



Federal Register

**Monday,
December 22, 2003**

Part XV

**Department of
Transportation**

Semiannual Regulatory Agenda

DEPARTMENT OF TRANSPORTATION (DOT)

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Chs. I-III

23 CFR Chs. I-III

33 CFR Chs. I and IV

46 CFR Chs. I-III

48 CFR Ch. 12

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

OST Docket 99-5129

Department Regulatory Agenda;
Semiannual Summary

AGENCY: Office of the Secretary, DOT.

ACTION: Semiannual regulatory agenda.

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

FOR FURTHER INFORMATION CONTACT:*General*

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

Specific

You should direct all comments and inquiries on particular items in the agenda to the individual listed for the regulation or the general rulemaking contact person for the operating administration in Appendix B.

Individuals who use a telecommunications device for the deaf (TDD) may call (202) 755-7687.

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Agenda

SUPPLEMENTARY INFORMATION:**Background**

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

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

The agendas are based on reports submitted by the offices initiating the rulemaking and are reviewed by the Department Regulations Council. The Department's last agenda was published in the **Federal Register** on May 27, 2003 (68 FR 30604). The next one is scheduled for publication in the **Federal Register** in April 2004.

Under the Homeland Security Act of 2002, the United States Coast Guard (USCG) and the Transportation Security

Administration (TSA), and their regulatory authority, have been transferred to the new Department of Homeland Security (DHS). See DHS agency code 1625 for USCG and 1652 for TSA.

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>.

Additionally, the Department has also created a Docket Management System (DMS) List Serve that will automatically provide an email notification when certain documents are put into the dockets. This email notification will provide a link to a document within DMS. The web address to sign-up for this service is <http://dms.dot.gov/emailNotification>.

Significant/Priority Rulemakings

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

Explanation of Information on the Agenda

The format for this agenda is required by a fall 2004 memorandum from the Office of Management and Budget.

First, the agenda is divided by initiating offices. Then, the agenda is divided into five categories: (1) prerule stage, (2) proposed rule stage, (3) final rule stage, (4) long-term actions, and (5) completed actions. For each entry, the agenda provides the following information: (1) its "significance;" (2) a short descriptive title; (3) its legal basis; (4) the related regulatory citation in the Code of Federal Regulations; (5) any legal deadline and, if so, for what action (e.g., NPRM, final rule); (6) an abstract; (7) a timetable, including the earliest expected date for a decision on whether to take the action; (8) whether the

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rulemaking will affect small entities and/or levels of government and, if so, which categories; (9) whether a Regulatory Flexibility Act (RFA) analysis is required (for rules that would have a significant economic impact on a substantial number of small entities); (10) a listing of any analyses an office will prepare or has prepared for the action (With minor exceptions, DOT requires an economic analysis for all its rulemakings.); (11) an agency contact office or official who can provide further information; (12) a Regulation Identifier Number (RIN) assigned to identify an individual rulemaking in the agenda and facilitate tracing further action on the issue; (13) whether the action is subject to the Unfunded Mandates Reform Act; (14) whether the action is subject to the Energy Act; and (15) whether the action is major under the congressional review provisions of the Small Business Regulatory Enforcement Fairness Act. If there is information that does not fit in the other categories, it will be included under a separate heading entitled "Additional Information."

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

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

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

Request for Comments

General

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

Reviews

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

Regulatory Flexibility Act

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

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

Federalism

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

how the Department's rulemakings impact them.

Purpose

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

Issued in Washington, DC, on November 17, 2003.

Norman Y. Mineta,
Secretary of Transportation.

Appendix A - Instructions for Obtaining Copies of Regulatory Documents

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

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)

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(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.

Research and Special Programs Administration (RSPA)

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

Maritime Administration (MARAD)

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

Bureau of Transportation Statistics (BTS)

(Name of contact person), Bureau of Transportation Statistics, 400 7th Street SW., Room 3103, Washington, DC 20590.

Federal Aviation Administration (FAA)

The FAA has a mailing list system for notices and advance notices of proposed rulemaking (NPRMs and ANPRMs). Persons interested in obtaining future copies of all of those documents to be issued by the FAA or only of those concerning certain parts of the Federal Aviation Regulations should request a copy of Advisory Circular No. 11-2, which describes the application procedure, by calling (202) 267-3484 or by writing to: Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-230, 800 Independence Avenue SW., Washington, DC 20591.

Office of the Secretary (OST)

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

Appendix B - General Rulemaking Contact Persons

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

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

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

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

FRA — Ivornette N. Lynch, Office of Chief Counsel, 400 7th Street SW., Mail Stop 10, Washington, DC 20590; telephone: (202) 493-6030.

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

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

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

RSPA — Donna O'Berry, Office of Chief Counsel, 400 7th Street SW., Room 8405, Washington, DC 20590; telephone: (202) 366-4400.

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

BTS — Robert Monniere SW., Room 3105, Washington, DC 20590; telephone: (202) 366-5498.

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

Appendix C - Public Rulemaking Dockets

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

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

Appendix D - Review Plans for Section 610 and Other Requirements

Part I - The Plan

General

The Department of Transportation has long recognized the importance of regularly reviewing its existing regulations to determine whether they need to be revised or revoked. Our 1979 Regulatory Policies and Procedures require such reviews. We also have responsibilities under Executive Order 12866 (Regulatory Planning and Review) and section 610 of the Regulatory Flexibility Act to conduct such reviews. This will include the use of plain language techniques in new rules and to consider rewriting existing rules when we have the opportunity and resources permit. The Department is currently conducting a number of reviews of existing rules and is engaged in rulemaking actions resulting from these reviews.

Section 610 Review Plan

Section 610 requires that we conduct reviews of rules that (1) have been published within the last ten years and (2) have a "significant economic impact on a substantial number of small entities" (SEIOSNOSE). It also requires that we publish in the **Federal Register** each year a list of any such rules that we will review during the next year. To better comply with section 610, the Department has updated its regulatory review plan published on June 29, 1981, to accomplish a more systematic review of all of its regulations. The Office of the Secretary and each of the Department's Operating Administrations have a 10-year review plan. These reviews are in accordance with section 610 of the Regulatory Flexibility Act.

Other Review Plans

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

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Changes to the Review Plan

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

Part II - The Review Process

The Analysis

Generally, the agencies have divided their rules into 10 different groups and plan to analyze one group each year. For purposes of these reviews, a year will coincide with the fall-to-fall schedule for publication of the Agenda. Thus, Year 1 (1998) began in the fall of 1998 and ends in the fall of 1999; Year 2 (1999) begins in the fall of 1999 and ends in the fall of 2000; and so on. We request public comment on the timing of the reviews. For example, is there a reason for scheduling an analysis and review for a particular rule earlier than we have? Any comments concerning the plan or particular analyses can be submitted to the regulatory contacts listed in Appendix B, General Rulemaking Contact Persons.

Section 610 Review

The agency will analyze each of the rules in a given year's group to determine whether any rule has a SEIOSNOSE and, thus, requires review in accordance with section 610 of the Regulatory Flexibility Act. The level of analysis will, of course, depend on the nature of the rule and its applicability.

Publication of agencies' section 610 analyses list each fall in this Agenda provides the public with notice and an opportunity to comment consistent with the requirements of the Regulatory

Flexibility Act. We request that public comments be submitted to us early in the analysis year concerning the small entity impact of the rules to help us in making our determinations.

In each fall Agenda, the agency will publish the results of the analyses it has completed during the previous year. For rules that had a negative finding on SEIOSNOSE, we will give a short explanation (e.g., "these rules only establish petition processes that have no cost impact" or "these rules do not apply to any small entities"). For parts, subparts, or other discrete sections of rules that do have a SEIOSNOSE, we will announce that we will be conducting a formal section 610 review during the following 12 months. At this stage, we will add an entry to the Agenda in the prerulemaking section describing the review in more detail. We also will seek public comment on how best to lessen the impact of these rules and provide a name or docket to which public comments can be submitted. In some cases, the section 610 review may be part of another unrelated review of the rule. In such a case, we plan to clearly indicate which parts of the review are being conducted under section 610.

Other Reviews

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

FAA

The Federal Aviation Administration, in addition to reviewing its rules in accordance with the schedule below, has established a process by which the public is asked for its comments on which rules need review the most. Any information that the FAA receives in connection with its annual section 610 analyses would, of course, also be reviewed in the spirit of E.O. 12866. In addition, in response to a

recommendation of the White House Commission on Aviation Safety and Security, the FAA has completed a review of all its existing regulations to identify those in need of rewriting as performance-based or plain language regulations. The agency also reviewed ongoing regulatory projects and proposals to identify additional candidates for revision. In all, the agency reviewed 68 parts of the CFR, containing 3,884 sections, appendices, and Special Federal Aviation Regulations. In addition to using plain language in its current and future regulations, the FAA intends to revise those regulations identified in its study when it has the opportunity and resources to do so.

FMCSA

As noted in the Spring 2003 Semiannual Regulatory Agenda, FMCSA re-examined the past method of reviewing its motor carrier safety regulations. While FMCSA's past approach called for a "zero-based" review and rewrite of all its regulations, lack of available resources prevented this. In accordance with Section 610 of the Regulatory Flexibility Act, FMCSA will now use a review process similar to the Department's overall reviews of existing regulations. FMCSA will undertake a 5-year analysis and review of its regulations to eliminate duplication and unnecessary requirements and to clarify rules to help small businesses comply. The agency's 5-year review plan, contained in part III of this Appendix, coincides with the Department's 10-year schedule for meeting Section 610 requirements.

