTC technology development, testing and compatibility; and promoting deployment of PTC technology on high risk corridors in the near future. In September, 1997, FRA initiated joint fact finding efforts through the Railroad Safety Advisory Committee (RSAC) Working Group on PTC. The advice and recommendations of RSAC will form the basis for proceeding to an NPRM. The rulemaking will address technical standards for PTC, amending 49 CFR part 236.

Timetable:

Action	Date	FR Cite
NPRM	08/00/00	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Federalism: Undetermined

Additional Information: FRA has separated out of this rulemaking its action entitled Radio Communication, which revised its radio rules for more flexibility and to include requirements for the presence of radios and/or some means of wireless communication (RIN 2130-AB19).

Agency Contact: David T. Matsuda, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 493-6046

RIN: 2130–AA94

2450. LOCOMOTIVE CRASHWORTHINESS

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 20103

CFR Citation: 49 CFR 229

Legal Deadline: Final, Statutory, March 3, 1995.

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. Originally this project was considered significant, however, RASC has determined 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	06/00/00	

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: David T. Matsuda, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 493-6046

RIN: 2130–AB23

2451. 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:

Action	Date	FR Cite
NPRM	10/00/00	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Federalism: Undetermined

Agency Contact: Christine Beyer, Deputy Assistant Chief Counsel, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW., Washington DC 20590
Phone: 202 493-6052

RIN: 2130–AB27

2452. ROADWAY EQUIPMENT SAFETY

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 20103

CFR Citation: 49 CFR 214

Legal Deadline: None

Abstract: FRA proposes to publish 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 awaiting the advice and recommendations of RSAC before taking further regulatory action.

Timetable:

Action	Date	FR Cite
NPRM	12/00/00	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Federalism: Undetermined

Additional Information: This rulemaking is an off-shoot 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

2453. EVENT RECORDER CRASHWORTHINESS

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	04/00/00	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Federalism: Undetermined

Agency Contact: Thomas A. Phemister, Trail Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 493-6050

RIN: 2130–AB34

2454. REVISION TO RAILROAD SAFETY ENFORCEMENT PROCEDURES

Priority: Info./Admin./Other

Legal Authority: 49 USC 20103

CFR Citation: 49 CFR 209

Legal Deadline: None

Abstract: This action will revise and update FRA's enforcement procedures to reflect a variety of changes that have taken place since they were last modified. The issues that this action is expected to address include the recodification of the railroad safety laws, changes in internal procedures, and changes in programs.

Timetable:

Action	Date	FR Cite
NPRM	12/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

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–AB35

2455. RULES OF PRACTICE

Priority: Info./Admin./Other

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	12/00/00	

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

2456. ● +APPLICATION OF ALCOHOL AND DRUG REGULATIONS TO FOREIGN RAILROADS OPERATING IN THE UNITED STATES

Priority: Other Significant

Legal Authority: 49 USC 20103; 49 USC 20140

CFR Citation: 49 CFR 219

Legal Deadline: None

Abstract: This action would extend the coverage of FRA's alcohol and drug regulations to foreign-based train crews engaged in or connected with the movement of a train in the United States. This action is considered significant because of substantial inter-departmental concerns.

Timetable:

Action	Date	FR Cite
NPRM	04/00/00	

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, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 493-6060

RIN: 2130–AB39

2457. ● +REQUIREMENTS FOR PROFICIENCY IN THE USE OF THE ENGLISH LANGUAGE AND FOR THE USE OF ENGLISH UNITS OF MEASUREMENTS IN COMMUNICATIONS ABOUT RAILROAD OPERATIONS IN THE UNITED STATES

Priority: Other Significant

Legal Authority: 49 USC 20103

CFR Citation: 49 CFR 220

Legal Deadline: None

Abstract: This proposed rule would require that certain railroad employees be proficient in English, speak in English when required by another railroad worker in connection with railroad operations in the U.S., and generally use English units of measurement when communicating about railroad operations that occur in the U.S.

Timetable:

Action	Date	FR Cite
NPRM	06/00/00	

Regulatory Flexibility Analysis Required: Undetermined

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–AB40

DEPARTMENT OF TRANSPORTATION (DOT) — Final Rule Stage

Federal Railroad Administration (FRA)

2458. 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.

Timetable:

Action	Date	FR Cite
NPRM	11/30/90	55 FR 49648
NPRM Comment Period End	12/31/90	
Final Action	11/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: None

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 has decided to move forward with a final rule.

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

2459. MAINTENANCE, INSPECTION, AND TESTING OF GRADE-CROSSING SIGNAL SYSTEMS

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 49 USC 20103

CFR Citation: 49 CFR 234

Legal Deadline: Final, Statutory, June 22, 1989.

Abstract: FRA is making technical changes and minor amendments to final regulations which were published on September 30, 1994. These regulations require that railroads take specific and timely actions to protect the travelling public and railroad employees from the hazards posed by malfunctioning highway-rail grade crossing warning systems, and that railroads follow specific standards for maintenance, inspection, and testing of those systems. The amendments clarify issues arising from implementation of this new regulatory program. No new costs are expected.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/20/96	61 FR 31802
Comment Period End	07/22/96	
Interim Final Rule Effective	08/19/96	
Final Action	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: State, Local

Additional Information: The final rule, RIN 2130-AA70, was published 9/30/94 (59 FR 50086), and was effective 1/1/95. In response to a petition for reconsideration, FRA conducted a review, together with rail labor and rail management, to address various implementation issues that had surfaced since the rule was enacted. After meeting with these parties in March 1995, FRA issued an Implementation Manual on April 14, 1995. An interim final rule intended to clarify implementation issues by making minor technical amendments was published on June 20, 1996, effective August 19, 1996. Response to the comments on that interim rule may result in further amendment of the rule.

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–AA97

2460. STATEMENT OF POLICY REGARDING SAFETY OF RAILROAD BRIDGES

Priority: Info./Admin./Other

Legal Authority: 49 USC 20103

CFR Citation: 49 CFR 213

Legal Deadline: None

Abstract: FRA proposes to publish a policy statement containing maintenance guidelines based on certain common, basic principles that characterize effective bridge management practices. The guidelines are meant to be advisory in nature. They will not have the force of regulations under which FRA ordinarily issues violations and assesses civil penalties.

Timetable:

Action	Date	FR Cite
Statement of Interim Policy	04/27/95	60 FR 20654
Comment Period End	06/26/95	
Final Policy Statement	05/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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–AA99

2461. REINVENTION OF REGULATIONS ADDRESSING DISCONTINUANCE OR MODIFICATION OF SIGNAL SYSTEMS

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 49 USC 20501 to 20505

CFR Citation: 49 CFR 235

Legal Deadline: None

Abstract: Pursuant to the President's Regulatory Reform Initiative, FRA intends to revise part 235 by reducing the list of circumstances for which signal system discontinuance approval is required. No new costs are expected.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/01/96	61 FR 33871
Comment Period End	07/31/96	
Interim Final Rule Effective	08/30/96	
Final Action	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Mark Tessler, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 493-6061

RIN: 2130–AB05

2462. REINVENTION OF SIGNAL SYSTEM REPORTING REQUIREMENTS

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 49 USC 20501 to 20505

CFR Citation: 49 CFR 233

Legal Deadline: None

Abstract: Pursuant to the President's Regulatory Reform Initiative, FRA is amending its signal system reporting requirements (part 233) to reduce signal system reporting burdens on the rail industry. No new costs are expected.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/01/96	61 FR 33871
Comment Period End	07/31/96	
Interim Final Rule Effective	08/30/96	
Final Action	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Mark Tessler, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 493-6061

RIN: 2130–AB06

2463. FLORIDA OVERLAND EXPRESS HIGH SPEED RAIL RULE OF PARTICULAR APPLICABILITY

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 20103

CFR Citation: 49 CFR 243

Legal Deadline: None

Abstract: FRA published a proposed rule of particular applicability for a high speed rail project in Florida. As proposed, the system would operate from Miami to Tampa via Orlando, and would be modeled on the French TGV. A consortium of engineering and design firms, and the state of Florida entered into an agreement to develop the project, which they anticipated would commence operations in 2004. However, FRA has been informed that the State has withdrawn support and funding for the project. Therefore, FRA has suspended work on final standards.

Timetable:

Action	Date	FR Cite
NPRM	12/12/97	62 FR 65478
NPRM Comment Period End	02/10/98	
Final Action	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Additional Information: A Public Regulatory Conference was held on November 23, 1998.

Agency Contact: Christine Beyer, Deputy Assistant Chief Counsel, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW., Washington DC 20590
Phone: 202 493-6052

RIN: 2130–AB14

2464. 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	06/00/00	

Regulatory Flexibility Analysis Required: Yes

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
Phone: 202 493-6047

RIN: 2130–AB15

2465. +POWER BRAKE REGULATIONS: FREIGHT POWER BRAKE REVISIONS

Priority: Other Significant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 49 USC 20103

CFR Citation: 49 CFR 232; 49 CFR 231; 49 CFR 229

Legal Deadline: Final, Statutory, December 31, 1993.

Abstract: Pursuant to the Federal Railroad Safety Enforcement and Review Act of 1992, FRA is revising the power brake rules. After separating proposed revisions regarding freight power brakes from passenger power brakes, FRA tasked the revision of freight power brake standards on April 1-2, 1996 to the Railroad Safety Advisory Committee (RSAC), established by FRA on March 26, 1996 (61 FR 9740). On June 24, 1997, this task was withdrawn from RSAC and FRA is proceeding on its own initiative. This rulemaking is considered significant because of its potential economic impact and congressional and public interest.

Statement of Need: This rule is necessary to improve the safety of freight rail operations by better adapting the regulations to the needs of contemporary freight railroad operations and facilitating the use of advanced technologies. The current regulations regarding braking systems used in freight operations were originally industry standards have not been substantially revised since their inception. Thus, there is a need to modernize the existing regulations in order to make them consistent with current freight operations, eliminate or minimize existing loopholes, address new equipment and technologies, clarify existing requirements consistent with agency interpretations, and address other enforcement and operational issues that have arisen over the last few decades.

Summary of Legal Basis: This rulemaking is mandated by 49 USC 20141. See Pub. L. 102-365, sec 7. Furthermore, as this rulemaking concerns rail safety, FRA is vested with statutory authority to issue regulations governing these operations. See 49 USC 20101 et seq.

Alternatives: There was no alternative to initiating this rulemaking, as it is required by Federal statute. Nevertheless, FRA considers what specific safety standards to prescribe, clarify or modify in the context of the rail industry's own safety initiatives and operations. Furthermore, FRA will attempt to minimize the impact of the rule on small entities covered by the rule. FRA will also consider existing industry practices and, where possible, will tie the standards to performance.

Anticipated Cost and Benefits: At the NPRM stage of this rule, FRA estimated that the Net Present Value (NPV) of the total 20-year costs associated with the rule was approximately $98 million; whereas the total 20-year benefits (both safety and economic) were estimated at approximately $106 million. FRA indicated that these benefits and costs were preliminary, as FRA lacked certain data. FRA has not yet determined the costs and benefits of this rule and will fully consider all comments regarding its cost estimates when developing the final rule.

Risks: In the NPRM, FRA identified 172 brake-related incidents that occurred between 1993 and 1997. These incidents resulted in at least 32 injuries and two deaths. FRA did not include every incident where brakes may have been a contributing factor, as such information is not routinely provided by the railroads when reporting incidents to FRA. In calculating the potential safety benefits FRA recognized that many damages or potential damages are not captured. Brake-related incidents similar to those identified by FRA could involve the release of hazardous materials which, if the incident occurred in a densely populated or environmentally sensitive area, could produce truly catastrophic results. Furthermore, the cost of evacuation and medical treatment for members of the public could be substantial, and associated road closures could also produce a significant economic impact to travelers and nearby communities. Similarly, should a brake-related incident involve the release of hazardous materials into a river or stream, the consequences to wildlife in the area could be severe and lasting.

Timetable:

Action	Date	FR Cite
NPRM	09/09/98	63 FR 48294
Notice of Public Hearing	10/08/98	63 FR 54104
Extension of Comment Period	01/21/99	64 FR 3273
NPRM Comment Period End	03/01/99	
Public Meeting - Notice	05/04/99	64 FR 23816
Final Action	06/00/00	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: A portion of the task to revise the power brake rules has been completed. FRA revised the existing power brake regulations to mandate the use of two-way end-of-train telemetry devices, RIN 2130-AA73, in a final rule published on January 2, 1997 (62 FR 278). Furthermore, rules regarding the inspection and testing of passenger equipment and brake systems were developed with the assistance of a passenger equipment standards working group, and a final rule was issued May 12 1999 (64 FR 25540). (See RIN 2130-AA95).

