



Federal Register

**Monday,
April 24, 2000**

Part LXII

**Surface
Transportation Board**

Semiannual Regulatory Agenda

SURFACE TRANSPORTATION BOARD (STB)

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

49 CFR Ch. X

STB Ex Parte No. 536 (Sub-No. 8)

Semiannual Regulatory Agenda

AGENCY: Surface Transportation Board.

ACTION: Semiannual regulatory agenda.

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

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

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

Among other things, the RFA requires that, during the months of April and October of each year, each agency shall publish in the **Federal Register** a regulatory flexibility agenda, which shall contain:

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

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

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

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

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

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

The Board is publishing its April 2000 regulatory flexibility agenda as part of the Unified Agenda of Federal Regulatory and Deregulatory Actions. The Unified Agenda of Federal Regulatory and Deregulatory Actions is coordinated by the Office of Management and Budget pursuant to Executive Order 12866. The Board is participating in the program voluntarily to assist OMB.

Decided: February 22, 2000.

By the Board, Chairman Morgan, Vice Chairman Burkes and Commissioner Clyburn.

Vernon A. Williams,
Secretary.

Surface Transportation Board—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
4439	Safe Implementation of Board-Approved Transactions, STB Ex Parte No. 574	2140-AA50
4440	Modification of the Carload Waybill Sample and Public Use File Regulations, STB Ex Parte No. 385 (Sub-No. 4) ...	2140-AA55

Surface Transportation Board—Completed Actions

Sequence Number	Title	Regulation Identification Number
4441	Railroad Consolidation Procedures: Class Exemption for Transactions Subject to the Statutory Consolidation Provision, STB Ex Parte No. 282 (Sub-No. 15)	2140-AA03

SURFACE TRANSPORTATION BOARD (STB)

Long-Term Actions

4439. SAFE IMPLEMENTATION OF BOARD-APPROVED TRANSACTIONS, STB EX PARTE NO. 574**Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 553; 5 USC 559; 49 USC 721; 49 USC 10901; 49 USC 10902; 49 USC 11323; 49 USC 11324; 49 USC 11325; 42 USC 4332
CFR Citation: 49 CFR 244; 49 CFR 1106**Legal Deadline:** None**Abstract:** The Surface Transportation Board and the Federal Railroad Administration (FRA) have proposed complementary regulations establishing procedures for the development and implementation of safety integration plans (SIPs) by railroads proposing to engage in certain merger, consolidation, or acquisition of control transactions with another railroad. Under the proposed rules, railroads seeking to consummate a Board-covered transaction would be required to file a written document with the FRA and the Board explaining how each step in implementing a contemplated transaction would be performed safely.**Timetable:**

Action	Date	FR Cite
ANPRM	12/04/97	62 FR 64193
ANPRM Comment Period End	02/19/98	

Action	Date	FR Cite
NPRM	12/31/98	63 FR 72225
NPRM Comment Period End	03/01/99	
Internal Review of Comments	To Be	Determined

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Evelyn Kitay, Attorney, Surface Transportation Board, 1925 K Street NW, Washington, DC 20423-0001
Phone: 202 565-1563
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RIN: 2140-AA50**4440. • MODIFICATION OF THE CARLOAD WAYBILL SAMPLE AND PUBLIC USE FILE REGULATIONS, STB EX PARTE NO. 385 (SUB-NO. 4)****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 721; 49 USC 10707; 49 USC 11144; 49 USC 11145**CFR Citation:** 49 CFR 1244**Legal Deadline:** None**Abstract:** The Surface Transportation Board has proposed to modify its regulations governing reporting by

railroads of information on rail movements for inclusion in the annual rail carload waybill sample. The proposed changes would require identification of contract carriage movements and limit the period during which the waybill sample will remain confidential.

Timetable:

Action	Date	FR Cite
ANPRM	05/17/99	64 FR 26773
ANPRM Comment Period End	07/01/99	
NPRM	01/05/00	65 FR 00732
NPRM Comment Period End	02/22/00	
Comments Under Review	To Be	Determined

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Paul A. Aguiar, Surface Transportation Board, 1925 K Street NW, Washington, DC 20423-0001
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SURFACE TRANSPORTATION BOARD (STB)

Completed Actions

4441. RAILROAD CONSOLIDATION PROCEDURES: CLASS EXEMPTION FOR TRANSACTIONS SUBJECT TO THE STATUTORY CONSOLIDATION PROVISION, STB EX PARTE NO. 282 (SUB-NO. 15)**Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 10321; 49 USC 10505; 49 USC 11341; 49 USC 11343 to 11346; 11 USC 1172; 45 USC 904; 45 USC 915; 5 USC 553; 5 USC 559**CFR Citation:** 49 CFR 1180**Legal Deadline:** None**Abstract:** The Surface Transportation Board has withdrawn the proposed rule and has discontinued the Ex Parte No.

282 (Sub-No. 15) rulemaking proceeding relating to a class exemption for railroad transactions subject to the statutory consolidation provision.

Timetable:

Action	Date	FR Cite
NPRM	07/14/92	57 FR 31165
NPRM Comment Period End	08/30/92	
Withdrawn	11/24/99	64 FR 66157

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Additional Information:** Statutory references to title 49 of the United

States Code are prior to their amendment by the ICC Termination Act of 1995, Public Law 104-88, 109 Stat. 803, which became effective on January 1, 1996.

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