Part III- List of Pending Section 610 Reviews

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

**OFFICE OF THE SECRETARY
SECTION 610 AND OTHER REVIEWS**

Year	Regulations To Be Reviewed	Analysis Year	Review Year
1	14 CFR parts 200 through 212	1998	1999
2	14 CFR parts 213 through 232	1999	2000

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

Year	Regulations To Be Reviewed	Analysis Year	Review Year
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	
10	49 CFR parts 91 through 99, 48 CFR parts 1201 through 1253, and new parts and subparts	2007	2008

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

14 CFR part 240 — Inspection of accounts and property

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

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

14 CFR part 314 — Employee protection program

14 CFR part 330 — Procedures for compensation of air carriers

Year 5 (Fall 2002) List of rules analyzed and a summary of the results

14 CFR part 302 — Review of practice in proceedings

- Section 610: No. SEIOSNOSE. The rule does not have a significant impact on a substantial number of small entities.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.
- General: This section was revised in 2000. If additional updates become desirable, changes will be proposed.

14 CFR part 303 — Review of air carrier agreements

- Section 610: No. SEIOSNOSE. The rule does not have a significant impact on a substantial number of small entities.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.
- General: The last overall revision of this section was in 1985, with changes to certain specific provisions having been made subsequently. If additional updates become desirable, changes will be proposed.

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

- Section 610: No. SEIOSNOSE. The rule does not have a significant impact on a substantial number of small entities.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.
- General: This section was revised in 1995. If additional updates become desirable, changes will be proposed.

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

- Section 610: No. SEIOSNOSE. The rule does not have an economic impact on a substantial number of small entities.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.
- General: Since this section has not been revised for a number of years, we will propose streamlining by eliminating some outdated and unnecessary sections.

14 CFR part 325 — Essential air service procedures

- Section 610: No. SEIOSNOSE. The rule does not have an economic impact on a substantial number of small entities.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.
- General: Since this section has not been revised for a number of years, we will propose streamlining by eliminating some outdated and unnecessary sections.

14 CFR part 372 — Overseas military personnel charters

- Section 610: No. SEIOSNOSE. The rule does not have a significant impact on a substantial number of small entities.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.
- General: While this rule has not been used by any commercial air carrier for 10 years or more, we are reluctant to eliminate it as a possible alternative for military personnel stationed in foreign countries. We are reviewing the rule for desirable changes.

Year 6 (Fall 2003) List of rules that will be analyzed during the next year

14 CFR part 374 — Implementation of the consumer credit protection act with respect to air carriers and foreign air carriers

14 CFR part 374a — Extension of credit by airlines to Federal political candidates

14 CFR part 375 — Navigation of foreign civil aircraft within the United States

14 — Interstate highway systems

- Section 610: No SEIOSNOSE. These rules apply primarily to State transportation agencies and have no significant impact on small entities.
- Plain Language: While FHWA's plain language review of this regulation indicates no need for substantial revision, the statutory basis for this regulation has been amended and, as such, the FHWA is considering revising the regulation.

Year 6 (Fall 2003) List of rules to be analyzed during the next year

23 CFR part 500 — Management and monitoring systems

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Federal-Aid Highway Program

The FHWA has adopted regulations in title 23 of the CFR, chapter I, related to the Federal-aid highway program. These regulations implement and carry out the provisions of Federal law relating to the administration of Federal aid for highways. The primary law authorizing Federal aid for highways is chapter 1 of

title 23 of the USC. Section 145 of title 23 expressly provides that chapter 1 provides for a federally assisted State program. For this reason, the regulations adopted by the FHWA in title 23 of the CFR primarily relate to requirements that States must meet to receive Federal funds for the construction and other work related to highways.

Because the regulations in title 23 primarily relate to States, which are not defined as small entities under the Regulatory Flexibility Act, the FHWA believes that its regulations in title 23 do not have a significant economic impact on a substantial number of small entities. The FHWA solicits public comment on this preliminary conclusion.

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

Regulations To Be Reviewed	Analysis Year	Review Year	
1	None	1998	1999
2	None	1999	2000
3	None	2000	2001
4	None	2001	2002
5	None	2002	2003
6	49 CFR parts 372 subpart A, 381, 386, and 388-389	2003	2004
7	49 CFR parts 325, 350, 355, 382-385, 390-393, and 396-399	2004	2005
8	49 CFR parts 356-357, 370-371, 372 subparts B-C, 373-374, 376, and 379	2005	2006
9	49 CFR parts 360, 365-366, 368, 377-378, and 387	2006	2007
10	49 CFR 375, 395, and new parts and subparts	2007	2008

Year 6 (Fall 2003) List of rules to be analyzed during the next year

- 49 CFR part 372 subpart A — Exemptions
- 49 CFR part 381 — Waivers, exemptions and pilot programs
- 49 CFR part 386 — Rules of practice for motor carrier, broker, freight forwarder
- 49 CFR part 388 — Cooperative agreements with States
- 49 CFR part 389 — Rulemaking procedures — Federal Motor Carrier Safety Regulations

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

Year	Regulations To Be Reviewed	Analysis Year	Review Year
1	49 CFR parts 501 through 526 and 571.213	1998	1999
2	49 CFR parts 571.131, 571.217, 571.220-571.222	1999	2000
3	49 CFR parts 571.101-571.110, and 571.135	2000	2001
4	49 CFR parts 529-579, except 571	2001	2002
5	49 CFR parts 571.111-571.129, and 580-590	2002	2003
6	49 CFR part 571.201-571.212	2003	2004
7	49 CFR parts 571.214-571.219, except 571.217	2004	2005
8	49 CFR parts 591-594	2005	2006
9	49 CFR parts 571.223-571.304, 500, and new parts and subparts under 49 CFR	2006	2007
10	23 CFR parts 1200-1300, and new parts and subparts	2007	2008

Year 5 (Fall 2002) List of rules analyzed and a summary of the results

- 49 CFR part 529 - Manufacturers of multistage automobiles
 - Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
 - Plain Language: Where confusing or wordy language has been identified, we will make revisions.
- 49 CFR part 531 - Passenger automobiles average fuel economy
 - Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
 - Plain Language: Where confusing or wordy language has been identified, we will make revisions.
- 49 CFR part 533 - Light truck fuel economy standards
 - Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.

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- Plain Language: Where confusing or wordy language has been identified, we will make revisions.
49 CFR part 535 - 3-year carryforward and carryback of credits for light trucks
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.
49 CFR part 537 - Automobile fuel economy reports
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.
49 CFR part 538 - Manufacturing incentives for alternative fuel vehicles
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.
49 CFR part 541 - Federal motor vehicle theft prevention standard
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: This rule is being amended using plain language techniques. Where confusing or wordy language has been identified, we will make revisions.
49 CFR part 542 - Procedures for selecting lines to be covered by the theft prevention standard
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.
49 CFR part 543 - Exemption from vehicle theft prevention standard
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.
49 CFR part 544 - Insurer reporting requirements
- Section 610: No SEIOSNOSE. No small entities are affected.
- Plain Language: This rule is being amended using plain language techniques. Where confusing or wordy language has been identified, we will make revisions.
49 CFR part 551 - Procedural rules
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.
49 CFR part 552 - Petitions for rulemaking, defect, and noncompliance orders
- Section 610: No SEIOSNOSE. No small entities are affected.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.
49 CFR part 553 - Rulemaking procedures
- Section 610: No SEIOSNOSE. No small entities are affected.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.
49 CFR part 554 - Standards enforcement and defects investigation
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: This rule is revised using plain language techniques. Where confusing or wordy language has been identified, we will make revisions.
49 CFR part 555 - Temporary exemption from motor vehicle safety and bumper standards
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.
49 CFR part 556 - Exemption for inconsequential defect or non-compliance
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: This rule is being amended using plain language techniques. Where confusing or wordy language has been identified, we will make revisions.
49 CFR part 557 - Petitions for hearings on notification and remedy of defects
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.
49 CFR part 564 - Replaceable light source information
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.
49 CFR part 565 - Vehicle identification number requirements
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.

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- Plain Language: Where confusing or wordy language has been identified, we will make revisions.
49 CFR part 566 - Manufacturer identification
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.
49 CFR part 567 — Certification
- Section 610: No SEIOSNOSE. The rule does not have a significant economic impact on a substantial number of small entities.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.
49 CFR part 568 - Vehicles manufactured in two or more stages
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.
49 CFR part 569 - regrooved tires
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.
49 CFR part 570 - Vehicle in use inspection standards
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.
49 CFR part 572 - Anthropomorphic test devices
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.
49 CFR part 573 - Defect and noncompliance reports
- Section 610: No SEIOSNOSE. These rules impose a low cost on a small number of entities.
- Plain Language: This rule is being revised using plain language techniques. Where confusing or wordy language has been identified, we will make revisions.
49 CFR part 574 - Tire identification and recordkeeping
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.
49 CFR part 575 - Consumer information regulations
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: This rule is being amended using plain language techniques. Where confusing or wordy language has been identified, we will make revisions.
49 CFR part 576 - Record retention
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.
49 CFR part 577 - Defect and noncompliance notification
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: This rule is being amended using plain language techniques. Where confusing or wordy language has been identified, we will make revisions.
49 CFR part 578 - Civil penalties
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: This rule is revised using plain language techniques. Where confusing or wordy language has been identified, we will make revisions.
49 CFR part 579 - Defect and noncompliance responsibility
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: This rule is being amended using plain language techniques. Where confusing or wordy language has been identified, we will make revisions.