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–AB16

2466. +REGULATIONS ON SAFETY INTEGRATION PLANS GOVERNING RAILROAD CONSOLIDATIONS, MERGERS, ACQUISITIONS OF CONTROL AND START-UP OPERATIONS

Priority: Other Significant

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: This proposed rule would require a railroad to file a Safety Integration Plan with the Federal Railroad Administration (1) whenever a Class I railroad, the National Railroad Passenger Corporation, or a railroad providing commuter service proposes to merge, consolidate or acquire control of one another; (2) whenever an entity proposes to start operations as a railroad; (3) whenever a Class II railroad proposes to consolidate, merge, or acquire control of another Class II railroad with which it would directly interchange freight, or (4) whenever a railroad merger, consolidation or acquisition of control would result in operations that generate revenue in excess of the Class I threshold. The proposed rule would prescribe content and subject matter areas that must be addressed in each plan before FRA may approve of such plan. FRA is working with the Surface Transportation Board to conduct coordinated rulemaking actions covering these transactions within the framework of each agency's jurisdiction.

Statement of Need: This rule is necessary to ensure advance planning of operations to promote rail safety. Given the safety problems encountered in previous transactions and the need for the merging or acquiring railroad to integrate and harmonize information systems, training, operational practices and safety procedures on a massive scale, the need to require detailed plans setting forth the manner in which the parties intend to safely implement integration plans became apparent to FRA.

Summary of Legal Basis: Because this rule concerns rail safety, FRA is vested with statutory authority to issue regulations governing these regulated transactions. See 49 USC 20101 et seq.

Alternatives: The proposed rule would authorize a railroad carrying out a regulated transaction to petition for a waiver of compliance. The railroad would have to follow the procedures prescribed in 49 CFR 211 in filing such a petition. FRA may grant the petition if waiver of compliance is consistent with the public interest and railroad safety. FRA does not intend to regulate Class III railroads for the purposes of this rule. Nevertheless, the agency solicited comments from interested parties about this proposal, or whether the rule should cover any Class III railroad seeking to carry out a regulated transaction.

Anticipated Cost and Benefits: In this rulemaking action, FRA addressed the costs and benefits of issuing the proposed rule. See 63 FR 72225, 72235 (December 31, 1998). For Class I railroads, the agency estimated that a SIP would cost between $300,000 and $800,000 to prepare, but will prevent $1.5 million to $12 million in accident costs. For Class II railroads, FRA estimated that a SIP would cost between $50,000 and $200,000 to prepare, but will prevent between $60,000 and $1.2 million in accident costs. The agency added that the safety planning process may save railroads from experiencing substantial service difficulties that correspond to these complex transactions.

Risks: The problems that surfaced after the merger of the Union Pacific and the Southern Pacific indicated that safety could be significantly compromised in implementing a consolidation unless the parties addressed the safety issues specifically, formally and systematically, particularly if the merger was large and complex. To address safety-related problems stemming from a merger, FRA needed a projection into the future of the safety consequences of consolidating the systems. To accomplish this, in response to the proposed acquisition of Conrail by Norfolk Southern and CSX Transportation, FRA suggested, and the STB required, that the merger applicants develop and submit well-defined Safety Integration Plans (SIPs) as part of the merger application process. The proposed rule would require, as a matter of FRA regulations, that such Plans be filed by certain railroads in the context of proposed mergers and acquisitions and similar circumstances.

Timetable:

Action	Date	FR Cite
NPRM	12/31/98	63 FR 72225
Public Hearing - Notice	04/21/99	64 FR 19512
Comment Period Extended	04/21/99	
NPRM Comment Period End	05/04/99	
Final Action	04/00/00	

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 Railroad Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 493-6042

RIN: 2130–AB24

2467. BRIDGE WORKER SAFETY STANDARDS

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 20103

CFR Citation: 49 CFR 214

Legal Deadline: None

Abstract: In response to a petition for rulemaking, FRA will amend the Bridge Worker Safety Rules through promulgation of an interim final rule. The interim final rule will likely prohibit the use of safety belts as fall protection, but would continue to require the use of harnesses, which are more commonly used in present industry practice. The interim final rule would also make technical clarifications to the existing standards. This action is supported by the industry and is consistent with new policies of the Occupational Safety and Health Administration. Data shows that safety belts present unnecessary safety risks, and are generally disfavored by companies involved with working at heights.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/00	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Gordon Davids, Bridge Engineer, Office of Safety, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 493-6320

RIN: 2130–AB25

2468. +AMENDMENT OF REGULATIONS GOVERNING RAILROAD REHABILITATION AND IMPROVEMENT FINANCING

Priority: Other Significant

Legal Authority: 45 USC 821 et seq; PL 105-78

CFR Citation: 49 CFR 260

Legal Deadline: None

Abstract: This action would amend the current regulations by replacing the railroad financing programs with a new loan and loan guarantee program. Section 7203 of the Transportation Equity Act for the 21st Century authorizes the Secretary of Transportation to provide direct loans and loan guarantees to State and local governments, government sponsored authorities and corporations, railroads, and joint ventures, that include at least one railroad. This is significant because a total of $3.5 billion has been authorized for the program and the rule may have an annual effect on the economy of $100 million or more until the principal cap of $3.5 billion is reached.

Timetable:

Action	Date	FR Cite
NPRM	05/20/99	64 FR 27488
NPRM Comment Period End	06/21/99	
Final Action	05/00/00	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: None

Federalism: This action may have federalism implications as defined in EO 13132.

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–AB26

2469. ANNUAL ADJUSTMENT OF MONETARY THRESHOLD FOR REPORTING RAIL EQUIPMENT ACCIDENTS/INCIDENTS

Priority: Info./Admin./Other

Legal Authority: 49 USC 20103

CFR Citation: 49 CFR 225

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
Annual Determination	12/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: The 1999 final rule of 12/10/99, 64 FR 69193 established at $6,600 the monetary threshold for accidents/incidents that occur during calendar year 2000. There is no change from calendar years 1998 and 1999. The 1997 final rule of 2/2/97, 62 FR 63675 increased the monetary threshold from $6,500 to $6,600. The 1996 final rule of 11/29/96, 61 FR 60632 increased the monetary threshold from $6,300 to $6,500.

Agency Contact: David H. Kasminoff, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590 Phone: 202 493-6043

RIN: 2130–AB30

2470. DETERMINATION OF MINIMUM TESTING RATE FOR RANDOM DRUG AND ALCOHOL TESTING

Priority: Info./Admin./Other

Legal Authority: 49 USC 20103

CFR Citation: 49 CFR 219

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 12/2/94, 59 FR 62218. The minimum random drug testing rate continues to be 25 percent of covered railroad employees for 2000. 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	12/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: In the notice of determination of 12/27/99, 64 FR 72289 the minimum random drug and alcohol testing rate for calendar year 2000 remained at 25 percent of covered railroad employees. In the notices of determination of 2/18/98 (63 FR 8143) and 12/30/98 (63 FR 71789), the minimum rate remained at 25 percent for calendar years 1998 and 1999.

Agency Contact: Patricia V. Sun, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590 Phone: 202 493-6060

RIN: 2130–AB31

2471. TRACK SAFETY STANDARDS AMENDMENT TO ADDRESS GAGE RESTRAINT MEASUREMENT SYSTEMS

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 20103

CFR Citation: 49 CFR 213

Legal Deadline: None

Abstract: A Gage Restraint Measurement System (GRMS) is a non-destructive performance-based technology that objectively measures track gauge restraint capacity of crossties and rail fasteners by applying known lateral and vertical loads to track structure, measuring the gauge deflection under those loads, and then projecting what the gauge would become under severe track loading conditions. From this data, a gauge

widening ratio is calculated as a measure of overall track strength. In the NPRM to revise the Track Safety Standards (62 FR 36138, July 3, 1997), FRA acknowledged that the Track Working Group which helped draft the NPRM was unable to agree upon a proposal that would permit railroads to use GRMS to determine compliance with crosstie fastener requirements. FRA requested public comments regarding the use of GRMS as an alternative or additional track inspection method. In the final rule revising the Track Safety Standards (63 FR 33992, June 22, 1998), FRA reported that it had received various comments about the use of GRMS and that an amendment to the Track Safety Standards addressing GRMS would be published later in a separate final rule.

Timetable:

Action	Date	FR Cite
Final Action	12/00/00	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Additional Information: This action was originally contemplated as part of the Track Safety Standards (RIN 2130-AA75) which were issued June 22, 1998 (63 FR 33992).

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–AB32

2472. +JOINT STATEMENT OF SAFETY POLICY FOR SHARED USE OF GENERAL RAILROAD SYSTEM TRACKAGE BY CONVENTIONAL RAILROAD AND RAIL TRANSIT TRAINS

Priority: Other Significant

Legal Authority: 49 USC 20103

CFR Citation: 49 CFR 209

Legal Deadline: None

Abstract: The Joint Policy Statement of the Federal Railroad Administration (FRA) and the Federal Transit Administration (FTA) will explain the nature of the most important safety issues related to joint use of the general railroad system by conventional and light rail equipment. It will briefly summarize FRA's exercise of its jurisdiction over these operations, help transit authorities, railroads, and other interested parties understand how the respective safety authority of the two agencies will be coordinated, and express both FRA's and FTA's commitment to work together closely to ensure the safety and viability of these operations. It is considered significant because it involves multiple departmental modes. FRA will also issue its own statement of policy elaborating on its safety jurisdiction and providing additional guidance on how approval of shared use may be obtained from FRA.

Timetable:

Action	Date	FR Cite
Proposed Joint Policy Statement	05/25/99	64 FR 28238
Comment Period Extended	07/28/99	64 FR 40931
Extension of Comment Period	10/28/99	64 FR 58124
Proposed FRA Policy Statement	11/01/99	64 FR 59046
Comment Period Extended	01/12/00	65 FR 1844
Comment Period End	02/14/00	
Final Policy Statement	07/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: David H. Kasminoff, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 493-6043

RIN: 2130–AB33

2473. ● +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 will require 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	04/00/00	

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

DEPARTMENT OF TRANSPORTATION (DOT) — Long-Term Actions
Federal Railroad Administration (FRA)

2474. +FREIGHT CAR SAFETY STANDARDS: MAINTENANCE-OF-WAY EQUIPMENT

Priority: Other Significant

Legal Authority: 49 USC 20103

CFR Citation: 49 CFR 215

Legal Deadline: None

Abstract: This action proposes to amend the freight car safety standards to subject all maintenance-of-way vehicles to FRA's safety standards, with the exception of stenciled cars not used in revenue service and restricted to a speed of less than 20 miles per hour. This action is considered significant because of substantial public and industry interest.

Timetable:

Action	Date	FR Cite
NPRM	03/10/94	59 FR 11238
NPRM Comment Period End	02/27/95	
Final Action	06/00/01	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Federalism: Undetermined

Additional Information: The original NPRM comment period ended on 4/11/94 but was twice extended; first, to 11/28/94 (59 FR 49374) and then to 02/27/95 (59 FR 67266). Due to various contentious issues raised during the NPRM comment period, FRA believed it might be advantageous to resolve differences in an open forum. Therefore, on September 30, 1997, FRA formally proposed this rulemaking as a new task (Task 97-8) for the Railroad Safety Advisory Committee (RSAC). After discussion, the RSAC declined to accept the task at that time. The need to complete other, higher priority projects has not permitted further action on this rulemaking.

ANALYSIS: Regulatory Evaluation, 03/10/94, 59 FR 11238

Agency Contact: Billie Stultz, Deputy Assistant Chief Counsel, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 493-6053

RIN: 2130–AA68

2475. AMTRAK WASTE DISPOSAL

Priority: Substantive, Nonsignificant

Legal Authority: PL 101-610

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: The National and Community Service Act requires the Secretary of Transportation to promulgate such regulations as may be necessary to mitigate the impact of discharge of human waste from railroad passenger cars on areas that may be considered environmentally sensitive.

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Mark Yachmetz, Department of Transportation, Federal Railroad Administration, Office of Safety, 400 Seventh Street SW, Washington, DC 20590
Phone: 202 493-6289

RIN: 2130–AA84

2476. 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. In a final rule issued in 1993, FRA allowed augmentation of a crew by using a ''utility'' employee, which would increase a railroad's efficient use of its employees under secure procedures to ensure proper coordination within the work group. Based on petitions to reconsider several aspects of its final rule treating this subject, FRA issued amendments to this rule. One of those amendments dealt not with utility employees, but with lone workers. Based on comments received, the agency suspended that amendment and reopened the comment period to further develop this proposal. As resources permit, FRA will issue a proposed rule addressing this issue and other important blue signal issues.

Timetable:

Action	Date	FR Cite
Final Rule Amendments	03/01/95	60 FR 11047
Comment Period End	05/01/95	
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 Regulatory Agenda, which was originally titled ''Protection of Utility Employees'' to more accurately reflect what this action is expected to address.

Agency Contact: Paul F. Byrnes, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 493-6032

RIN: 2130–AA90

2477. USE OF ONE-PERSON CREWS IN RAIL OPERATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 20103

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: Concerned with the complex and immediate safety issues posed by rail operations involving the use of one-person crews, FRA proposes to promulgate an interim final rule to prohibit, except in carefully controlled instances, the use of one-person operations. FRA will require all railroads which propose to use one-person crew operations to enroll in a pilot program and agree to conform to the safety conditions set forth by FRA. The purpose of the pilot program is to determine under what conditions, if any, one-person crew operations can be safely operated.

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Federalism: Undetermined

Additional Information: An Informal Safety Inquiry concerning a proposal by Wisconsin Central Ltd. to expand its use of one-person crew and remote control operations was held by FRA on December 4 and 5, 1996 (61 FR 58736, November 18, 1996).

Agency Contact: Christine Beyer, Deputy Assistant Chief Counsel, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW., Washington DC 20590
Phone: 202 493-6052

RIN: 2130–AB18

2478. ● 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, but no immediate regulatory action is anticipated.

Timetable:

Action	Date	FR Cite
Begin Review	01/14/00	
Next Action Undetermined		

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

DEPARTMENT OF TRANSPORTATION (DOT) Completed Actions
Federal Railroad Administration (FRA)

2479. REINVENTION OF STEAM LOCOMOTIVE INSPECTION REGULATIONS

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 49 USC 20701

CFR Citation: 49 CFR 230

Legal Deadline: None

Abstract: Pursuant to the President's Regulatory Reform Initiative, and at the initiative of several industry members, FRA has modernized Part 230 to reflect current operating realities and allow greater flexibility in the steam locomotive inspection waiver process.

Timetable:

Action	Date	FR Cite
NPRM	09/25/98	63 FR 51404
NPRM Comment Period End	11/24/98	
Public Hearing - Notice	01/12/99	64 FR 1791
Final Action	11/17/99	64 FR 62828
Final Action Effective	01/18/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: A public hearing was held on February 4, 1999 in Corpus Christi, Texas.

Agency Contact: Paul F. Byrnes, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 493-6032

RIN: 2130–AB07

2480. PLANNING ACTIVITIES UNDER THE MAGNETIC LEVITATION TRANSPORTATION TECHNOLOGY DEPLOYMENT PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 23 USC 322

CFR Citation: 49 CFR 268

Legal Deadline: Other, Statutory, December 9, 1998, See Additional Information.

Abstract: This action is required by section 1218(a) of the Transportation Equity Act for the 21st Century (''TEA 21''). This section, codified at 23 USC 322, provides a total of $55 million for Fiscal Years 1999 through 2001 for preconstruction planning activities, final design, engineering, and construction activities for the deployment of Magnetic Levitation technology (''Maglev Deployment Program''). Section 322 requires FRA to establish Project selection criteria, to solicit applications for funding, to select one or more Projects to receive financial assistance for preconstruction planning activities, and after completion of such activities, to select one of the Projects to receive financial assistance for final design, engineering, and construction activities. The Interim Final Rule, as amended, solicited applications for the initial planning funds under the Maglev Deployment Program, with a deadline of February 15, 1999 for receipt of applications for preconstruction planning grants. The final rule revised the dates for timing of major milestones, modified the requirement concerning preparation of site-specific, draft EIS's, expanded Phase III to allow down selecting to more than one project, and shifted the selection of one project to Phase IV.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/13/98	63 FR 54600
Interim Final Rule Effective	11/16/98	
Interim Final Rule Amendment	02/12/99	64 FR 7133
Final Action	01/14/00	65 FR 2342
Final Action Effective	01/14/00	

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.

Additional Information: LEGAL DEADLINE: 180 days after enactment of section 322 (12/09/98) the Secretary is to solicit applications from states. 90 days after the deadline for receipt of applications, (05/15/99) the Secretary is to evaluate applications and select one or more eligible projects to receive financial assistance for preconstruction planning activities. Potential grantees must know what is expected of them to start the process and for the Secretary to meet these deadlines.

Agency Contact: Arnold Kupferman, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW, Washington, DC 20590
Phone: 202 493-6365

RIN: 2130–AB29

2481. REVISED DOCKET FILING PROCEDURES FOR FEDERAL RAILROAD ADMINISTRATION RULEMAKING AND ADJUDICATORY DOCKETS

Priority: Info./Admin./Other

Legal Authority: 49 USC 20103

DOT—FRA

Completed Actions

CFR Citation: 49 CFR 211; 49 CFR 235; 49 CFR 238; 49 CFR 240

Legal Deadline: None

Abstract: This action revised FRA's docket filing procedures. The final rule reflected the consolidation of FRA's docket operations with those of other Department of Transportation operating elements, and the conversion from a paper based system to an optical imaging system. It also provide ddetails of new docket filing procedures for FRA regulatory and adjudicatory proceedings, and amend certain FRA rules to provide accurate information to the public regarding filing requirements for FRA proceedings.

Timetable:

Action	Date	FR Cite
Final Action	12/16/99	64 FR 70193
Final Action Effective	02/14/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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–AB37

DEPARTMENT OF TRANSPORTATION (DOT)

Proposed Rule Stage

Federal Transit Administration (FTA)

2482. +NEPA AND RELATED PROCEDURES FOR TRANSPORTATION DECISIONMAKING; PROTECTION OF PUBLIC WORKS, WILDLIFE AND WATERFOWL REFUGES AND HISTORIC SITES

Priority: Other Significant

Legal Authority: 49 USC 5304(e); 42 USC 4321; 23 USC 109; 23 USC 128; 23 USC 134; 23 USC 138; 23 USC 315; 49 USC 303(c)

CFR Citation: 49 CFR 622; 23 CFR 530; 23 CFR 540; 49 CFR 1.48(b); 49 CFR 1.51

Legal Deadline: None

Abstract: The Federal Transit Administration and the Federal Highway Administration are issuing an NPRM to propose updating and revising the National Environmenal Policy Act implementng regulation for FTA and FHWA funded or approved projects. The current regulations were issued in 1987 (23 CFR part 771, August 28, 1987) and experience since that time as well as changes in legislation, most recently by the Transportation Equity Act for the 21st Century (TEA-21), call for an updated approach to implementation of NEPA for FTA and FHWA projects and actions.

Under this proposed rulemaking, the FTA/FHWA regulation for implementing NEPA would be moved to a new part (23 CFR part 530) and would be revised to further emphasize using the NEPA process to facilitate effective and timely decisionmaking.

Timetable:

Action	Date	FR Cite
NPRM	06/00/00	

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 Biehl, Assistant Chief Counsel, Department of Transportation, Federal Transit Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-0952

RIN: 2132–AA43

2483. +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	06/00/00	

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
Email: scheryl.portee@fta.dot.gov

RIN: 2132–AA64

2484. +STATEWIDE METROPOLITAN PLANNING

Priority: Other Significant

Legal Authority: 49 USC 5305-5309; 23 USC 104(f); 23 USC 134; 23 USC 135; 23 USC 217; 23 USC 315; 42 USC 7419 et seq.

CFR Citation: 49 CFR 613; 49 CFR 1.48(b); 49 CFR 1.51; 23 CFR 450

Legal Deadline: None

Abstract: In this action, FTA and FHWA are jointly proposing to revise the regulations governing the development of transportation plans and programs for urbanized (metropolitan) areas and States. These revisions are the product of statutory changes made by the Transportation Equity Act for the 21st Century (TEA-21), which requires a continuous,

comprehensive, and coordinated process in metropolitan areas and States. The regulations at 23 CFR part 450 and 49 CFR part 613 are being modified to reflect the impacts of TEA-21. These changes are being proposed in concert with revisions to regulations concerning environmental impact and related procedures and its architectural consistency.

The intent of these changes is to more effectively link planning regulations and environmental streamlining regulations to facilitate integration of decisions, reduce paperwork and analytical activity, where feasible, and to refine procedures and processes to achieve greater efficiency in decisionmaking.

In addition, the agencies believe that an integrated approach to planning and project development will contribute to more effective and environmentally sound decisions regarding investment choices. This action is considered significant because of substantial congressional and public interest.

Timetable:

Action	Date	FR Cite
NPRM	06/00/00	

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 Biehl, Assistant Chief Counsel, Department of Transportation, Federal Transit Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-0952

RIN: 2132–AA66

2485. STATE SAFETY OVERSIGHT; RAIL FIXED GUIDEWAY SYSTEMS

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 5330

CFR Citation: 49 CFR 659

Legal Deadline: None

Abstract: On the basis of State Safety Oversight audits that the Federal Transit Administration has been conducting over the past year, the agency will propose several changes to the rule, including requiring states to oversee the safety of rail fixed guideway systems in the planning, design, and construction phases. This regulation was previously reported under RIN 2132-AAA39 and RIN 2132-AA59.

Timetable:

Action	Date	FR Cite
NPRM	06/00/00	

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: Nancy Zaczek, Attorney Advisor, Department of Transportation, Federal Transit Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-4011
Fax: 202 366-3809

Roy Field, Transit Safety & Security Specialist, Department of Transportation, Federal Transit Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-0197

RIN: 2132–AA69

2486. REQUIREMENT FOR THIRD-PARTY CONTRACTING WITH FTA RECIPIENTS

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: 49 CFR 635

Legal Deadline: None

Abstract: Federal Transit Administration grantees must comply with FTA Circular 4220.1D, ''Third-Party Contracting Requirements.'' FTA proposes to put that circular into regulatory form. FTA is undertaking this action based on the belief that procurement regulations will make the third-party contracting process more equitable and understandable.

Timetable:

Action	Date	FR Cite
NPRM	06/00/00	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: State, Local, Tribal

Federalism: This action may have federalism implications as defined in EO 13132.

Procurement: This is a procurement-related action for which there is no statutory requirement. The agency has not yet determined whether there is a paperwork burden associated with this action.

Agency Contact: Michael E. Connelly, Attorney-Advisor, Department of Transportation, Federal Transit Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-4011
Fax: 202 366-3809
Email: michael.connelly@fta.dot.gov

RIN: 2132–AA70

2487. PREVENTION OF ALCOHOL MISUSE AND DRUG USE IN TRANSIT OPERATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 5331

CFR Citation: 49 CFR 655; 49 CFR 1.51

Legal Deadline: None

Abstract: The Federal Transit Administration proposes to combine its current drug (part 653) and alcohol (part 654) testing regulations into a new part 655. FTA will also incorporate various amendments and interpretations since this rule became effective.

Timetable:

Action	Date	FR Cite
NPRM	06/00/00	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: State, Local, Tribal

Federalism: This action may have federalism implications as defined in EO 13132.

Agency Contact: Michael E. Connelly, Attorney-Advisor, Department of Transportation, Federal Transit Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-4011
Fax: 202 366-3809

Email: michael.connelly@fta.dot.gov

RIN: 2132–AA71

DEPARTMENT OF TRANSPORTATION (DOT) — Final Rule Stage

Federal Transit Administration (FTA)

2488. +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 by the Secretary in Altoona, PA. 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
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	02/26/93	58 FR 11549
Final Action	06/00/00	

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. The FTA's fourth interim final rule, issued on 11/3/93, established four subcategories of small vehicles to facilitate the phase-in of testing. The final rule will add the two tests mandated by ISTEA, brake performance and emissions, to the seven tests currently performed at the bus testing facility. In addition, the final rule will clarify the partial testing with regard to what constitutes a ''major change'' on a bus that has been fully tested, but is later produced with a change in configuration or component.

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

RIN: 2132–AA30

2489. CHARTER SERVICES DEMONSTRATION PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: PL 102-240, sec 3040

CFR Citation: 49 CFR 604

Legal Deadline: Final, Statutory, September 18, 1992.

Abstract: This rulemaking presents the results and conclusions drawn from the charter services demonstration program, previously reported under RIN 2132-AA40, which was mandated by section 3040 of the Intermodal Surface Transportation Efficiency Act. That provision directed FTA to conduct a demonstration program in four states to permit public operators to provide needed charter services to certain civic and community groups. In addition to setting forth program results, this rulemaking sought recommendations regarding improvements to the charter service regulation. However, based on a review of the comments received, the FTA has determined that there is no justification for changing the rule. Consequently, the agency will be withdrawing the NPRM.