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

- 49 CFR parts 571.111 - Rearview mirrors
- 49 CFR parts 571.112 - [Reserved]
- 49 CFR parts 571.113 - Hood latch system
- 49 CFR parts 571.114 - Theft protection
- 49 CFR parts 571.116 - Motor vehicle brake fluids
- 49 CFR parts 571.117 - Retreaded pneumatic tires

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- 49 CFR parts 571.118 - Power-operated window, partition, and roof panel systems
- 49 CFR parts 571.119 - New pneumatic tires for vehicles other than passenger cars
- 49 CFR parts 571.120 - Tire selection and rims for motor vehicles other than passenger cars
- 49 CFR parts 571.121 - Air brake systems
- 49 CFR parts 571.122 - Motorcycle brake systems
- 49 CFR parts 571.123 - Motorcycle controls and displays
- 49 CFR parts 571.124 - Accelerator control systems
- 49 CFR parts 571.125 - Warning devices
- 49 CFR parts 571.129 - New non-pneumatic tires for passenger cars
- 49 CFR part 580 - Odometer disclosure requirements
- 49 CFR part 581 - Bumper standard
- 49 CFR part 582 - Insurance cost information regulation
- 49 CFR part 583 - Automobile parts content labeling
- 49 CFR part 585 - Advanced air bag phase-in reporting requirements
- 49 CFR part 586 - Side impact phase-in reporting requirements
- 49 CFR part 587 - Deformable barriers
- 49 CFR part 588 - Child restraint systems recordkeeping requirements

Year 6 (Fall 2003) list of rules that will be analyzed during the next year

- 49 CFR parts 571.201 - Occupant protection in interior impact
- 49 CFR parts 571.202 - Head restraints
- 49 CFR parts 571.203 - Impact protection for the driver from the steering control system
- 49 CFR parts 571.204 - Steering control rearward displacement
- 49 CFR parts 571.205 - Glazing materials
- 49 CFR parts 571.206 - Door locks and door retention components
- 49 CFR parts 571.207 - Seating systems
- 49 CFR parts 571.208 - Occupant crash protection
- 49 CFR parts 571.209 - Seat belt assemblies
- 49 CFR parts 571.210 - Seat belt assembly anchorages
- 49 CFR parts 571.211 - [Reserved]
- 49 CFR parts 571.212 - Windshield mounting

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

Year	Regulations To Be Reviewed	Analysis Year	Review Year
1	49 CFR parts 200 through 201	1998	1999
2	49 CFR parts 207, 209, 211, 215, and 256	1999	2000
3	49 CFR parts 210, 212, 214, and 217	2000	2001
4	49 CFR part 219	2001	2002
5	49 CFR parts 218 and 221	2002	2003
6	49 CFR parts 216 and 228 through 229	2003	2004
7	49 CFR parts 223 and 233	2004	2005
8	49 CFR parts 225, 231, and 234	2005	2006
9	49 CFR parts 235 through 236, 250, 260, and 266	2006	2007
10	49 CFR parts 213, 220, 230, 232, 239, 240, and 265	2007	2008

Year 5 (Fall 2002) List of rules analyzed and a summary of the results

49 CFR part 218 — Railroad operating practices

- Section 610: There is No SEIOSNOSE. The rule applies only to railroads that operate rolling equipment on standard gauge track, which is part of the general railroad system of transportation and exempts railroads that operate only on track inside an installation or rapid transit operations in an urban area not connected with the general railroad system of transportation.
- Plain Language: FRA's plain language review of this rule indicates no need for substantial revision.
- General: Since the rule prescribes minimum requirements for railroad operating rules and practices, it will provide safety and security for railroad employees.

49 CFR part 221 — Rear End Marking Device — Passenger, Commuter and Freight Trains

- Section 610: There is No SEIOSNOSE. This rule exempts small entities from compliance.
- Plain Language: FRA's plain language review of this rule indicates no need for substantial revision.
- General: Since the rule prescribes minimum requirements for railroads to equip the rear car of passenger, commuter and freight trains with highly visible markers it will provide safety and security not only for railroad employees but also for the general public.

Year 6 (Fall 2003) List of rules that will be analyzed during the next year

49 CFR part 216'Special Notice and Emergency Order Procedures

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49 CFR part 228'Hours of Service of Railroad Employees
 49 CFR part 229'Railroad Locomotive 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	None	2000	2001
4	49 CFR parts 661 and 665	2001	2002
5	None	2002	2003

FTA has completed all its reviews.

**MARITIME ADMINISTRATION
 SECTION 610 AND OTHER REVIEWS**

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

Year 5 (Fall 2002) List of rules analyzed and a summary of the results

46 CFR part 307 - Establishment of Mandatory Position Reporting System for Vessels

- Section 610: No SEISNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: MARAD'S review found that the regulation is written in plain language.
- General: In 2000, we amended part 307 to update address information. We will continue to review these regulations and make additional changes when appropriate.

46 CFR part 308 - War Risk Insurance

- Section 610: No SEISNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: MARAD will rewrite the regulation using plain language techniques when the opportunity and resources become available.
- General: We will continue to review these regulations and make additional changes when appropriate.

46 CFR part 309 - Values for War Risk Insurance

- Section 610: No SEISNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: This regulation is written in plain language.
- General: We will continue to review these regulations and make additional changes if necessary.

46 CFR part 310 - Merchant Marine Training

- Section 610: No SEISNOSE. No small entities, only individuals, are affected by this regulation.
- Plain Language: MARAD will rewrite the regulation using plain language techniques when the opportunity and resources become available.
- General: MARAD updated a portion of this regulation in 2001. We will continue to review these regulations and make additional changes when appropriate.

Year 6 (Fall 2003) List of rules that will be analyzed during the next year

46 CFR part 315 — Agency agreements and appointment of agents

46 CFR part 317 — Bonding of ship's personnel

46 CFR part 324 — Procedural rules for financial transactions under Agency agreements

46 CFR part 325 — Procedure to be followed by general agents in preparation of invoices and payment of compensation pursuant to provisions on NSA Order No. 47

46 CFR part 326 — Marine protection and indemnity insurance under agreements with agents

46 CFR part 327 — Seamen's claims; administrative action and litigation

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- 46 CFR part 328 — Slop chests
- 46 CFR part 329 — Voyage data
- 46 CFR part 330 — Launch services
- 46 CFR part 332 — Repatriation of seamen
- 46 CFR part 335 — Authority and responsibility of general agents to undertake emergency repairs in foreign ports
- 46 CFR part 336 — Authority and responsibility of general agents to undertake in continental United States ports voyage repairs and service equipment of vessels operated in the account of the National Shipping Authority under general agency agreement
- 46 CFR part 337 — General agent’s responsibility in connection with foreign repair custom’s entries
- 46 CFR part 338 — Procedure for accomplishment of vessel repairs under National Shipping Authority master lump sum repair contract - NSA-LUMPSUMREP
- 46 CFR part 339 — Procedure for accomplishment of ship repairs under National Shipping Authority master lump sum repair contract - NSA-WORKSMALREP

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION
SECTION 610 AND OTHER REVIEWS

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

Year 5 (Fall 2002) List of rules analyzed and a summary of the results

(Note: Those sections of the following parts that pertain to radioactive materials transportation, only.)

- 49 CFR part 172 — Hazardous materials table, special provisions, hazardous materials communications, emergency response information, and training requirements
 - Section 610: No SEIOSNOSE. The requirements apply to persons who offer for transportation or transport radioactive materials in commerce. Entities licensed by the Nuclear Regulatory Commission generally do not meet the definition for a small business; most shippers and transporters of small quantities of radioactive materials are small businesses. While the regulations apply to a substantial number of small entities, they do not have a significant economic impact on those entities. The requirements have little or no impact on entry to or exit from the industry. Moreover, requirements generally are consistent with international transportation standards, thereby facilitating international transportation and trade, and the regulations permit shippers to take advantage of exceptions for certain types and amounts of material shipped.
 - Plain language: As resources permit, RSPA will rewrite regulations using plain language techniques.
 - General: RSPA will consider comments provided by industry.
- 49 CFR part 173 — Shippers—general requirements for shipments and packagings
 - Section 610: No SEIOSNOSE. The requirements apply to persons who offer for transportation or transport radioactive materials in commerce. Entities licensed by the Nuclear Regulatory Commission generally do not meet the definition for a small business; most shippers and transporters of small quantities of radioactive materials are small businesses. While the regulations apply to a substantial number of small entities, they do not have a significant economic impact on those entities. The requirements have little or no impact on entry to or exit from the industry. Moreover, requirements generally are consistent with international transportation standards, thereby facilitating international transportation and trade, and the regulations permit shippers to take advantage of exceptions for certain types and amounts of material shipped.
 - Plain language: As resources permit, RSPA will rewrite regulations using plain language techniques.
 - General: RSPA will consider comments provided by industry.
- 49 CFR part 174 — Carriage by rail
 - Section 610: No SEIOSNOSE. The requirements apply to persons who offer for transportation or transport radioactive materials in commerce. Entities licensed by the Nuclear Regulatory Commission generally do not meet the definition for a small business; most shippers and transporters of small quantities of radioactive materials are small businesses. While the regulations apply to a substantial number of small entities, they do not have a significant economic impact

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on those entities. The requirements have little or no impact on entry to or exit from the industry. Moreover, requirements generally are consistent with international transportation standards, thereby facilitating international transportation and trade, and the regulations permit shippers to take advantage of exceptions for certain types and amounts of material shipped.

- Plain language: As resources permit, RSPA will rewrite regulations using plain language techniques.
- General: RSPA will consider comments provided by industry.

49 CFR part 175 — Carriage by aircraft

• Section 610: No SEIOSNOSE. The requirements apply to persons who offer for transportation or transport radioactive materials in commerce. Entities licensed by the Nuclear Regulatory Commission generally do not meet the definition for a small business; most shippers and transporters of small quantities of radioactive materials are small businesses. While the regulations apply to a substantial number of small entities, they do not have a significant economic impact on those entities. The requirements have little or no impact on entry to or exit from the industry. Moreover, requirements generally are consistent with international transportation standards, thereby facilitating international transportation and trade, and the regulations permit shippers to take advantage of exceptions for certain types and amounts of material shipped.

- Plain language: As resources permit, RSPA will rewrite regulations using plain language techniques.
- General: RSPA will consider comments provided by industry.

49 CFR part 176 — Carriage by vessel

• Section 610: No SEIOSNOSE. The requirements apply to persons who offer for transportation or transport radioactive materials in commerce. Entities licensed by the Nuclear Regulatory Commission generally do not meet the definition for a small business; most shippers and transporters of small quantities of radioactive materials are small businesses. While the regulations apply to a substantial number of small entities, they do not have a significant economic impact on those entities. The requirements have little or no impact on entry to or exit from the industry. Moreover, requirements generally are consistent with international transportation standards, thereby facilitating international transportation and trade, and the regulations permit shippers to take advantage of exceptions for certain types and amounts of material shipped.