Timetable:

Action	Date	FR Cite
NPRM	06/23/97	62 FR 33793
NPRM Comment Period End	08/22/97	
Final Action	06/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: None

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–AA58

2490. 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) allows 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

Action	Date	FR Cite
NPRM Comment Period End	04/19/99	
Final Action	06/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State, Local

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

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

RIN: 2132–AA62

2491. +MAJOR CAPITAL INVESTMENT PROJECTS

Priority: Other Significant

Legal Authority: 49 USC 5309; PL 105-178, Sec 3009(e)

CFR Citation: 49 CFR 611

Legal Deadline: NPRM, Statutory, October 7, 1998.
Final, Statutory, December 7, 1998.

Abstract: This rulemaking will establish the criteria by which FTA will evaluate major capital investment mass transportation projects and rate those projects in comparison with one another, based on an analyses of alternatives, justifications for projects, and degrees of local financial commitment. This rulemaking will also codify the procedures applicants for Federal transit capital funding must follow in developing fixed guideway (''New Starts'') projects. This action is considered significant because of potential public, congressional, and environmental concerns.

Timetable:

Action	Date	FR Cite
NPRM	04/07/99	64 FR 17061
Notice of Meeting	05/13/99	64 FR 25864
NPRM Comment Period End	07/06/99	
Final Action	06/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Richard P. Steinmann, Director, Office of Policy Development, Department of Transportation, Federal Transit Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-1739

Scott Biehl, Assistant Chief Counsel, Department of Transportation, Federal Transit Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-0952

RIN: 2132–AA63

2492. SCHOOL BUS OPERATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 5323(f)

CFR Citation: 49 CFR 605

Legal Deadline: None

Abstract: This rulemaking proposes to amend the definition of ''tripper'' service, which is mass transit service modified to meet the needs of school students and personnel. The amended definition would 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.

Timetable:

Action	Date	FR Cite
NPRM	05/03/99	64 FR 23590
NPRM Comment Period End	07/02/99	
Final Action	06/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: State, Local

Agency Contact: Elizabeth S. Martineau, Attorney Advisor, Department of Transportation, Federal Transit Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-1936
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RIN: 2132–AA67

2493. +JOINT STATEMENT OF SAFETY POLICY FOR SHARED USE OF GENERAL RAILROAD SYSTEM TRACKAGE BY CONVENTIONAL RAILROAD AND RAIL TRANSIT SYSTEMS

Priority: Other Significant

Legal Authority: 49 USC 20103

CFR Citation: 49 CFR 209

Legal Deadline: None

Abstract: The Joint Policy Statement of the Federal Transit Administration (FTA) and the Federal Railroad Administration (FRA) will explain the nature of the most important safety issues related to joint use of the general railroad system by conventional and light rail equipment. It will briefly summarize FRA's exercise of its jurisdiction over these operations, help transit authorities, railroads and other interested parties understand how the respective safety authority of the two agencies will be coordinated, and express FTA's and FRA's commitment to work together closely to ensure safety and viability of these operations. It is considered significant because it involves multiple departmental modes. Please note that FRA will also issue its own statement of policy elaborating on its safety jurisdiction and providing additional guidance on how approval of shared use may be obtained from FRA.

Timetable:

Action	Date	FR Cite
Proposed Policy Statement	05/25/99	64 FR 28238
Comment Period Extended	07/28/99	64 FR 40931
Comment Period Extended	10/28/99	64 FR 58124
Proposed FRA Policy Statement	11/01/99	64 FR 59046
Comment Period Extended	01/12/00	65 FR 1844
Comment Period End	02/14/00	
Final Policy Statement	06/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: The corresponding FRA RIN is 2130-AB33.

Agency Contact: Gregory B. McBride, Deputy Chief Counsel, Department of Transportation, Federal Transit Administration, 400 Seventh Street SW., Washington, DC 20590

DOT—FTA **Final Rule Stage**

Phone: 202 366-4063
Fax: 202 366-3809

RIN: 2132–AA73

DEPARTMENT OF TRANSPORTATION (DOT) — Long-Term Actions
Federal Transit Administration (FTA)

2494. 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

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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

RIN: 2132–AA68

DEPARTMENT OF TRANSPORTATION (DOT) — Completed Actions
Federal Transit Administration (FTA)

2495. ● RESPONSIBILITIES OF THE ADMINISTRATOR

Priority: Info./Admin./Other

Legal Authority: 49 USC 1657; 49 USC 1.51

CFR Citation: 49 CFR 601

Legal Deadline: None

Abstract: The Federal Transit Administration is amending 49 CFR Part 601 to provide that the Deputy Administrator is the Administrator's ''first assistant'' for purposes of the Federal Vacancies Reform Act of 1998, and thus serves as the Acting Administrator when the Administrator's position is vacant. This rule is ministerial in nature and relates only to agency management, organization, procedure, and practice and is not a regulation for purposes of Executive Order 12866. Therefore, FTA has determined that notice and comment are unnecessary.

Timetable:

Action	Date	FR Cite
Final Rule	11/09/99	64 FR 61033

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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–AA74

DEPARTMENT OF TRANSPORTATION (DOT) — Prerule Stage
Research and Special Programs Administration (RSPA)

2496. HAZARDOUS MATERIALS: REVISION OF REQUIREMENTS FOR CARRIAGE BY AIRCRAFT

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

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	06/00/00	

DOT—RSPA

Prerule Stage

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Organizations, Businesses, Governmental Jurisdictions

Government Levels Affected: None

Additional Information: Docket No. HM-228.

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

2497. 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 notice solicits comments on the merits of 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 identify and location of all hazardous materials on an aircraft in a timely manner.

Timetable:

Action	Date	FR Cite
ANPRM	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Docket No. HM-206C

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–AD29

2498. HAZARDOUS MATERIALS: CARGO TANK ROLLOVER REQUIREMENTS

Priority: Substantive, Nonsignificant

Unfunded Mandates: This action may affect State, local or tribal governments and the private sector.

Legal Authority: 49 USC 5102 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	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Undetermined

Additional Information: HM Docket: HM-213A

Agency Contact: Hattie L. Mitchell, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-8553

RIN: 2137–AD34

2499. 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 UN Recommendations.

Timetable:

Action	Date	FR Cite
ANPRM	12/28/99	64 FR 72633
ANPRM Comment Period End	03/29/00	
Comment Period Extended	06/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: HM-230.

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

DEPARTMENT OF TRANSPORTATION (DOT)
Research and Special Programs Administration (RSPA)

Proposed Rule Stage

2500. 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

Action	Date	FR Cite
Request for Comments	03/11/99	64 FR 12147
Electronic Public Meeting	04/13/99	
Extension of Comment Period	04/30/99	64 FR 23256
Comment Period Ends	07/07/99	
SNPRM	04/00/00	

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

2501. 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 been discovered developing cracks during service, and occasionally leaks developed that resulted in loss of contents. The ANPRM was to alert and inform all persons possessing these cylinders of the problems, identify those cylinders at risk, and suggest steps to minimize risks. The NPRM will address the safety issues.

Timetable:

Action	Date	FR Cite
ANPRM	07/10/87	52 FR 26027
ANPRM Comment Period End	08/10/87	
NPRM	08/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Undetermined

Additional Information: Docket No. HM-176A. Some safety issues originally considered by this action are being addressed in Docket HM-220, RIN 2137-AA92.

ANALYSIS: Regulatory Evaluation

Agency Contact: Charles 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

2502. AREAS UNUSUALLY SENSITIVE TO ENVIRONMENTAL DAMAGE (USAS)

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 60101 to 60125

CFR Citation: 49 CFR 195

Legal Deadline: Final, Statutory, October 24, 1994.

Abstract: In response to a statutory mandate, this action will establish criteria for identifying areas near hazardous liquid pipelines that are unusually sensitive to environmental damage if a pipeline accident occurs. The criteria are being developed in consultation with the Environmental Protection Agency and other agencies. Criteria for identification of unusually sensitive areas will be pilot-tested in 1999 to 2000.

Timetable:

Action	Date	FR Cite
Supplemental Notice	06/22/94	59 FR 32178
Extended Comment Period End	06/26/95	
NPRM	12/30/99	64 FR 73464
Comments	06/27/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Docket No. RSPA-999-5455 formerly designated as Docket No. PS-140. A series of public workshops were conducted in 1996 and 1997. Additional workshops will be scheduled as necessary. Pilot testing of USA guidance is now underway in cooperation with the American Petroleum Institute.

Agency Contact: Christina Sames, Petroleum Engineer, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-4561

RIN: 2137–AC34

2503. +INCREASED INSPECTION REQUIREMENTS

Priority: Other Significant

Legal Authority: 49 USC 60101 to 60125

CFR Citation: 49 CFR 192; 49 CFR 195

Legal Deadline: Final, Statutory, October 24, 1995.

Abstract: This rulemaking would address the need for additional periodic inspection of gas and hazardous liquid pipelines in high-density, environmentally sensitive, or navigable waterway areas. The regulations would prescribe circumstances under which such inspections must be conducted by internal inspection devices or equivalent means. This action is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
Public Workshop	10/18/95	60 FR 44821
NPRM	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Docket No. PS-141. Congress has expressed a concern about the risk of pipeline failure caused by undetected structural defects. It directed DOT to prescribe, if necessary, additional standards that require the periodic inspection of certain pipelines in high-density population areas, areas unusually sensitive to environmental damage, and crossings of commercially navigable waterways. The regulations are to prescribe circumstances in which inspections must be conducted with an instrumented internal inspection device. If the device is not required, the regulations must require the use of an inspection method that is at least as effective as using the device in providing for the safety of the pipeline.

OPS is considering the need to establish requirements for increased pipeline inspection, including 'pigging'. On October 19, 1995, a public workshop was held in Washington, DC, to elicit suggestions from the pipeline

industry and the public on development of regulations requiring increased inspection of certain gas and hazardous liquid pipelines. Industry participants advocated use of a wide variety of factors to judge the risk of a pipeline and to determine whether pigging is required.

A proposed rule on this matter is expected after a definition of areas unusually sensitive to environmental damage (USA) is developed (see Docket No. PS-140).

The need for increased inspection requirements in high-consequence areas is being addressed in Docket No. RSPA-99-6355, Enhanced Safety and Environmental Protection for Gas Transmission and Hazardous Liquid Pipelines in High Consequence Areas. An NPRM is expected to be issued by April 2000.

Agency Contact: L. M. Furrow, Transportation Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590 Phone: 202 366-4559

RIN: 2137–AC38

2504. +EMERGENCY FLOW RESTRICTING DEVICES

Priority: Other Significant

Legal Authority: 49 USC 60101 to 60125

CFR Citation: 49 CFR 195

Legal Deadline: Final, Statutory, October 24, 1996.

Abstract: This rulemaking would specify those circumstances under which operators of hazardous liquid pipelines are required to use emergency flow restricting devices (EFRDs) or other procedures, systems, and equipment to detect and locate pipeline ruptures and minimize releases. This action is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	01/19/94	59 FR 2802
ANPRM Comment Period End	04/19/94	
NPRM	06/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Docket No. PS-133. A public workshop was held on 10/19/95 (60 FR 44822). This action is being coordinated with other rulemakings on onshore oil spill response plans (Docket No. PS-130; RIN 2137-AC30), areas unusually sensitive to environmental damage (Docket No PS-140; RIN 2137-AC34), and pipeline leak detection systems (Docket No. RSPA 97-2362; RIN 2137-AD05). These actions are being pursued in coordination with, and as part of the response to, the EFRD mandate.

First, RSPA has required pipeline operators to develop and carry out onshore oil spill response plans under the Oil Pollution Act of 1990 (Docket No. PS-130; RIN 2137-AC30). The operators have filed response plans under an interim final rule, and numerous tabletop exercises and area exercises have been conducted to validate the planning process. Work is proceeding on a 'one plan' approach that would allow an operator to file only one oil spill response plan with the various interested agencies. A final rule will be directed toward improving operators' accident response capabilities and minimizing accident consequences.

Second, RSPA published a proposed rule to adopt the American Petroleum Institute's (API) pipeline leak detection system technical standard (Standard API 1130, Computational Pipeline Monitoring) to guide industry implementation of computer-based leak detection systems (Docket No. RSPA-97-2362, RIN 2137-AD06). This proposal would require that operators of hazardous liquid pipelines use API 1130 in conjunction with other information in the design, evaluation, operation, maintenance, and testing of their software-based leak detection systems. This will result in a significant advancement toward the acceptance of leak detection technology on hazardous liquid pipelines. This is a necessary precedent to the possible adoption of regulations on emergency flow restricting devices.