- Plain language: As resources permit, RSPA will rewrite regulations using plain language techniques.
- General: RSPA will consider comments provided by industry.

49 CFR part 177 — Carriage by public highway

• Section 610: No SEIOSNOSE. The requirements apply to persons who offer for transportation or transport radioactive materials in commerce. Entities licensed by the Nuclear Regulatory Commission generally do not meet the definition for a small business; most shippers and transporters of small quantities of radioactive materials are small businesses. While the regulations apply to a substantial number of small entities, they do not have a significant economic impact on those entities. The requirements have little or no impact on entry to or exit from the industry. Moreover, requirements generally are consistent with international transportation standards, thereby facilitating international transportation and trade, and the regulations permit shippers to take advantage of exceptions for certain types and amounts of material shipped.

- Plain language: As resources permit, RSPA will rewrite regulations using plain language techniques.
- General: RSPA will consider comments provided by industry.

49 CFR part 178 — Specifications for packagings

• Section 610: No SEIOSNOSE. The requirements apply to persons who offer for transportation or transport radioactive materials in commerce. Entities licensed by the Nuclear Regulatory Commission generally do not meet the definition for a small business; most shippers and transporters of small quantities of radioactive materials are small businesses. While the regulations apply to a substantial number of small entities, they do not have a significant economic impact on those entities. The requirements have little or no impact on entry to or exit from the industry. Moreover, requirements generally are consistent with international transportation standards, thereby facilitating international transportation and trade, and the regulations permit shippers to take advantage of exceptions for certain types and amounts of material shipped.

- Plain language: As resources permit, RSPA will rewrite regulations using plain language techniques.
- General: RSPA will consider comments provided by industry.

Year 6 (Fall 2003) List of rules that will be analyzed during the next year

(Those sections of the following parts that pertain to the transportation of explosives, only):

49 CFR part 172 - Hazardous materials table, special provisions, hazardous materials communications, emergency response information, and training requirements

49 CFR part 173 - Shippers - general requirements for shipments and packagings

49 CFR part 174 - Carriage by rail

49 CFR part 175 - Carriage by aircraft

49 CFR part 176 - Carriage by vessel

49 CFR part 178 - Specifications for packagings

(Those sections of the following parts that pertain to cylinders, only):

49 CFR part 172 - Hazardous materials table, special provisions, hazardous materials communications, emergency response information, and training requirements

49 CFR part 173 - Shippers - general requirements for shipments and packagings

49 CFR part 178 - Specifications for packagings

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49 CFR part 180 - Continuing qualification and maintenance of packagings
 49 CFR part 193 — Liquefied natural gas facilities: Federal safety standards

BUREAU OF TRANSPORTATION STATISTICS
 SECTION 610 AND OTHER REVIEWS

Year	Regulations To Be Reviewed	Analysis Year	Review Year
1	14 CFR part 241, form 41	1998	1999
1	14 CFR part 241, schedule T-100, and part 217	1999	2000
2	14 CFR part 298, 49 CFR 1420	2000	2001
3	14 CFR part 241, section 19-7	2001	2002
4	14 CFR part 291	2002	2003
5	14 CFR part 234	2003	2004
6	14 CFR part 249	2004	2005
7	14 CFR part 248	2005	2006
8	14 CFR part 250	2006	2007
9	14 CFR part 374a, ICAO	2007	2008

Year 5 (Fall 2002) List of rules analyzed and a summary of the results

14 CFR part 291, Cargo operations in interstate air transportation.

- Section 610: No SEIONOSE. This data collection applies only to large entities.
- General: This rule was reviewed as part of an overall aviation data requirements review and modernization program. A final rule was issued July 30, 2002, which revised the traffic statistics reported by domestic all-cargo air carriers by requiring these air carriers to report on-flight segment and non-stop market traffic data on BTS Schedule T-100, and fuel consumption data on BTS Schedule P-12(a), Fuel Consumption by Type of Service and Entity. This rule fills a data gap due to a lack of information on non-stop segment data, on-flight market data, and fuel consumption data for domestic all-cargo operations. (See 67 FR 49217; July 30, 2002; RIN 2139-AA08).
- Plain Language: The rulemaking takes into account the plain language initiative.

Year 6 (Fall 2003) List of Rules that will be analyzed during the next year

14 CFR part 234, Airline service quality performance reports

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

SLSDC has completed all its reviews.

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
2148	+Aviation Data Requirements Review and Modernization Program	2105—AC71
2149	Nondiscrimination on the Basis of Disability in Air Travel	2105—AC97
2150	+Review of Data Filed by Certificated or Commuter Air Carriers To Support Continuing Fitness Determinations	2105—AD25
2151	Transportation Acquisition Regulation	2105—AD28
2152	Standard Time Zone Boundary in the State of North Dakota: Proposed Relocation of Mercer County	2105—AD31

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
2153	Use of Direct Final Rulemaking	2105—AC11
2154	Fees and Charges for Special Services: Reintervention	2105—AC47
2155	+Computer Reservations System Regulations Comprehensive Review (Reg Plan Seq No. 95)	2105—AC65
2156	+Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations	2105—AC83

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Office of the Secretary—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
2157	Americans With Disabilities Act Accessibility Standards	2105—AC86
2158	Participation by Disadvantaged Business Enterprises in Department of Transportation Programs	2105—AC91
2159	Over—the—Road Buses: Extension of Due Date for Information Collection	2105—AC98
2160	Reporting Requirement for Air Carriers Regarding Disability—Related Complaints	2105—AD04
2161	Nondiscrimination on the Basis of Disability in Programs and Activities Receiving or Benefitting From Federal Financial Assistance; Transportation Services for Individuals With Disabilities (ADA)	2105—AD05
2162	Maintenance of and Access to Records About Individuals	2105—AD22
2163	Privacy Act of 1974	2105—AD23
2164	Procedures for Transportation Workplace Drug and Alcohol Testing Programs	2105—AD26
2165	Standard Time Zone Boundary in the State of South Dakota: Proposed Relocation of Jones, Mellette, and Todd Counties Into the Central Time Zone	2105—AD30
2166	+Protection of Sensitive Security Information	2105—AD33
2167	Sequence Number Intentionally Skipped	
2168	Sequence Number Intentionally Skipped	

+ DOT-designated significant regulation

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

Office of the Secretary—Long—Term Actions

Sequence Number	Title	Regulation Identification Number
2169	+Accessibility of Passenger Vessels to Individuals With Disabilities	2105—AB87
2170	Use of Oxygen by Air Carrier Passengers	2105—AC29
2171	+Domestic Passenger Manifest Information	2105—AC62
2172	Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug—Free Workplace Grants	2105—AD01
2173	Mentor/Protege Program	2105—AD20

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identification Number
2174	Policy Statement on Airline Preemption	2105—AA46
2175	Overbooking of Flights: Elimination of Airport Notice Signs	2105—AC45
2176	Participation by Minority Business Enterprises (DBE) in Department of Transportation Financial Assistance Programs: Threshold Requirements and Other Technical Revisions	2105—AC89
2177	Nondiscrimination in Federally Assisted Programs	2105—AC96
2178	Standard Time Zone Boundary in the State of North Dakota: Morton County	2105—AD03
2179	Governmentwide Debarment and Suspension (Nonprocurement)/Governmentwide Requirements for Drug—Free Workplace (Financial Assistance)	2105—AD07
2180	Drug and Alcohol Management Information System Reporting	2105—AD14
2181	Standard Time Zone Boundary in the State of North Dakota: Proposed Relocation of Sioux County	2105—AD17
2182	Maintenance of and Access to Records Pertaining to Individuals	2105—AD18
2183	Disadvantaged Business Enterprises (DBE) Airport Concessionaires Size Standards	2105—AD21
2184	+Extension of Computer Reservation Systems (CRS) Regulations	2105—AD24
2185	Procedures for Compensation of Air Carriers	2105—AD27
2186	Establishment of the Chamorro Standard Time Zone	2105—AD32

Federal Aviation Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
2187	+National Air Tour Safety Standards	2120—AF07

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Federal Aviation Administration—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
2188	+Licensing and Safety Requirements for Launch	2120—AG37
2189	+Child Restraint Systems	2120—AG43
2190	Revision of Air Carrier Crewmember and Training Regulations	2120—AG57
2191	Safe, Efficient Use and Preservation of the Navigable Airspace	2120—AH31
2192	Design Standards for Fuselage Doors on Transport Category Airplanes	2120—AH34
2193	Noise Stringency Increase for Single—Engine Propeller—Driven Small Airplanes	2120—AH44
2194	Airworthiness Standards for Classes B and F Cargo Compartment for Transport Category Airplanes	2120—AH47
2195	Establishment of Organization Designation Authorization Procedures	2120—AH79
2196	Refusal To Take a DOT—Required Drug or Alcohol Test	2120—AH82
2197	Performance and Handling Qualities Requirements for Rotorcraft	2120—AH87
2198	+Revisions to Cockpit Voice Recorder and Digital Flight Data Recorder Regulations	2120—AH88
2199	Issuance of Standard Airworthiness Certificates for Aircraft Manufactured From Spare and Surplus Parts	2120—AH90
2200	Stage 4 Aircraft Noise Standards	2120—AH99
2201	+Extended Operations (ETOPS) of Multi—Engine Airplanes	2120—AI03
2202	+Aging Aircraft Program (Widespread Fatigue Damage)	2120—AI05
2203	High—Intensity Radiated Fields	2120—AI06
2204	+Service Difficulty Reports	2120—AI08