Third, RSPA is working with the Environmental Protection Agency, the U.S. Coast Guard, and others to develop a definition of ''areas unusually sensitive to environmental damage from pipeline spills'' (Docket No. PS-140; RIN 2137-AC34). This effort will define areas that are candidates for the application of EFRDs.

Finally, EFRDS are being considered as part of an NPRM in Docket No. RSPA-99-6355, Enhanced Safety and Environmental Protection for Gas Tranmission and Hazardous Liquid Pipelines in High Consenquence Areas. An NPRM is expected to be issued by April 2000.

Agency Contact: L. Ulrich, General Engineer, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590 Phone: 202 366-4556

RIN: 2137–AC39

2505. 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	04/00/00	

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 has recently completed a study of the issues related to burial depth and inspection requirments 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

2506. +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.

Statement of Need: In recent years, RSPA has issued interpretations and administrative decisions on a case-by-case basis about whether particular activities are in ''transportation'' and therefore subject to regulation under the HMR. Because of increasing State and local regulation of hazardous materials, RSPA concluded that an overall rulemaking is appropriate, rather than just case-by-case decisions. RSPA believes that better overall definitions of the applicability of the HMR will reduce uncertainty by the regulated community and other regulatory agencies (both Federal and non-Federal) as to which agency has regulatory authority. Greater certainty in this regard should promote improved compliance with the HMR and also with the requirements of other regulatory agencies.

Summary of Legal Basis: Section 5103 of title 49 U.S.C. specifies that the Secretary shall prescribe regulations for the safe transportation of hazardous materials in intrastate, interstate, and foreign commerce applicable to, among others, any person who offers hazardous materials for transportation or who transport hazardous materials in commerce. In addition, section 5125 of title 49 U.S.C. sets forth the circumstances under which differing non-Federal requirements are preempted.

Alternatives: Commenters to the ANPRM and SANPRM suggested alternative ways to describe the applicability of the HMR. One suggestion is to describe the applicability of the HMR in relationship to specific transportation functions. Another is to describe the applicability of the HMR over specific regulated entities, such as those who offer hazardous materials for transportation or those who transport hazardous materials. RSPA is considering each of the alternatives proposed.

Anticipated Cost and Benefits: The potential costs and benefits of this action have not been determined. A preliminary regulatory evaluation will be developed.

Risks: Clarifying the applicability of the HMR should reduce uncertainty as to which regulatory agency's requirements apply to any particular activity involving hazardous materials and improve compliance with the HMR, the requirements of EPA and OSHA, and non-Federal requirements. This should result in improved compliance with the applicable regulatory requirements, and improve hazardous materials transportation safety, reduce risks to the environment from hazardous materials, and promote workplace safety at facilities that manufacture or handle hazardous materials.

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
Extension Comment Period Published for SANPRM	07/26/99	
SANPRM Comment Period End	08/25/99	
NPRM	04/00/00	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal, State, Local, Tribal

Federalism: This action may have federalism implications as defined in EO 13132.

Additional Information: Docket No. HM-223. 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
Email: rules@rspa.dot.gov

RIN: 2137–AC68

2507. 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 proposes to revise and clarify certain manufacturing, maintenance and use requirements pertaining to cargo tank motor vehicles that may be used for hazardous materials transportation. FHWA 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	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: None

Additional Information: HM-213.

Agency Contact: Michael Johnson, Transportation Regulations Specialist,

Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590
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RIN: 2137–AC90

2508. PIPELINE SAFETY: FURTHER REGULATORY REVIEW; GAS PIPELINE SAFETY STANDARDS

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

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 change. Some of the proposed changes result from RSPA's further review of the standards following its 1995-1996 review under the President's Regulatory Reinvention Initiative. Other changes are based on recommendations by the National Association of Pipeline Safety Representatives (NAPSR) in its November 1992 report on the standards. The proposed changes would reduce costs in the pipeline industry without compromising safety.

Timetable:

Action	Date	FR Cite
NPRM	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: 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 Proceed 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 thge 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 regulatins 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 329 proposed changes in the gas pipeline safety regulations.

Most of the SIRRC recommendations will be addressed in a subsequent notice in this docket. The welding recommendations are being adopted in the periodic update (Docket No. RSPA-99-6106) which will be published by April 2000. The corrosion control recommendations are being considered in a review of the pipeline corrosion regulations in Docket No. RSPA-97-2762.

Agency Contact: Richard 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–AD01

2509. +PIPELINE SAFETY: RECOMMENDATIONS TO CHANGE HAZARDOUS LIQUID PIPELINE SAFETY STANDARDS

Priority: Other Significant

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	09/00/00	

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, Transportation Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-4559

RIN: 2137–AD10

2510. HAZARDOUS MATERIALS: REVISIONS TO STANDARDS FOR INFECTIOUS SUBSTANCES

Priority: Substantive, Nonsignificant

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 proposes to amend the Hazardous Materials Regulations to provide for the transport of infectious medical waste in bulk packagings, modify the exceptions for

transporting biological products and diagnostic specimens without being subject to the regulations, and revise the definition, hazardous communication, and packaging requirements for other infectious substances 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	10/00/00	

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: Eileen Mack, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590
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RIN: 2137–AD13

2511. HAZARDOUS MATERIALS: REVISION OF REQUIREMENTS FOR CARRIAGE BY RAIL CAR AND MOTOR VEHICLE

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 49 USC 5101 to 5127

CFR Citation: 49 CFR 174; 49 CFR 177

Legal Deadline: None

Abstract: This rulemaking is based on a joint petition for rulemaking submitted by the American Trucking Associations, Inc. and the Association of American Railroads. This rulemaking proposes to revise the Hazardous Materials Regulations (HMR) found in 49 CFR parts 174 and 177. The intended impact of the rulemaking is to streamline the requirements of parts 174 and 177, enhance compliance with the HMR and to develop a positive impact on the land surface transportation of hazardous materials.

Timetable:

Action	Date	FR Cite
NPRM	10/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: None

Additional Information: Docket No. HM-227.

Agency Contact: Helen Engrum, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-8553
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RIN: 2137–AD19

2512. HAZARDOUS MATERIALS: REVISIONS TO THE INCIDENT REPORTING REQUIREMENTS AND THE DETAILED HAZARDOUS MATERIALS INCIDENT REPORT DOT FORM

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 49 USC 5105 to 5127

CFR Citation: 49 CFR 171

Legal Deadline: None

Abstract: This rulemaking reviews 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
Comment Period End	06/21/99	
NPRM	08/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal

Additional Information: Docket No. HM-229.

Agency Contact: Diane LaValle, Transportation Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590
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RIN: 2137–AD21

2513. PIPELINE SAFETY: CORROSION CONTROL ON GAS AND HAZARDOUS LIQUID PIPELINES

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 49 USC 60101 to 60125

CFR Citation: 49 CFR 192; 49 CFR 195

Legal Deadline: None

Abstract: The corrosion-control regulations for gas and hazardous liquid pipelines will be revised to incorporate the latest safety standards for corrosion protection of steel pipe. Specific criteria for corrosion protection will be incorporated into the federal pipeline safety regulations, including the adoption of voluntary consensus standards of recognized standards-setting organizations. Comparable standards will be applied to both gas and hazardous liquid pipelines.

Timetable:

Action	Date	FR Cite
Notice of Public Meeting	04/07/99	64 FR 16885
NPRM (Hazardous Liquid Pipelines)	04/00/00	
NPRM (Gas Pipelines)	07/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State, Local

Additional Information: Docket No. RSPA-97-2762. Notice of public meeting 10/29/97 (62 FR 56141).

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

RIN: 2137–AD24

2514. 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.

Timetable:

Action	Date	FR Cite
NPRM	10/00/00	

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.

Agency Contact: Mike Israni, General Engineer, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590
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RIN: 2137–AD26

2515. 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 that would be addressed are shipping papers, marking, labeling, and placarding requirements. In making improvements to the hazardous materials identification system in the HMR, 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	06/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Docket No. HM-206B

Agency Contact: Helen 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

2516. HAZARDOUS MATERIALS: REVISED AND CLARIFIED HAZARDOUS MATERIALS EXEMPTIONS PROCEDURES

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 49 USC 5101 to 5127

CFR Citation: 49 CFR 107

Legal Deadline: None

Abstract: This rulemaking will make minor substantive changes to the hazardous materials exemptions procedures of the hazardous materials procedural regulations and will result in a complete re-write of the exemptions procedures in language that is easier to understand. This action will follow a previous rulemaking which involved re-writing the hazardous materials rulemaking procedures. These actions are being taken to update RSPA's procedural regulations in a new question-and-answer format that will be more user-friendly.

Timetable:

Action	Date	FR Cite
NPRM	06/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Undetermined

Additional Information: This is follow-on rulemaking to Docket No. RSPA-98-3974 (RSP-4).

Agency Contact: Karin V. Christian, Attorney, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-4400

RIN: 2137–AD30

2517. +HAZARDOUS MATERIALS SAFETY: TRANSPORTATION OF OXYGEN CYLINDERS ON 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 cylinders of oxygen to be placed in an outer container that meets certain thermal and heat protections requirements when transported on aircraft. 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	04/00/00	

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.

Agency Contact: Diane LaValle, Transportation Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590
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Email: rules@rspa.dot.gov

RIN: 2137–AD33

2518. PIPELINE SAFETY: PERIODIC UPDATES TO PIPELINE SAFETY REQUIREMENTS (1999)

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 49 USC 60101 et seq.

CFR Citation: 49 CFR 190-199

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	04/00/00	
Final Rule	06/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Docket No. RSPA-99-6106

Agency Contact: Richard Huriaux, Manager - Regulations, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-4565

RIN: 2137–AD35

2519. +HAZARDOUS MATERIALS: SAFETY REQUIREMENTS FOR RETENTION OF HAZARDOUS MATERIALS IN EXTERNAL PRODUCT PIPING (WETLINES) ON CARGO TANK MOTOR VEHICLES

Priority: Other Significant

Legal Authority: 49 USC 5101 to 5127

CFR Citation: 49 CFR 173; 49 CFR 180

Legal Deadline: None

Abstract: This rulemaking proposes 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).

Timetable:

Action	Date	FR Cite
NPRM	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: HM Docket: HM-213B

Agency Contact: Michael Stevens, Transportation Specialist, Department of Transportation, Research and Special Programs Administration, Washington, DC 20590
Phone: 202 366-8553
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RIN: 2137–AD36

2520. HARMONIZATION WITH THE UNITED NATIONS RECOMMENDATIONS, INTERNATIONAL MARITIME DANGEROUS GOODS CODE, AND INTERNATIONAL CIVIL AVIATION ORGANIZATION'S TECHNICAL INSTRUCTIONS

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 49 USC 5101 to 5127

CFR Citation: 49 CFR 171 to 180

Legal Deadline: None

Abstract: RSPA proposes to amend the Hazardous Materials Regulations (HMR) to maintain alignment with the 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	05/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: HM-215D.

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
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RIN: 2137–AD41

2521. 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	04/00/00	

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

2522. ● HAZARDOUS MATERIALS: MISCELLANEOUS AMENDMENTS FOR UNLOADING IM PORTABLE TANKS ON A TRANSPORT VEHICLE

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 5101 to 5127

CFR Citation: 49 CFR 177

Legal Deadline: None

Abstract: RSPA responds to a petition for rulemaking regarding the requirements applicable to the unloading of IM Portable Tanks while on a transport vehicle.

Timetable:

Action	Date	FR Cite
NPRM	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: HM-218A.

Agency Contact: Joan McIntyre, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590
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RIN: 2137–AD44

2523. ● PIPELINE SAFETY: PIPELINE INTEGRITY MANAGEMENT IN HIGH CONSEQUENCE AREAS

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 5121, 60102, 60103, 60104, 60108, 60177, 60118, 60124; 49 CFR 1.53

CFR Citation: 49 CFR 195

Legal Deadline: None

Abstract: RSPA will propose regulations to validate pipe integrity of most hazardous liquid pipelines in high-density population areas, waters where commercial navigation exists, and areas unusually sensitive to environmental damage. In these proposed high consequence areas, OPS will propose requirements for increased inspection/testing, enhanced damage prevention, improved emergency response, and other measure to prevent and mitigate pipeline leaks and ruptures. The proposal will allow an operator to choose between an OPS-prescribed testing program or an operator-developed integrity management program that includes testing.

Timetable:

Action	Date	FR Cite
NPRM	04/00/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: Docket No. RSPA-99-6353

Agency Contact: Mike Israni, General Engineer, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590
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RIN: 2137–AD45

2524. ● HAZARDOUS MATERIALS: RELOCATION OF REGISTRATION AND TRAINING REQUIREMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 5101 to 5127

CFR Citation: 49 CFR 107, subpart G; 49 CFR 171

Legal Deadline: None

Abstract: This action will propose to relocate subpart G of part 107 and subpart H of part 172 into part 171 of the HMR. This move will clarify the applicability of these requirements and will assist in the enforcement of these requirements, especially by States.

Timetable:

Action	Date	FR Cite
NPRM	05/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: HM Docket: HM-218B

Agency Contact: Joan McIntyre, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590
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RIN: 2137–AD46

2525. ● 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 evaluating the current exceptions applicable to lithium batteries and evaluating which exceptions should be eliminated or revised.

DOT—RSPA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	06/00/00	

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
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RIN: 2137–AD48

DEPARTMENT OF TRANSPORTATION (DOT)

Research and Special Programs Administration (RSPA)

Final Rule Stage

2526. QUANTITY LIMITATIONS ABOARD AIRCRAFT

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 5101 to 5127

CFR Citation: 49 CFR 175

Legal Deadline: None

Abstract: This action responded to a petition for rulemaking that proposed to remove the fifty-pound limit on the quantity of hazardous materials that may be stowed in an inaccessible cargo location on passenger-carrying aircraft. Comments to the NPRM indicated that further evaluation is needed. RSPA has decided to withdraw this proposal and consider the petition for rulemaking in its overall revision of 48 CFR part 175, in HM-228, RIN 2317-AD18.

Timetable:

Action	Date	FR Cite
ANPRM	04/06/84	49 FR 13717
ANPRM Comment Period End	09/01/84	
NPRM	02/13/85	50 FR 6013
NPRM Comment Period End	05/30/85	
To Be Withdrawn	10/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: None

Additional Information: This project was formerly entitled: Limitation Aboard Aircraft. Docket HM-192. A related rulemaking is ''Prohibition of Oxidizers Aboard Aircraft,'' HM-224A, RIN 2127-AC92. The proposal will be considered as part of HM-228, RIN 3217-AD18.

ANALYSIS: Regulatory Evaluation, 02/13/85, 50 FR 6013

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RIN: 2137–AA85

2527. +REQUIREMENTS FOR CYLINDERS

Priority: Other Significant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 49 USC 5101 to 5127

CFR Citation: 49 CFR 172; 49 CFR 173; 49 CFR 178

Legal Deadline: None

Abstract: This rulemaking proposes amendments to the Hazardous Materials Regulations (HMR) to update and consolidate requirements for the manufacture, maintenance, requalification, repair, and use of compressed gas cylinders. RSPA is proposing changes affecting: the manufacture of compressed gas cylinders; addition of certain new DOT specifications and to revise requirements applicable to the maintenance, requalification, and repair of all DOT specification cylinders (including those cylinders that may no longer be manufactured). RSPA also proposed to simplify the requirements for filling cylinders and consolidate and revise requirements applicable to persons who requalify cylinders. This rulemaking recognizes advances in cylinder manufacturing technology and will clarify and simplify regulatory requirements. This rulemaking, which affects persons who manufacture, requalify, repair, refill and use compressed gas cylinders, is of significant interest to the compressed gas industry. RSPA is reviewing the comments and is in the process of evaluating various alternative actions.

Statement of Need: This rulemaking action is the first comprehensive review and revision of the cylinder requirements since the first cylinder specification was adopted in the early 1900's. Since that time, additional cylinder specifications and related requirements for cylinder requalification and use have been added on a piece-meal basis in response to the development of new construction materials, accidents and incidents, shipping experience, and the development of industry consensus standards. RSPA seeks to improve the integrity of cylinders by adopting manufacturing and testing standards based more on performance than detailed design requirements. RSPA has received over 25 petitions for rulemaking and has issued numerous exemptions relating to requirements for cylinders and for the transportation of hazardous materials in cylinders. The merits of these petitions and the need to convert provisions of exemptions into regulations of general applicability are being considered in this rulemaking action.

Summary of Legal Basis: Section 5103 of Title 49 U.S.C. specifies that the Secretary shall prescribe regulations for the safe transportation of hazardous materials in intrastate, interstate, and foreign commerce. These regulations apply to persons transporting or causing to transport hazardous materials in commerce, and persons manufacturing, fabricating, marking, maintaining, repairing or testing packagings that are represented, marked, certified, or sold by such persons as qualified for use in transporting hazardous materials in commerce.

Alternatives: The proposed rule is expected to incorporate a variety of

alternatives to provide greater flexibility to cylinder manufacturers, refillers and users. There will be proposals to allow harmonizing of the manufacturing practices between the U.S. and other countries, to provide greater flexibility in the filling of cylinders based on performance criteria, and to simplify the regulations by streamlining the commodity sections and by standardizing the new cylinder specifications.

Anticipated Cost and Benefits: A preliminary regulatory evaluation has been developed. The potential costs and benefits of this action have not yet been determined.

Risks: Improving the integrity of cylinders will reduce the risk of leakage in overturns and other accidents. In addition, simplifying the regulations will reduce misunderstandings and the possibility of processing errors that may adversely affect safety.

Timetable:

Action	Date	FR Cite
NPRM	10/30/98	63 FR 58460
NPRM Comment Period End	05/28/99	
Extension of Comment Period	05/28/99	64 FR 28065
Comment Period Closed	09/30/99	
Final Rule	08/00/00	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: None

Additional Information: Formerly entitled Review: Consolidation of Specifications for High-Pressure Seamless Cylinders. Docket No. HM-220.

Agency Contact: Charles Betts, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590
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RIN: 2137–AA92

2528. 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: This rulemaking established minimum Federal pipeline safety standards requiring that new and replacement gas transmission and hazardous liquid pipelines be designed to accommodate the passage of internal inspection devices. In response to petitions for reconsideration of the final rule, an additional NPRM was issued proposing to limit the rule with respect to new and existing offshore gas transmission lines and the replacement of onshore gas transmission lines in rural areas.

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
Final Rule	04/00/00	

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 certain replacement pipelines be designed anddconstructed to accomodate 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.

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 requirement 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. This stay was in response to extensive comments and recommendations from the Technical Pipeline Safety Standards Committee (TPSSC) with regard to Notice 2. Nonetheless, hazardous liquid pipelines, carbon dioxide pipelines, new onshore gas transmission lines, must comply with the final rule of April 1994.

A final rule in response to the petitions, public comments, and recommendations from the advisory committee is being prepared for publication by April 2000.

ANALYSIS: Regulatory Evaluation, 04/12/94, 59 FR 17275

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RIN: 2137–AB71

2529. TANK CARS AND CARGO TANK MOTOR VEHICLES: ATTENDANCE REQUIREMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 5101 to 5127

CFR Citation: 49 CFR 174; 49 CFR 177

Legal Deadline: None

Abstract: In 1992, RSPA proposed standards to allow the use of electronic surveillance and monitoring equipment (signaling systems) for unloading tank cars and to revise other unloading requirements for tank cars. This action withdraws the 1992 notice of proposed rulemaking (NPRM) and states that RSPA will address the issues raised in that NPRM, including the proposed rewrite of tank car unloading regulations in rulemaking under RSPA Docket HM-223 9RSPA-98-4952). The HM-223 rulemaking is intended to clarify the applicability of the Hazardous Materials Regulations to specific functions and activities,

including hazardous materials loading and unloading operations.

Timetable:

Action	Date	FR Cite
NPRM	09/14/92	57 FR 42466
NPRM Comment Period End	12/14/92	
Withdrawal of NPRM	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: None

Additional Information: Docket No. HM-212. See RSPA docket HM-223 (RSPA 98-4952)

ANALYSIS: Regulatory Evaluation, 09/14/92, 57 FR 42466

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RIN: 2137–AC24

2530. +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.

The final rule will reflect the experience gained under the interim final rule.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/05/93	58 FR 244
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	04/00/00	

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
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RIN: 2137–AC30

2531. PIPELINE SAFETY: UNDERWATER ABANDONED PIPELINE FACILITIES

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 60101 to 60125

CFR Citation: 49 CFR 192; 49 CFR 195

Legal Deadline: Final, Statutory, April 24, 1994.

Abstract: This action will require operators of gas and hazardous liquid pipeline facilities to report certain information about abandoned underwater pipelines, including location, size, date of abandonment, and compliance with applicable laws. The information will be available for use by other Federal agencies and state authorities.

Timetable:

Action	Date	FR Cite
NPRM	08/30/99	64 FR 47157
Final Rule	04/00/00	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: Docket No. RSPA-97-2094.

Agency Contact: L.E. Herrick, Transportation Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW, Washington, DC 20590
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RIN: 2137–AC33

2532. FILLING OF PROPANE CYLINDERS

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 5101 to 5127

CFR Citation: 49 CFR 173

Legal Deadline: None

Abstract: The ANPRM solicited comments on the merits of a petition for rulemaking to require registration and training of persons who fill propane cylinders, certification of filling equipment operators, and proof of financial responsibility. The petition would also allow filling of propane cylinders by volume rather than by weight, which is currently required by the hazardous material regulations. A Federal Register notice will terminate rulemaking action in this docket and deny the petition for rulemaking because, based on the comments, there is no safety justification for imposing the costs of a registration, training and financial responsibility program for cylinder fillers.

Timetable:

Action	Date	FR Cite
ANPRM	09/23/96	61 FR 43515
ANPRM Comment Period End	11/21/96	
To Be Withdrawn	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: None

Additional Information: Docket No. HM-220C.

Agency Contact: Eileen Mack, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590
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RIN: 2137–AC86

2533. +HAZARDOUS MATERIALS: SAFETY STANDARDS FOR UNLOADING CARGO TANK MOTOR VEHICLES IN LIQUEFIED COMPRESSED GAS SERVICE

Priority: Other Significant

Legal Authority: 49 USC 5101 to 5127

CFR Citation: 49 CFR 171; 49 CFR 173; 49 CFR 178; 49 CFR 180

Legal Deadline: None

Abstract: This rulemaking enhances the safety of cargo tank motor vehicles in liquefied compressed gas service by clarifying and revising existing hazardous materials regulations and by adding new requirements and alternatives regarding emergency discharge control systems, hose management, and vehicle attendance requirements. This action affects all operators of cargo tank motor vehicles in liquefied compressed gas service and is expected to generate substantial public interest; it is therefore a significant rulemaking.

Statement of Need: This rulemaking action responds to numerous incidents involving the release of liquefied compress gas during the unloading of cargo tank motor vehicles and resulting in injuries and deaths. It is based on comments received to an advance notice of proposed rulemaking, published in the Federal Register, on August 18, 1997, and on a Convening Report, by the Mediation Consortium, that recommended RSPA use regulatory negotiation to develop alternative safety standards for preventing and mitigating unintentional releases of hazardous materials during the unloading of cargo tank motor vehicles in liquefied compressed gas service. The negotiated rule will reflect the consensus of those persons who represent the interests affected by this action, such as businesses that transport and deliver propane, anhydrous ammonia, and other liquefied compressed gases; manufacturers of DOT specification MC 330 and MC 331 cargo tank motor vehicles used to transport liquefied compressed gases; Federal safety regulatory agencies; and state and local public safety and emergency response agencies. Section 5103 of title 49 U.S.C. requires the Secretary to prescribe regulations for the safe transportation of hazardous materials in intrastate, interstate and foreign commerce. Section 5102(a) specifies that transportation includes unloading incidental to the movement of hazardous materials.

Summary of Legal Basis: The negotiated rulemaking process is conducted in accordance with the Federal Advisory Committee Act and the Negotiated Rulemaking Act of 1990.

Alternatives: The negotiated rule is expected to improve the safe unloading of liquefied compressed gases. This rulemaking action is key to proposing recommendations that can achieve DOT's safety goal as well as providing regulations that recognize industry practices. RSPA has rejected the alternative of proceeding to write a proposed regulation itself because it believes the negotiated rulemaking process is more likely to result in a safety-promoting, practical, cost-beneficial rule. In addition this negotiated rulemaking will make it less likely that petitions for reconsideration are filed and that the final rule is legally challenged.

Anticipated Cost and Benefits: The negotiated rulemaking committee will develop a preliminary regulatory evaluation to assess the potential costs and benefits of the negotiated rule.

Risks: This rulemaking is intended to save lives and prevent injuries, property damages and environmental degradation by reducing the rise of accidental release of compressed gases and of fires or explosions that can result from such releases.

Timetable:

Action	Date	FR Cite
ANPRM	08/18/97	62 FR 44059
NPRM	03/22/99	64 FR 13856
Notice of Negotiated Rulemaking Committe Meeting	04/07/99	64 FR 16882
NPRM Comment Period End	04/21/99	
Final Rule	05/24/99	64 FR 28030
Final Rule Effective	07/01/99	
Final Rule & Response to Petition and Request for Comments	07/08/99	64 FR 36802
Comment Period End	09/07/99	
Response to Comments	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Organizations, Businesses

Government Levels Affected: None

Additional Information: Docket No. HM-225A. This rulemaking is related to docket HM-225 (DMS Docket No. RSPA 97-2133, RIN 2137-AC97). RSPA established an advisory committee to address issues in this rulemaking (negotiated rulemaking).