Federal Aviation Administration—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
2205	+Retrofit of Improved Seats in Air Carrier Transport Category Airplanes	2120—AC84
2206	+Aging Aircraft Safety	2120—AE42
2207	Civil Penalty Assessment Procedures	2120—AE84
2208	+Revision of Emergency Evacuation Demonstration Procedures To Improve Participant Safety	2120—AF21
2209	Miscellaneous Cabin Safety Changes	2120—AF77
2210	+Noise Limitations for Aircraft Operations in the Vicinity of Grand Canyon National Park	2120—AG34
2211	+Revisions to Digital Flight Data Recorder Regulations for B—737 Airplanes and for Part 125 Operators	2120—AG87
2212	Fire Protection of Electrical System Components on Transport Category Airplanes	2120—AG92
2213	+Airworthiness Standards: Normal, Utility, Acrobatic and Commuter Category Airplanes (Section 610 Review)	2120—AG93
2214	+Certification of Airports	2120—AG96
2215	+Flight Simulation Device Qualification (Reg Plan Seq No. 96)	2120—AH07
2216	Noise Certification Regulations for Helicopters	2120—AH10
2217	Antidrug and Alcohol Misuse Prevention Programs for Personnel Engaged in Specified Aviation Activities	2120—AH14
2218	+Certification of Aircraft and Airmen for the Operation of Light—Sport Aircraft	2120—AH19
2219	Electrical Installation, Nickel Cadmium Battery Installation, and Nickel Cadmium Battery Storage	2120—AH27
2220	Design and Installation of Electronic Equipment on Transport Category Airplanes	2120—AH28
2221	Electrical Cables	2120—AH29
2222	Public Address System	2120—AH30
2223	Revisions to Various Powerplant Installation Requirements for Transport Category Airplanes	2120—AH37
2224	Miscellaneous Flight Requirements	2120—AH39
2225	Trim Systems and Protective Breathing Equipment	2120—AH40
2226	+Revisions to Passenger Facility Charge Rule for Compensation to Air Carriers	2120—AH43
2227	Powerplant Controls on Transport Category Airplanes, General	2120—AH65
2228	+Transponder Continuous Operation	2120—AH67
2229	Reports by Carriers on Incidents Involving Animals During Air Transport	2120—AH69
2230	+Security Considerations for the Flightdeck on Foreign—Operated Transport Category Airplanes	2120—AH70
2231	+Picture Identification Requirements	2120—AH76
2232	Flight Visibility; Vision Enhancing Equipment	2120—AH78
2233	+Prohibition of Construction or Alteration in the Vicinity of the Private Residence of the President of the United States	2120—AH83
2234	Flightdeck Security on Foreign—Operated Airplanes	2120—AH86
2235	Security Control of Air Traffic	2120—AI04
2236	Sequence Number Intentionally Skipped	

+ DOT-designated significant regulation

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

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Federal Aviation Administration—Long—Term Actions

Sequence Number	Title	Regulation Identification Number
2237	IFR Altitudes; Miscellaneous Amendments	2120—AA63
2238	Airworthiness Directives	2120—AA64
2239	Standard Instrument Approach Procedures; Miscellaneous Amendments	2120—AA65
2240	Airspace Actions	2120—AA66
2241	+Drug Enforcement Assistance	2120—AD16
2242	Air Traffic Control Radar Beacon System and Mode S Transponder Requirements in the National Airspace System	2120—AE81
2243	+Corrosion Control Program	2120—AE92
2244	+Flight Crewmember Duty Period Limitations, Flight Time Limitations, and Rest Requirements	2120—AF63
2245	+False and Misleading Statements Regarding Aircraft Parts	2120—AG08
2246	+Training in the Recognition of Hazardous Material	2120—AG75
2247	Area Navigation (RNAV) and Miscellaneous Amendments	2120—AH77
2248	+Ineligibility for an Airman Certificate Based on Security Grounds	2120—AH84

Federal Aviation Administration—Completed Actions

Sequence Number	Title	Regulation Identification Number
2249	Objects Affecting Navigable Airspace	2120—AA09
2250	Miscellaneous Amendments	2120—AA50
2251	+Improved Water Survival Equipment	2120—AC72
2252	Type Certificates for Some Surplus Aircraft of the Armed Forces	2120—AE41
2253	Revised Precision Approach Landing Systems Policy	2120—AG16
2254	+Improved Flammability Standards for Thermal/Acoustic Insulation Materials Used in Transport Category Airplanes	2120—AG91
2255	Special Flight Rules in the Vicinity of Grand Canyon National Park	2120—AG97
2256	+Air Tour Operations in State of Hawaii	2120—AH02
2257	+Fractional Ownership	2120—AH06
2258	Material Strength Properties and Design Values	2120—AH36
2259	Lower Deck Service Compartments on Transport Category Airplanes	2120—AH38
2260	Harmonization of Noise Certification Standards for Propeller—Driven Small Airplanes	2120—AH42
2261	Digital Flight Data Recorder Resolutions Requirements	2120—AH46
2262	Procedures for Reimbursement of Airports, On—Airport Parking Lots, and Vendors of On—Airfield Direct Services to Air Carriers for Security Mandates	2120—AH60
2263	+Reduced Vertical Separation Minimum in Domestic United States Airspace	2120—AH68
2264	Digital Flight Data Recorder Requirements — Exception and Appendix Updates	2120—AH89
2265	Special Flight Rules in the Vicinity of Los Angeles International Airport	2120—AH92
2266	+Flightdeck Security on Large Cargo Airplanes	2120—AH96
2267	Flight Crew Compartment Access and Door Designs	2120—AH97
2268	DOD Commercial Air Carrier Evaluators	2120—AI00
2269	Disposition of Comments: Noise Certification Standards for Subsonic Jet and Subsonic Transport Category Large Airplanes; Transition to an All Stage 3 Fleet Operating in the 48 Contiguous States	2120—AI01
2270	Withdrawal of Proposed Rules: Miscellaneous Amendments; Improved Water Survival Equipment; Objects Affecting Navigable Airspace; Type Certificates for Some Surplus Aircraft of the Armed Forces	2120—AI02

Federal Highway Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
2271	Revisions to Highway Bridge Replacement and Rehabilitation Program	2125—AE75
2272	+National Bridge Inspection Standards	2125—AE86
2273	Uniform Relocation Assistance and Real Property Acquisition for Federal Assisted Program	2125—AE97
2274	Manual on Uniform Traffic Control Devices for Streets and Highways; Minimum Retroreflectivity Guidelines for Traffic Signs	2125—AE98
2275	Truck Size and Weight, Route Designations; Length, Width, and Weight Limitations	2125—AE99

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Federal Highway Administration—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
2276	+Federal Lands Highway Program; Management Systems Pertaining to the National Park Service, Including the Park Roads and Parkways Program	2125—AE52
2277	+Federal Lands Highway Program; Management Systems Pertaining to the Bureau of Indian Affairs, Including the Indian Reservations Road Program	2125—AE53
2278	+Federal Lands Highway Program; Management Systems Pertaining to the Fish and Wildlife Service, Including the Refuge Roads Program	2125—AE54
2279	+Federal Lands Highway Program; Management Systems Pertaining to the Forest Service, Including the Forest Highways Program	2125—AE55
2280	Commercial Vehicle Width Exclusive Devices	2125—AE90
2281	Interstate Highway System	2125—AF00

Federal Highway Administration—Long—Term Actions

Sequence Number	Title	Regulation Identification Number
2282	Work Zone Mobility and Safety	2125—AE29

Federal Highway Administration—Completed Actions

Sequence Number	Title	Regulation Identification Number
2283	Advanced Construction of Federal Aid Projects	2125—AD59
2284	Federal—Aid Highway Systems	2125—AD74
2285	Railroad Highway Projects	2125—AD86
2286	Indian Reservation Road Bridge Program	2125—AE57
2287	Standards for Dedicated Short—Range Communications (DSRC) Applications for Use by Commercial Vehicles in Intelligent Transportation Systems Projects	2125—AE63
2288	Manual on Uniform Traffic Control Devices	2125—AE93
2289	+Designation of Dromedary—Equipped Truck Tractor—Semitrailers as Specialized Equipment	2125—AE94

Federal Motor Carrier Safety Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
2290	Commercial Learner Permits	2126—AA03
2291	+Qualification of Drivers; Vision	2126—AA05
2292	+Medical Qualification Requirements as Part of the Commercial Driver's License (CDL) Process	2126—AA10
2293	+Unified Registration System	2126—AA22
2294	Posting of Employee Protections Information	2126—AA68
2295	+Hours of Service of Drivers; Supporting Documents	2126—AA76
2296	Safety Fitness Procedures; Safety Ratings	2126—AA77
2297	Title VI Regulations for FMCSA Financial Assistance Recipients	2126—AA79
2298	Parts and Accessories Necessary for Safe Operation; Fuel Systems	2126—AA80

Federal Motor Carrier Safety Administration—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
2299	+Federal Motor Carrier Safety Regulations; Hazardous Materials Safety Permits	2126—AA07
2300	+Minimum Training Requirements for Longer Combination Vehicle (LCV) Operators and LCV Driver—Instructor Requirements	2126—AA08

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Federal Motor Carrier Safety Administration—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
2301	+Minimum Training Requirements for Entry—Level Commercial Motor Vehicle Operators	2126—AA09
2302	Rules of Practice for Motor Carrier Proceedings; Investigations; Disqualifications and Penalties	2126—AA15
2303	+Safety Performance History of New Drivers	2126—AA17
2304	+Railroad—Highway Grade Crossing Safety	2126—AA18
2305	General Jurisdiction Over Freight Forwarder Service	2126—AA25
2306	+Transportation of Household Goods; Consumer Protection Regulations (Rulemaking Resulting From a Section 610 Review)	2126—AA32
2307	+General Requirements; Inspection, Repair, and Maintenance; Intermodal Container Chassis and Trailers	2126—AA38
2308	Federal Motor Carrier Safety Regulations; Waivers, Exemptions, and Pilot Programs; Rules and Procedures	2126—AA41
2309	+Federal Motor Carrier Safety Regulations; Interstate School Bus Safety	2126—AA53
2310	Parts and Accessories Necessary for Safe Operation; General Amendments	2126—AA61
2311	+Certification of Safety Auditors, Safety Investigators, and Safety Inspectors	2126—AA64
2312	+Certification of Compliance With Federal Motor Vehicle Safety Standards (FMVSS)	2126—AA69
2313	+Limitations on Issuance of Commercial Driver's License With Hazardous Materials Endorsement	2126—AA70
2314	Qualifications of Motor Carriers To Self—Insure Their Operations and Fees To Support the Approval and Compliance Process; Withdrawal	2126—AA82
2315	Drug and Alcohol Management Information System (MIS) Reporting	2126—AA83