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RIN: 2137–AD07

2534. PIPELINE SAFETY: ADOPTION OF INDUSTRY STANDARDS FOR LIQUEFIED NATURAL GAS FACILITIES

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 60101 to 60128

CFR Citation: 49 CFR 193

Legal Deadline: None

Abstract: This action would replace most of the existing DOT standards governing the siting, design, and construction of liquefied natural gas facilities with an incorporation by reference of the 1996 edition of the National Fire Protection Association (NFPA) document, ANSI/NFPA 59A, ''Production, Storage, and Handling of Liquefied Natural Gas.'' The action, which is based on an NFPA rulemaking petition, is expected to reduce costs to the gas pipeline industry without compromising safety.

Timetable:

Action	Date	FR Cite
NPRM	12/22/98	63 FR 70735
NPRM Comment Period End	03/23/99	
Final Rule	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Docket No. RSPA-97-3002. Notice of public meeting (63 FR 5918;2/5/98)

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RIN: 2137–AD11

2535. TRANSPORTATION OF HAZARDOUS MATERIALS; MISCELLANEOUS AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 5101 to 5127

CFR Citation: 49 CFR 175; 49 CFR 176; 49 CFR 178; 49 CFR 180; 49 CFR 171; 49 CFR 172; 49 CFR 173; 49 CFR 174

Legal Deadline: None

Abstract: RSPA makes routine, technical, and minor miscellaneous amendments to the Hazardous Materials Regulations based on petitions for rulemaking and RSPA initiative. Because some of the changes are substantive, RSPA published an NPRM to obtain public comments.

Timetable:

Action	Date	FR Cite
NPRM	09/30/99	64 FR 53166
End Comment Period	11/29/99	
Final Rule	06/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Undetermined

Additional Information: Docket No. HM-218. This is a continuation of the rulemakings previously published under the miscellaneous HM-166 rulemaking docket series e.g., HM-166Z, Final Rule; 6/2/94 (59 FR 28487).

Agency Contact: Charles Betts, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590
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RIN: 2137–AD16

2536. +HAZARDOUS MATERIALS TRANSPORTATION: REGISTRATION AND FEE ASSESSMENT PROGRAM

Priority: Other Significant

Legal Authority: 49 USC 5101 to 5127

CFR Citation: 49 CFR 107

Legal Deadline: None

Abstract: RSPA revised the registration fee structure to collect approximately $14.3 million to fund the Emergency Preparedness Grants Program to train responders. This action doubles the registration program receipts and thus the monies available for distribution, primarily for State and tribal hazardous materials emergency response training and planning grants. The increased revenues would come from increased fees for some existing registrants (certain shippers and carriers of hazardous materials) and fees from newly required registrants.

Timetable:

Action	Date	FR Cite
NPRM	04/15/99	64 FR 18786
Public Hearing	05/05/99	
Notice of Extension of Comment Period	05/25/99	64 FR 28135
Public Hearing	05/25/99	
NPRM Comment Period Ends	06/14/99	
Public Hearing	06/22/99	
Public Hearing	06/22/99	
Comment Period End	07/02/99	
Final Rule	02/14/00	65 FR 7297
Effective Date	05/01/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: None

Additional Information: Docket No. HM-208C.

Agency Contact: Deborah Boothe, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590
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RIN: 2137–AD17

2537. HAZARDOUS MATERIALS: REVISED AND CLARIFIED HAZARDOUS MATERIALS SAFETY RULEMAKING AND PROGRAM PROCEDURES

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 49 USC 5101 to 5127

CFR Citation: 49 CFR 106; 49 CFR 107

Legal Deadline: None

Abstract: This rulemaking will make minor substantive changes to 49 CFR parts 106 and 107 of the hazardous materials procedural regulations, and will result in a revision of those parts in language that is easier to understand. This action is being taken in order to update RSPA's hazardous materials procedural regulations and to rewrite the current requirements in a new question and answer format that will be more user-friendly.

Timetable:

Action	Date	FR Cite
NPRM	12/11/98	63 FR 68624
NPRM Comment Period End	02/09/99	
Final Rule	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Undetermined

Additional Information: Docket No. RSPA-98-3974. (RSP-4)

Agency Contact: Karin Christian, Attorney, Room 8407, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590
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RIN: 2137–AD20

2538. PIPELINE SAFETY: ENFORCEMENT PROCEDURES

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 49 USC 60101 to 60125

CFR Citation: 49 CFR 190.209; 49 CFR 190.213

Legal Deadline: None

Abstract: This action will 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 will streamline the enforcement process.

Timetable:

Action	Date	FR Cite
NPRM	08/12/99	64 FR 43972
Comment Period Ends	10/12/99	
Final Rule	04/00/00	

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
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RIN: 2137–AD22

2539. HAZARDOUS MATERIALS: LIMITED EXTENSION OF REQUIREMENTS FOR LABELING CERTAIN SHIPMENTS OF MATERIALS POISONOUS BY INHALATION (PIH)

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 5101 to 5127

CFR Citation: 49 CFR 171; 49 CFR 172

Legal Deadline: None

Abstract: The interim final rule responds to a June 17, 1999 petition for rulemaking. It delays the implementation date of a new labeling provision for hazard communication relating to shipments of hazardous materials, including ones that are poisonous by inhalation (PIH). RSPA is delaying the mandatory compliance date for use of the new PIH labels for certain international shipments from October 1, 1999 to October 1, 2001. The good cause for not providing advance notice and comment is that, in the absence of this labeling change, shipments of U.S. export PIH materials with the new U.S. labels will be stopped by foreign officials of countries that do not recognize the new U.S. labeling requirement. The interim final rule is intended to facilitate international commerce and to provide more time for the UN Committee of Experts to consider U.S. proposals on adoption of the new labels and placards.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/16/99	64 FR 50260
Interim Final Rule Effective	10/01/99	
Interim Final Rule Comment Period End	11/15/99	
Response to Comments	06/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: HM-206D.

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RIN: 2137–AD37

2540. HAZARDOUS MATERIALS: HAZARDOUS SUBSTANCES—ADDITIONS, REVISIONS AND DELETIONS

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 5107 to 5127

CFR Citation: 49 CFR 172.101 app A

Legal Deadline: None

Abstract: RSPA makes minor additions, revisions and deletions to the Hazardous Substance Reportable Quantities (RQ) table to EPA reflect changes in 42 CFR 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 (SARA) of 1986, which amended ERCLA to mandate that RSPA regulate, under the Hazardous Materials Regulations, all hazardous substances designated by the EPA.

Timetable:

Action	Date	FR Cite
Final Rule	02/14/00	65 FR 7310
Final Rule Effective	08/14/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: HM-145L.

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RIN: 2137–AD39

2541. ● 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 Action	04/00/00	

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

2542. ● HAZARDOUS MATERIALS: EDITORIAL CORRECTIONS AND CLARIFICATION

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

Legal Authority: 49 USC 5101 to 5127

DOT—RSPA

Final Rule Stage

CFR Citation: 49 CFR 107 to 180

Legal Deadline: None

Abstract: The purpose of this final rule is to correct typographical and other editorial errors and to enhance the clarity of certain unclear provisions in the Hazardous Materials Regulations. No notice and comment are being provided because this rule merely makes editorial, nonsubstantive changes.

Timetable:

Action	Date	FR Cite
Final Action	10/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: HM Docket: HM-189Q

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RIN: 2137–AD47

DEPARTMENT OF TRANSPORTATION (DOT)

Research and Special Programs Administration (RSPA)

Long-Term Actions

2543. +MAPS AND RECORDS OF PIPELINE LOCATIONS AND CHARACTERISTICS; NOTIFICATION OF STATE AGENCIES; PIPE INVENTORY

Priority: Other Significant

Legal Authority: 49 USC 60101 to 60125

CFR Citation: 49 CFR 192; 49 CFR 195

Legal Deadline: Final, Statutory, November 1, 1989.

Abstract: This action proposes to equalize as far as possible the requirements that gas and hazardous liquid pipeline operators keep maps and records to show the location and other characteristics of pipelines. Operators would be required to keep an inventory of pipe and periodically report mileage and other facts. In addition, operators would be required to provide certain information to State agencies upon request. This is a significant action because of congressional and State concerns about the need for appropriate public officials to have pipeline information.

Timetable:

Action	Date	FR Cite
Public Notice	05/07/97	62 FR 25013
Notice and Request for Comments	08/26/97	62 FR 45287
Public Workshops	07/01/98	63 FR 36030
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Docket No. RSPA-97-2426. In furtherance of this rulemaking, the Department of Transportation's Office of Pipeline Safety (OPS) is working with other Federal and State agencies and pipeline industry to create a national pipeline mapping system. This system, when complete, will show the location and selected attributes of the major natural gas and hazardous liquid pipelines and liquefied natural gas facilities operating in the United States. OPS will add additional data layers into the system, including layers on population densities, unusually sensitive areas, natural disaster probability and high consequence areas, hydrography, and transportation networks. OPS will use the system to depict pipelines in relation to the public and the environment, and to work with other government agencies and industry during an incident.

A joint government/industry Mapping Quality Action Team (MQAT II) drafted national pipeline mapping standards that are being used to create the digital pipeline layer. These include standards for electronic data submissions, paper map submissions, and metadata (data on the data). The team also drafted standards that are being used by the pipeline mapping repository receiving the pipeline information. The team has pilot tested the draft standards and established relationships with State agencies, industry, and others to exchange data that meets the standards.

The National Pipeline Mapping System (NPMS) is a full-featured geographic information system that allows the Office of Pipeline Safety (OPS), for the first time, to accurately view pipelines in relation to the communities and environments they cross. The pipeline data layers being assembled cover both interstate and intrastate natural gas transmission pipelines and hazardous liquid trunk lines. In conjunction with the pipeline data layers, the NPMS contains lawyers depicting population, urbanized areas, political boundaries, roads, railroads, hydrography, consequence and hazard areas, and usually sensitive areas (being developed). The NPMS will eventually include three accurate base data layers of differing scale derived from USGS hard-copy quads. The base layers not only provide an accurate base on which to view the location of pipelines but also contain important textual information such as places, roads, contours, and hydrography.

OPS has worked with the interstate natural gas transmission and hazardous liquid trade associations to identify a mapping contact for each operator. The operators have been contacted and OPS is assisting them in preparing their data for submission. Many of these operators have data in a digital format, which theoretically is easier and less time-consuming to process than hard-copy maps. OPS is currently working with the intrastate natural gas trade associations to recruit widespread participation in the NPMS by intrastate natural gas transmission pipeline companies.

The NPMS currently consists of a single National Repository and twelve state repositories located in Alabama, California, Connecticut, Kansas, Kentucky, Louisiana, Maine, Minnesota, New Jersey, Oklahoma, Pennsylvania, and Texas. OPS published two more Commerce Business Daily announcements in February 2000 - one for additional state repositories and the other for a regional repository.

OPS has set a goal of collecting 70% of the liquid trunk line and natural gas transmission pipeline data by the end of the year 2000. OPS regulates approximately 157,000 miles of liquid

trunk line and 352,000 miles of natural gas transmission pipelines for a total of 509,000 miles. To date, the NPMS has received 25,514.5 miles of pipeline data from eleven (11) operators. This represents 5.41% of the total pipeline mileage. The 5.41% received does not include digital data that is contained in state repositories, such as Texas, that require additional processing before being acceptable to NPMS.

Most operators contacted by OPS have indicated that they will begin submitting data to the NPMS during the second through fourth quarters of 2000. OPS has been recommending that operators make partial submissions throughout the year rather than waiting and making one large submission towards the end of 2000.

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RIN: 2137–AB48

2544. +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
04/29/91	03/21/91	56 FR 11982
NPRM	05/21/93	58 FR 29698
Notice of Public Hearing	05/21/93	
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

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RIN: 2137–AC00

2545. REGULATED GAS AND HAZARDOUS LIQUID GATHERING LINES

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 establish regulations for gas and hazardous liquid gathering lines in rural areas for which there are at present no safety regulations.

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Richard 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–AC53

2546. 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 proposes to amend 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 one year. Retention of shipping papers is a current requirement as specified in 49 U.S.C. 5110(e). RSPA's next action is undetermined because there is pending proposed legislation on this subject that would clarify the time frame for beginning the one-year cycle.

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: None

Additional Information: Docket No. HM-207B.

Agency Contact: Deborah Boothe, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590
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RIN: 2137–AC64

DEPARTMENT OF TRANSPORTATION (DOT) — Completed Actions

Research and Special Programs Administration (RSPA)

2547. DETERMINING THE EXTENT OF CORROSION ON EXPOSED GAS PIPELINES

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 60101 to 60125

CFR Citation: 49 CFR 192

Legal Deadline: None

Abstract: Gas pipeline operators must now inspect for corrosion on buried metallic pipe that is exposed by excavation. If any corrosion is discovered, this rulemaking would require operators to investigate further to determine the full extent of the corrosion. A similar investigation is already required for hazardous liquid pipelines. NTSB has recommended that this proposal be adopted to establish an equivalent level of safety for gas pipelines. Other corrosion issues will be addressed in a separate rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	06/27/89	54 FR 27041
NPRM Comment Period End	09/25/89	
Notice of Availability of Draft Environmental Assessment	05/25/99	64 FR 28136
Final Rule	10/22/99	64 FR 56978

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Docket No. PS-107. A separate proceeding to review all corrosion control requirements in 49 CFR parts 192 and 195 is now underway. (Docket No. RSPA-97-2762; 62 FR 44436; Aug. 21, 1997). A notice of availability of the draft environmental assessment was published on May 25, 1999.

ANALYSIS: Regulatory Evaluation, 06/27/89, 54 FR 27041

Agency Contact: L. M. Furrow, Transportation Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-4559

RIN: 2137–AB50

2548. +PROHIBITION OF OXIDIZERS ABOARD AIRCRAFT

Priority: Other Significant

Legal Authority: 49 USC 5101 to 5127

CFR Citation: 49 CFR 175

Legal Deadline: None

Abstract: RSPA amended the Hazardous Materials Regulations to prohibit the carriage of oxidizers in inaccessible aircraft cargo compartments that do not have a fire or smoke detection system and a fire suppression system. In addition, oxygen cylinders are required to have an outer packaging when transported by air and the number of oxygen cylinders is limited in certain cargo compartments. The November 28, 1997 NPRM proposed a ban on chemical oxidizers, including compressed oxygen on passenger-carrying aircraft. The December 30, 1996 NPRM analyzed Class D cargo compartments. The August 20, 1997 supplemental NPRM specifically analyzed the prohibition of oxidizers in Class B and C cargo compartments. This rulemaking is significant due to congressional and public interest in the hazards presented by these materials when transported as cargo on passenger aircraft.

Timetable:

Action	Date	FR Cite
NPRM	12/30/96	61 FR 68955
NPRM Comment Period End	02/28/97	
SNPRM	08/20/97	62 FR 44374
Comment Period End	10/20/97	
Reopen Comment Period	11/28/97	62 FR 63306
Public Hearing	01/14/98	
Comment Period End	02/13/98	
Final Rule	08/19/99	64 FR 45388
Effective Date	03/11/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: None

Additional Information: HM-224A. See related actions, Prohibition of Oxygen Generators as Cargo in Passenger Aircraft (RIN 2137-AC89), 61 FR 26418 (May 24, 1996), 61 FR 68952 (December 30, 1996), and Hazardous Materials; Shipping Description and Packaging of Oxygen Generators (RIN 2127-AD02), 62 FR 30767 (June 5, 1999), 62 FR 34667 (June 27, 1999).

Agency Contact: Diane LaValle, Transportation Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590
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RIN: 2137–AC92

2549. PIPELINE SAFETY: GAS AND HAZARDOUS LIQUID PIPELINE REPAIR

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 49 USC 60101 to 60125

CFR Citation: 49 CFR 485; 49 CFR 487; 49 CFR 713

Legal Deadline: None

Abstract: Gas pipe that is generally corroded over a large area to the extent that wall thickness is unsafe must be replaced, unless in the case of transmission pipe, operating pressure is reduced. Similarly, any damage that impairs the serviceability of high-stress transmission pipe must be replaced, unless it is repaired by a full encirclement welded split sleeve. The proposed rule would permit operators to use alternative corrective methods that have been demonstrated to permanently restore the pressure integrity of corroded or damaged pipe. By allowing the use of less expensive proven technologies, this rule would reduce costs in the gas pipeline industry without reducing safety.

Timetable:

Action	Date	FR Cite
NPRM	04/07/99	64 FR 16882
NPRM Comment Period End	06/07/99	
Final Rule	12/14/99	64 FR 69660

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State

Additional Information: Docket No. RSPA-98-4733

Agency Contact: L.M. Furrow, Manager, Regulations, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590
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RIN: 2137–AD25

DOT—RSPA — Completed Actions

2550. HAZARDOUS MATERIALS: EDITORIAL CORRECTIONS AND CLARIFICATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 5101 to 5127

CFR Citation: 49 CFR 171; 49 CFR 172; 49 CFR 173; 49 CFR 174; 49 CFR 178; 49 CFR 179

Legal Deadline: None

Abstract: The purpose of this final rule is to correct typographical and other editorial errors and to enhance the clarity of certain unclear provisions in the Hazardous Materials Regulations. No notice and comment were provided because this rule merely makes editorial, nonsubstantive changes.

Timetable:

Action	Date	FR Cite
Final Rule	09/27/99	64 FR 51912
Final Rule Effective	10/01/99	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: HM-189P.

Agency Contact: Michael Stevens, Transportation Specialist, Department of Transportation, Research and Special Programs Administration, Washington, DC 20590
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RIN: 2137–AD38

DEPARTMENT OF TRANSPORTATION (DOT) — Proposed Rule Stage

Maritime Administration (MARAD)

2551. +CARGO PREFERENCE REGULATIONS—CARRIAGE OF AGRICULTURAL EXPORTS

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 agricultural exports. 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 other related issues.

Timetable:

Action	Date	FR Cite
ANPRM	01/28/99	64 FR 4382
ANPRM Comment Period End	03/29/99	
NPRM	04/00/00	

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

2552. ● APPEAL PROCEDURES FOR DETERMINATIONS CONCERNING COMPLIANCE WITH SERVICE OBLIGATIONS, DEFERMENTS, AND WAIVERS

Priority: Substantive, Nonsignificant

Legal Authority: 46 App USC 1295; 49 CFR 1.66

CFR Citation: 46 CFR 310

Legal Deadline: None

Abstract: The Maritime Administration (MARAD)is soliciting public comment on proposed revisions to the procedures for reviewing (1) determinations that a student or graduate of the U.S. Merchant Marine Academy (USMMA) or a State maritime academy that receives student incentive payments has breached the service obligation; (2) denials of requests for deferment of the service obligation; and, (3) denials of requests for waivers of the service obligation contract. Currently, the regulations require review by a panel composed of a representative of MARAD and representatives from the Department of the Navy, the National Oceanographic and Atmospheric Administration (NOAA), and the United States Coast Guard. The proposed revisions provide for an appeal to the Maritime Administrator, the head of the agency, rather than review by the panel and are designed to streamline the process of reaching a final decision and to allow for timely action on requests for review.

Timetable:

Action	Date	FR Cite
NPRM	04/30/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Jay Gordon, Attorney-Advisor, Department of Transportation, Maritime Administration, Office of Chief Counsel, Room 7228 MAR-226, 400 7th Street, SW, Washington, DC 20590-0001
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RIN: 2133–AB41

DEPARTMENT OF TRANSPORTATION (DOT) — Final Rule Stage

Maritime Administration (MARAD)

2553. PUTTING CUSTOMERS FIRST IN THE TITLE XI PROGRAM: SHIP FINANCING GUARANTEES

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 46 App USC 1114(b); 46 App USC 1271 et seq

CFR Citation: 46 CFR 298; 49 CFR 1.66

Legal Deadline: None

Abstract: This action will amend existing regulations and will simplify existing administrative practices governing the following areas: 1) the ship financing guarantee process; and 2) standards for evaluation and approval of applications. These changes should make the entire process easier for prospective applicants.

Timetable:

Action	Date	FR Cite
ANPRM	02/17/98	63 FR 7745
ANPRM Comment Period End	03/19/98	
NPRM	08/13/99	64 FR 44152
NPRM Comment Period End	09/13/99	
Final Action	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Linda W. Reaves, Financial Analyst, Department of Transportation, Maritime Administration, Room 8122, Office of Ship Financing, 400 Seventh Street, SW, Washington, DC 20590
Phone: 202 366-1899
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RIN: 2133–AB32

2554. +ELIGIBILITY OF U.S.-FLAG VESSELS OF 100 FEET OR GREATER TO OBTAIN COMMERCIAL FISHERIES DOCUMENTS

Priority: Other Significant

Legal Authority: 46 App USC 12102; PL 105-277, sec 203

CFR Citation: 46 CFR 356

Legal Deadline: Final, Statutory, April 1, 2000.

Abstract: The American Fisheries Act of 1998 (AFA) raises the U.S. ownership standards for U.S.-flag fishing vessels operating in U.S. waters, eliminates exemptions for vessels that cannot meet current citizenship standards, and phases out of operation many of the largest fishing vessels that are thought to be destructive to fishery resources. This action proposes implementing regulations for the AFA. The new regulations for vessels of 100 feet or greater will (1) prohibit certain transfers of ownership or control to noncitizens; (2) identify transactions that will require prior agency approval; and, (3) identify transactions that will not require prior agency approval. This rule is a significant regulatory action because of public and congressional interest.

Timetable:

Action	Date	FR Cite
ANPRM	05/06/99	64 FR 24311
ANPRM Comment Period End	07/01/99	
NPRM	01/05/00	65 FR 645
NPRM Comment Period End	02/22/00	
Final Action	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Agency Contact: John T. Marquez, Jr., Attorney Advisor, Division of Maritime Assistance Programs, Room 7228, Department of Transportation, Maritime Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-5320
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RIN: 2133–AB38

DEPARTMENT OF TRANSPORTATION (DOT) — Completed Actions

Maritime Administration (MARAD)

2555. ADMINISTRATIVE WAIVERS OF THE COASTWISE TRADE LAWS FOR ELIGIBLE VESSELS

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 46 App USC 1114(b); PL 105-383; 112 Stat. 3445; 46 USC 12106 note

CFR Citation: 49 CFR 1.66; 46 CFR 388

Legal Deadline: None

Abstract: This action implements Title V of the Coast Guard Authorization Act of 1998. The new law authorizes the Secretary of Transportation to waive the U.S.-build and other requirements of the Passenger Services Act and Section 27 of the Merchant Marine Act, 1920, for eligible vessels to be documented with appropriate endorsement for employment in the coastwise trade as small passenger vessels or uninspected passenger vessels authorized to carry no more than 12 passengers for hire. The application process requires a $300 non-refundable fee, an adverse affect assessment on the U.S.-flag shipping and vessel building community, and a requirement that the vessel must meet U.S. Coast Guard documentation standards. This administrative process will improve the responsiveness of the Federal Government in meeting the needs of many vessel-operating small businesses.

Timetable:

Action	Date	FR Cite
NPRM	07/08/99	64 FR 36831
NPRM Comment Period End	09/07/99	
Final Action	02/11/00	65 FR 6905
Final Action Effective	02/11/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Agency Contact: Michael Hokana, Office of Ports and Domestic Shipping, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590
Phone: 202 366-0760

DOT—MARAD **Completed Actions**

Email: michael.hokana@marad.dot.gov

RIN: 2133–AB39

DEPARTMENT OF TRANSPORTATION (DOT) — Prerule Stage
Bureau of Transportation Statistics (BTS)

2556. 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.

Timetable:

Action	Date	FR Cite
ANPRM	09/00/00	

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. It is now being administered by the Bureau of Transportation Statistics (BTS) since the Office of Aviation Information has been transferred to BTS from RSPA. (Formerly RIN 2137-AB92)

Agency Contact: M. Clay Moritz, Jr., Acting Chief, Regulations Division, Office of Airline Information, K-25, 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) — Proposed Rule Stage
Bureau of Transportation Statistics (BTS)

2557. AMENDMENT TO THE 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 would revise definitions of revenue passenger and nonrevenue passenger. It would specify that a passenger traveling on a ticket or voucher received as compensation for denied boarding or as settlement of a consumer complaint is considered to be a revenue passenger. The revised definitions will harmonize Departmental regulations with those adopted by the International Civil Aviation Organization (ICAO). This will prevent air carriers from being required to keep two sets of traffic enplanement statistics.

Timetable:

Action	Date	FR Cite
NPRM	09/00/00	

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-25, 400 Seventh Street SW., Washington, DC 20590
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RIN: 2139–AA07

[FR Doc. 00–9118 Filed 04–21–00; 8:45 am]

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