Federal Motor Carrier Safety Administration—Long—Term Actions

Sequence Number	Title	Regulation Identification Number
2316	+Commercial Driver's License Standards; Biometric Identifier	2126—AA01
2317	+Application by Certain Mexico—Domiciled Motor Carriers To Operate Beyond U.S. Municipalities and Commercial Zones on the U.S.—Mexico Border	2126—AA34
2318	+Safety Monitoring System and Compliance Initiative for Mexico—Domiciled Motor Carriers Operating in the United States	2126—AA35
2319	Safety Fitness Procedures	2126—AA37
2320	+New Entrant Safety Assurance Process	2126—AA59
2321	+Penalties, Inspection, and Decal Display Requirements for Mexico—Domiciled Motor Carriers	2126—AA72
2322	+Registration Enforcement	2126—AA78

Federal Motor Carrier Safety Administration—Completed Actions

Sequence Number	Title	Regulation Identification Number
2323	Parts and Accessories Necessary for Safe Operation; Sleeper Berths on Motor Coaches; Withdrawal	2126—AA12
2324	Parts and Accessories Necessary for Safe Operation; Television Receivers and Data Display Units; Withdrawal	2126—AA19
2325	+English Language Requirement; Qualifications of Drivers; Withdrawal	2126—AA31
2326	Out—of—Service Criteria; Withdrawal	2126—AA36
2327	+Safety Requirements for Operators of Small Passenger—Carrying Commercial Motor Vehicles Used in Interstate Commerce	2126—AA52

National Highway Traffic Safety Administration—Prerule Stage

Sequence Number	Title	Regulation Identification Number
2328	Review: Air Bag On—Off Switches	2127—AH12
2329	+Reforming the Automobile Fuel Economy Standards Program (Reg Plan Seq No. 97)	2127—AJ17

+ DOT-designated significant regulation

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

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National Highway Traffic Safety Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
2330	Seating Systems Performance	2127—AD08
2331	Certification Requirements of Multistage Vehicles	2127—AE27
2332	Rear Convex Cross—View Mirrors	2127—AG41
2333	Upgrade Roof Crashworthiness	2127—AG51
2334	Motorcycle—Mounted Reflex Reflector Height	2127—AG92
2335	Child Restraints for Older Children	2127—AH14
2336	Upgrade Door Retention Performance	2127—AH34
2337	Administrative Rewrite of the Lighting Requirements Other Than Headlamps	2127—AH37
2338	+Frontal Offset Protection	2127—AH73
2339	Special Purpose Vehicles	2127—AH75
2340	Low—Speed Vehicle Performance Requirements	2127—AH80
2341	Headlamp Glare	2127—AH81
2342	Stowable or Fold—Away Child Restraint Anchorages	2127—AH85
2343	Motorcycle Headlamp System	2127—AH92
2344	Improve Motorcycle Helmet Head Protection	2127—AI03
2345	Reorganize and Harmonize Controls and Displays	2127—AI09
2346	Seat Belt Emergency Locking Retractor	2127—AI38
2347	Adaptation of Instrumented Lower Legs for Hybrid III Male and Female Adult Dummies	2127—AI39
2348	Procedures for Participating In and Receiving Data From the National Driver Registration Problem Driver Pointer System	2127—AI45
2349	Cargo Carrying Capacity	2127—AI50
2350	Horizontal Discharge Trailers	2127—AI56
2351	Allow Roll—Bar During Brake Testing	2127—AI63
2352	Child Restraint System Webbing Strength	2127—AI66
2353	Motorcycle Brake Controls	2127—AI67
2354	GM Petition on Amending FMVSS No. 301 and FMVSS Nos. 208, 212, 219, 303, and 305	2127—AI76
2355	+Federal Motor Vehicle Safety Standards; Child Restraint Systems	2127—AI83
2356	Incorporation of EuroSID II Dummy into 49 CFR Part 572	2127—AI89
2357	Vehicles Built in Two or More Stages — Standard 201 (Petitions for Reconsideration)	2127—AI93
2358	Part 571.3 Definitions, Designated Seating Position	2127—AI94
2359	CRS Registration Rulemaking, FMVSS No. 213 and Part 588	2127—AI95
2360	Buy America Requirements	2127—AJ06
2361	Vehicle Modifications to Accommodate People with Disabilities	2127—AJ07
2362	+Side Impact Protection Upgrade — Standard 214 (Reg Plan Seq No. 98)	2127—AJ10
2363	Federal Motor Vehicle Safety Standards Definition of Low Speed Vehicles	2127—AJ12
2364	Amend Regulatory Definition of Motorcycle To Exclude Low—Speed Motorcycles	2127—AJ13
2365	Incorporation of SID—II Side Impact Crash Test Dummy into Part 572	2127—AJ16

+ DOT-designated significant regulation

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

National Highway Traffic Safety Administration—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
2366	Radiator Safety Cap	2127—AE59
2367	Upgrade Fuel Integrity Performance Requirements	2127—AF36
2368	Alternative Geometric Visibility Requirements for Lamps	2127—AF75
2369	Power—Operated Windows: Roof Panels	2127—AF83
2370	Door Latch Exemption for Vehicles Equipped With Wheelchair Lifts and Ramps	2127—AG16
2371	Dealer Notification of Defect or Noncompliance Determination	2127—AG27
2372	Power Window Safety Switches	2127—AG36
2373	Seat Belt Positioning Devices	2127—AG49
2374	Glare Reduction From Daytime Running Lamps	2127—AG86
2375	Administrative Rewrite for Headlamp Requirements	2127—AG87
2376	Signal Lamps Used With Light—Emitting Diodes	2127—AG88
2377	+Allocation of Fuel Economy Credits	2127—AG97
2378	+Upgrade of Head Restraints	2127—AH09

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

Sequence Number	Title	Regulation Identification Number
2379	Upper Interior Impact	2127—AH61
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	Vehicles With Raised Roofs	2127—AH74
2383	Brake Hoses	2127—AH79
2384	Clarify Test Procedures for Brake Fluids	2127—AH96
2385	Label Placement on Rear Impact Guards	2127—AI04
2386	Disposition of Replaced Tires	2127—AI29
2387	+Automotive Fuel Economy Manufacturing Incentive for Alternative Fuel Vehicles	2127—AI41
2388	Expanding the Auto Parts Marking Requirement	2127—AI46
2389	Parking Brakes for Non—School Bus Vehicles	2127—AI47
2390	Heavier Hybrid III Type 6—Year—Old—Size Test Dummy	2127—AI58
2391	Retroactive Certification (Policy Statement)	2127—AI59
2392	Record Retention of Retroactively Certified Vehicles	2127—AI60
2393	Importation of Commercial Motor Vehicles	2127—AI64
2394	FMVSS No. 208 Advanced Air Bag Petitions for Reconsideration (Part 2)	2127—AI82
2395	Warning Label and Additional Conspicuity Features for Low Speed Vehicles	2127—AI84
2396	Use of Seat—Mounted Child Restraints on School Bus Seats	2127—AI88
2397	+Rear Center Lap/Shoulder Belt Requirement — Standard 208	2127—AI91
2398	+Reporting of Information and Documents About Potential Defects	2127—AI92
2399	5th Percentile Dummy Belted Barrier Crash Test Requirements — Standard 208	2127—AI98
2400	Reimbursement Prior to Recall	2127—AJ05
2401	Child Restraint Systems	2127—AJ15
2402	Platform Lift Systems; Petitions for Reconsideration	2127—AJ18
2403	Confidential Business Information	2127—AJ24

National Highway Traffic Safety Administration—Long—Term Actions

Sequence Number	Title	Regulation Identification Number
2404	+Review: Side—Impact Protection	2127—AF54
2405	Review: Redesigned Air Bags	2127—AH13
2406	Review: Antilock Brake Systems for Heavy Trucks	2127—AI14
2407	Review: Rear—Impact Guards for Truck Trailers	2127—AI15
2408	Idle Stop Technology Used in Some Hybrid Electric Vehicles	2127—AI43
2409	Convex Mirrors for Commercial Trucks	2127—AI52
2410	Enhanced Passenger—Side Mirror System	2127—AI53
2411	Daytime Running Lamps Intensity Reduction Phase II	2127—AI62
2412	+Event Data Recorders	2127—AI72
2413	FMVSS No. 201 Upper Interior Impact Multi—Stage Vehicle Compliance	2127—AI86
2414	Adaptive Frontal Lighting	2127—AI97
2415	+Tire Pressure Monitoring System	2127—AJ23

National Highway Traffic Safety Administration—Completed Actions

Sequence Number	Title	Regulation Identification Number
2416	+Crashworthiness Ratings	2127—AA03
2417	+Flammability of Interior Materials—School Buses	2127—AA44
2418	Incorporation of 1996 Revision of the American National Standards Institute (ANSI) Into Glazing Standard	2127—AH08
2419	Heavy Vehicle Antilock Brake System (ABS) Performance Requirement	2127—AH16
2420	Definition of Multifunctional School Activity Bus	2127—AH23
2421	Child Restraint Anchorage Systems — Part 2	2127—AH99
2422	Moving Barrier Tire Specification	2127—AI05

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National Highway Traffic Safety Administration—Completed Actions (Continued)

Sequence Number	Title	Regulation Identification Number
2423	+Confidential Business Information	2127—AI13
2424	+Improve Tire Safety Information	2127—AI32
2425	Improving the Safety of Child Restraints	2127—AI34
2426	+Operation of Motor Vehicles by Intoxicated Persons	2127—AI44
2427	Compliance for Multistage Manufacturers and Alterers	2127—AI49
2428	+Improved Tire Safety	2127—AI54
2429	+Advanced Air Bag Requirements	2127—AI71
2430	Theft Data for Calendar Year 2000	2127—AI75
2431	+Consumer Information Regulations; Federal Motor Vehicle Safety Standards; Rollover Resistance	2127—AI81
2432	List of Nonconforming Vehicles Eligible for Importation	2127—AI87
2433	+Tire Pressure Monitoring System; Petitions for Reconsideration	2127—AI90
2434	High—Theft Lines for Model Year 2004	2127—AI99
2435	Theft Data for Calendar Year 2001	2127—AJ00
2436	Insurer Reporting Requirements for October 2003	2127—AJ01
2437	Selection of Appendix A—Child Restraint Systems—Standard 208	2127—AJ03
2438	Part 587; Offset Deformable Barrier, Petition for Reconsideration	2127—AJ11
2439	List of Nonconforming Vehicles Eligible for Importation	2127—AJ19
2440	Reporting of Information and Documents About Potential Defects	2127—AJ21
2441	Tire Pressure Monitoring System; Vacation of Standard	2127—AJ22

Federal Railroad Administration—Prerule Stage

Sequence Number	Title	Regulation Identification Number
2442	Determination of Minimum Testing Rate for Random Drug and Alcohol Testing	2130—AB31

Federal Railroad Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
2443	Locomotive Crashworthiness	2130—AB23
2444	Locomotive Event Recorders	2130—AB34
2445	Reflectorization of Rail Freight Rolling Stock	2130—AB41
2446	Occupational Noise Exposure for Railroad Operating Employees	2130—AB56

Federal Railroad Administration—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
2447	+Whistle Bans at Highway—Rail Grade Crossings	2130—AA71
2448	+Standards for Development and Use of Processor—Based Signal and Train Control Systems	2130—AA94
2449	+Application of Random Testing and Other Alcohol and Drug Regulations to Employees of Foreign Railroads	2130—AB39
2450	Retention of Current Monetary Threshold for Reporting Rail Equipment Accidents/Incidents During Calendar Year 2003 and Until Further Amended	2130—AB57
2451	Railroad Locomotive Safety Standards	2130—AB58

Federal Railroad Administration—Completed Actions

Sequence Number	Title	Regulation Identification Number
2452	Blue Signal and Related Protections	2130—AA90

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Federal Railroad Administration—Completed Actions (Continued)

Sequence Number	Title	Regulation Identification Number
2453	Small Railroads; Policy Statement on Enforcement Program	2130—AB15
2454	Crane Safety Standards	2130—AB27
2455	Roadway Maintenance Machines	2130—AB28
2456	Revision to Railroad Safety Enforcement Procedures	2130—AB35
2457	Rules of Practice	2130—AB36
2458	+Minimum Standards for Temperature in the Locomotive Cab	2130—AB46

Federal Transit Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
2459	+Rail Fixed Guideway Systems; State Safety Oversight	2132—AA76

Federal Transit Administration—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
2460	Drug and Alcohol Mangement Information System Reporting	2132—AA77

Federal Transit Administration—Long—Term Actions

Sequence Number	Title	Regulation Identification Number
2461	School Bus Operations	2132—AA67

Federal Transit Administration—Completed Actions

Sequence Number	Title	Regulation Identification Number
2462	State Safety Oversight; Rail Fixed Guideway Systems	2132—AA69

Saint Lawrence Seaway Development Corporation—Completed Actions

Sequence Number	Title	Regulation Identification Number
2463	Seaway Regulations and Rules: Stern Anchors and Navigation Underway	2135—AA18

Research and Special Programs Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
2464	Pipeline Safety: Gas Gathering Line Definition	2137—AB15
2465	Pipeline Safety: Periodic Underwater Inspections	2137—AC54
2466	Hazardous Materials: Revision of Requirements for Carriage by Aircraft	2137—AD18
2467	+Hazardous Materials Safety: Transportation of Oxygen Cylinders and Oxygen Generators Aboard Aircraft	2137—AD33
2468	+Hazardous Materials: Safety Requirements for External Product Piping on Cargo Tanks Transporting Flammable Liquids	2137—AD36

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

Sequence Number	Title	Regulation Identification Number
2469	Pipeline Safety: Annual Update of Standards Incorporated by Reference	2137—AD68
2470	Hazardous Materials: Security Requirements for Motor Carriers Transporting Hazardous Materials	2137—AD70
2471	Hazardous Materials Regulations: Aluminum Cylinders — Revised Requalification and Use Criteria for the DOT 3 AL Cylinder Made of Aluminum Alloy 6351—TG	2137—AD78
2472	Hazardous Materials: Exemptions into Regulations	2137—AD84
2473	Hazardous Materials: Miscellaneous Amendments	2137—AD87
2474	Sequence Number Intentionally Skipped	
2475	Sequence Number Intentionally Skipped	

Research and Special Programs Administration—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
2476	Pipeline Safety: Passage of Internal Inspection Devices	2137—AB71
2477	+Pipeline Safety: Response Plans for Onshore Oil Pipelines	2137—AC30
2478	+Applicability of the Hazardous Materials Regulations to Loading, Unloading, and Storage	2137—AC68
2479	Hazardous Materials: Revisions to Incident Reporting Requirements and Detailed Hazardous Materials Incident Report DOT Form	2137—AD21
2480	Hazardous Materials: Hazard Communication Requirements—Petitions for Rulemaking and Miscellaneous Amendments	2137—AD28
2481	Pipeline Safety: Periodic Updates to Pipeline Safety Requirements (1999)	2137—AD35
2482	Hazardous Materials: Adoption of Latest IAEA and Other Miscellaneous Revisions and Clarifications	2137—AD40
2483	+Hazardous Materials: Transportation of Lithium Batteries	2137—AD48
2484	Hazardous Materials: Revision of the Requirements for Hazardous Waste Manifests	2137—AD50
2485	+Pipeline Safety: Pipeline Integrity Management in High—Consequence Areas (Gas Transmission Pipeline Operators)	2137—AD54
2486	Pipeline Safety: Hazardous Liquid Pipeline Operator Annual Reports	2137—AD59
2487	Hazardous Materials: Revision to Penalty Guidelines	2137—AD71
2488	Pipeline Safety: Technical Revisions to Agency Procedures	2137—AD77
2489	Hazardous Materials: Enhancing Security of Explosives Transportation	2137—AD79
2490	Pipeline Safety: Liquefied Natural Gas Facilities; and Updating Safety Standards	2137—AD80
2491	Hazardous Materials Regulations: Matter Incorporated by Reference	2137—AD83
2492	Hazardous Materials: Editorial Corrections and Miscellaneous Clarifications	2137—AD85
2493	Hazardous Materials: Suspension of Approval Program for Certain Persons Performing Visual Requalification of DOT Specification Cylinders	2137—AD86

Research and Special Programs Administration—Long—Term Actions

Sequence Number	Title	Regulation Identification Number
2494	+Safeguarding Food From Contamination During Transportation	2137—AC00
2495	Hazardous Materials: Cargo Tank Rollover Requirements	2137—AD34
2496	Hazardous Materials: Harmonization With the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization Technical Instructions	2137—AD66

Research and Special Programs Administration—Completed Actions

Sequence Number	Title	Regulation Identification Number
2497	Pipeline Safety: Further Regulatory Review; Gas Pipeline Safety Standards	2137—AD01
2498	Pipeline Safety: Recommendations To Change Hazardous Liquid Pipeline Safety Standards	2137—AD10
2499	Hazardous Materials: Air Carrier Emergency Telephone Number Requirements	2137—AD29

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Research and Special Programs Administration—Completed Actions (Continued)

Sequence Number	Title	Regulation Identification Number
2500	Pipeline Safety: Producer—Operated Outer Continental Shelf Gas and Hazardous Liquid Pipelines That Cross Directly Into State Waters	2137—AD42
2501	Hazardous Materials: Miscellaneous Amendments for Unloading IM Portable Tanks on a Transport Vehicle — Petition for Rulemaking	2137—AD44
2502	+Hazardous Materials: Security Requirements for Offerors and Transporters of Hazardous Materials	2137—AD67
2503	Hazardous Materials: Miscellaneous Revisions to the Hazardous Materials Regulations	2137—AD73
2504	Pipeline Safety: National Pipeline Mapping System	2137—AD76

Maritime Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
2505	+Cargo Preference Regulations—Carriage of Oceangoing Cargo Generated by Government Programs	2133—AB37
2506	Application Fee for Administrative Waivers of the Coastwise Trade Laws	2133—AB50
2507	+Vessel Documentation: Lease Financing for Vessels Engaged in the Coastwise Trade; Second Rulemaking	2133—AB51

Maritime Administration—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
2508	Administrative Waivers of the Coastwise Trade Laws for Eligible Vessels	2133—AB49
2509	Trading Restrictions on Vessels Transferred to a Foreign Registry: Amendment of List of Prohibited Countries	2133—AB55
2510	Sequence Number Intentionally Skipped	

Maritime Administration—Completed Actions

Sequence Number	Title	Regulation Identification Number
2511	Regulated Transactions Involving Documented Vessels and Other Maritime Interests: Inflation Adjustment of Civil Monetary Penalty	2133—AB48
2512	Electronic Options for Transmitting Certain Information Collection Responses to MARAD	2133—AB56

Department of Transportation (DOT)

Proposed Rule Stage

Office of the Secretary (OST)

2148. +AVIATION DATA REQUIREMENTS REVIEW AND MODERNIZATION PROGRAM**Priority:** Other Significant**Legal Authority:** 49 USC 40101; 49 USC 41101; 49 USC 41708; 49 USC 41709; 49 USC 41301; 49 USC 41501; 49 USC 41701**CFR Citation:** 14 CFR 241; 14 CFR 250; 14 CFR 298; 14 CFR 374a; 14 CFR 234**Legal Deadline:** None**Abstract:** The Department is undertaking an aviation data

requirements review and modernization program. The review is designed to harmonize the Department's aviation data systems with current regulatory and statutory needs; improve the quality of the Department's aviation data bases; and eliminate obsolete data reporting and processing systems. The ANPRM was the first step in an outreach program to review aviation data collected by the Department and the measures that should be taken to modernize and improve aviation data reporting and processing systems. The Department solicited public comments

from aviation data users on the nature, scope, source, and means for collecting, processing, and distributing airline traffic, fare, and financial data. Specifically, the Department invited comments to determine whether existing aviation data should be amended, supplemented, or replaced; whether selected forms and reports should be retained, modified, or eliminated; whether the Department should require all aviation data to be filed electronically; and how the aviation data system should be reengineered to enhance efficiency and

DOT—OST

Proposed Rule Stage

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 an NPRM. This action is significant due to substantial public and industry interest.

Timetable:

Action	Date	FR Cite
ANPRM	07/15/98	63 FR 38128
ANPRM Comment Period End	09/14/98	
Reply Comment Period End	10/13/98	
NPRM	08/00/04	

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

2149. NONDISCRIMINATION ON THE BASIS OF DISABILITY IN AIR TRAVEL

Priority: Substantive, Nonsignificant

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

CFR Citation: 14 CFR 382

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	04/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 2105—AC97

2150. +REVIEW OF DATA FILED BY CERTIFICATED OR COMMUTER AIR CARRIERS TO SUPPORT CONTINUING FITNESS DETERMINATIONS

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

Unfunded Mandates: Undetermined

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

CFR Citation: 14 CFR 204.5

Legal Deadline: None

Abstract: This action would address two issues relating to air carrier continuing fitness determinations raised by the Inspector General. The issues relate to (1) public notice of determinations in relation to the reporting requirements of CFR part 204 applicable to certificated and commuter air carriers proposing to undergo a substantial change in operations, ownership, or management and (2) the criteria the Department typically uses to determine actual control of an air carrier when evaluating the citizenship of an air carrier during a continuing fitness review.

Timetable:

Action	Date	FR Cite
ANPRM	07/30/03	
ANPRM Comment Period End	09/29/03	
NPRM	04/00/04	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Jennifer Thibodeau, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh St., SW, C—20, Washington, DC 20590
Phone: 202 366—2509
Email: jennifer.thibodeau@ost.dot.gov

RIN: 2105—AD25

2151. TRANSPORTATION ACQUISITION REGULATION

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301

CFR Citation: 12 CFR 1201 to 1253

Legal Deadline: None

Abstract: The Department is updating 48 CFR chapter 12 to be in consonance with changes to the Federal Acquisition Regulation (48 CFR chapter 1).

Timetable:

Action	Date	FR Cite
NPRM	09/00/04	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Agency Contact: Elaine Wheeler, Senior Procurement Analyst, Department of Transportation, Office of the Secretary, Room 9401, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—4272
Fax: 202 366—7510
Email: elaine.wheeler@ost.dot.gov

RIN: 2105—AD28

2152. • STANDARD TIME ZONE BOUNDARY IN THE STATE OF NORTH DAKOTA: PROPOSED RELOCATION OF MERCER COUNTY

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

Legal Authority: Secs. 1—4, 40 Stat. 450; Sec. 1, 41 Stat. 1446; Sec 2—7, 80 Stat. 107; 100 Stat. 764; Act of Mar. 19, 1918; PL 97—449, 15 U.S.C. 260—267; PL 99—359; PL 106—564, 15 USC 263; 114 Stat. 2811; 49 CFR 1.59(a)

CFR Citation: 49 CFR 71

Legal Deadline: None

Abstract: At the request of the Chairman of the Board of County Commissioners for Mercer County, North Dakota, the U.S. Department of Transportation proposes to relocate the boundary between mountain time and central time in the State of North Dakota. DOT proposes to relocate the boundary in order to move Mercer County from the Mountain Time Zone to the Central Time Zone.

Timetable:

Action	Date	FR Cite
NPRM	11/00/03	

Regulatory Flexibility Analysis Required: No

DOT—OST

Proposed Rule Stage

Small Entities Affected: No**Government Levels Affected:** None**Agency Contact:** Joanne Petrie,
Attorney, Department of
Transportation, Office of the Secretary,400 Seventh Street SW., Washington,
DC 20590

Phone: 202 366—4723

RIN: 2105—AD31**Department of Transportation (DOT)
Office of the Secretary (OST)****Final Rule Stage****2153. USE OF DIRECT FINAL
RULEMAKING****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 1657**CFR Citation:** 49 CFR 5.21; 49 CFR
5.35**Legal Deadline:** None

Abstract: The Department is considering a new rulemaking procedure to expedite the processing of noncontroversial changes to its regulations. Rules that the Secretary 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	04/00/04	

**Regulatory Flexibility Analysis
Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Neil Eisner, Assistant
General Counsel for Regulation and
Enforcement, Department of
Transportation, Office of the Secretary,
Room 10424 Nassif Building, 400
Seventh Street SW., Washington, DC
20590

Phone: 202 366—4723

Fax: 202 366—9313

RIN: 2105—AC11**2154. FEES AND CHARGES FOR
SPECIAL SERVICES: REINVENTION****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 40101; 49
USC 46101; 31 USC 9701**CFR Citation:** 14 CFR 389**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	01/21/99	64 FR 3229
NPRM Comment Period End	03/22/99	
Final Action	09/00/04	

**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**2155. +COMPUTER RESERVATIONS
SYSTEM REGULATIONS
COMPREHENSIVE REVIEW****Regulatory Plan:** This entry is Seq. No.
95 in part II of this issue of the **Federal
Register**.**RIN:** 2105—AC65**2156. +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 Circular A—110. An interim final rule was issued because of the limited ability to change the requirements from those in the circular. We are awaiting OMB instructions regarding whether there will be any Governmentwide changes to the final rule.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/16/00	65 FR 14406
Final Action	12/00/03	

**Regulatory Flexibility Analysis
Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Robert C. Ashby,
Deputy Assistant General Counsel for
Regulation and Enforcement,
Department of Transportation, Office of
the Secretary, 400 Seventh Street SW.,
Washington, DC 20590
Phone: 202 366—4723

TDD Phone: 202 755—7687

Email: bob.ashby@ost.dot.gov

RIN: 2105—AC83**2157. AMERICANS WITH DISABILITIES
ACT ACCESSIBILITY STANDARDS****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 552a**CFR Citation:** 49 CFR 27; 49 CFR 37**Legal Deadline:** None

Abstract: This action would amend the Department of Transportation's rules implementing the Americans with

DOT—OST

Final Rule Stage

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

Timetable:

Action	Date	FR Cite
NPRM	08/08/00	65 FR 48444
NPRM Comment Period End	09/07/00	
Final Action	04/00/04	

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
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RIN: 2105—AC86

2158. PARTICIPATION BY DISADVANTAGED BUSINESS ENTERPRISES IN DEPARTMENT OF TRANSPORTATION PROGRAMS

Priority: Substantive, Nonsignificant

Legal Authority: 23 USC 324; 42 USC 2000d et seq; 49 USC 1611, 47107, 47113, 47123; EO 12138; 3 CFR 1951 comp., p. 393, sec 1101 (b); . . .

CFR Citation: 49 CFR 2a, subpart G

Legal Deadline: Final, Statutory, June 30, 1993, Final.

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

final version of the airport concessions proposal.

On September 8, 2000, DOT issued a second SNPRM seeking comments on an airport concessions subpart to part 26. The SNPRM took into account comments on the May 1997 SNPRM, adapted provisions of the rest of part 26 to the concessions context, and proposed options for provisions affecting car rental operations at airports. These options were based in part on a memorandum of understanding between the American Car Rental Association and the Airport Minority Advisory Council making recommendations to the Department on this aspect of the rulemaking. This SNPRM was inadvertently published under RIN 2105—AB92.

This rule would respond to comments on the September 8, 2000, SNPRM and establish a revised 49 CFR part 23.

Timetable:

Action	Date	FR Cite
SNPRM	09/08/00	65 FR 54454
SNPRM Comment Period End	10/23/00	
Final Action	04/00/04	

Regulatory Flexibility Analysis

Required: Yes

Government Levels Affected: Local, State

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

RIN: 2105—AC91

2159. OVER—THE—ROAD BUSES: EXTENSION OF DUE DATE FOR INFORMATION COLLECTION

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 12101 to 12213; 49 USC 322

CFR Citation: 49 CFR 37

Legal Deadline: None

Abstract: The Department of Transportation is amending its Americans with Disabilities Act regulations concerning accessibility of over—the—road buses with respect to information collection requirements. The amendments would postpone the

requirement for bus companies to submit information reporting ridership on accessible fixed route service and the acquisition of buses and would designate the Federal Motor Carrier Safety Administration as the recipient of the data.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/06/01	66 FR 9048
Correction	02/21/01	
Interim Final Rule Comment Period End	03/08/01	
Interim Final Rule Effective	03/08/01	
Interim Final Rule Effective	02/21/03	
Final Action	04/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Linda Lasley, Attorney, Department of Transportation, Office of the Secretary, C—50, Room 10424, 400 7th Street, SW, Washington, DC 20590
Phone: 202 366—4723
Fax: 202 366—9313
Email: linda.lasley@ost.dot.gov

RIN: 2105—AC98

2160. REPORTING REQUIREMENT FOR AIR CARRIERS REGARDING DISABILITY—RELATED COMPLAINTS

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 41702; 49 USC 41705

CFR Citation: 49 CFR 382

Legal Deadline: Other, Statutory, Other.

Abstract: The rule would require most certificated U.S. air carriers and foreign air carriers operating to and from the U.S. that conduct passenger—carrying service to record and categorize complaints that they receive alleging inadequate accessibility or discrimination on the basis of disability according to the type of disability and nature of complaint, prepare a summary report of those complaints, submit the report annually to the Department of Transportation's Aviation Consumer Protection Division, and retain copies of correspondence and record of action on disability—related complaints for 3 years.

DOT—OST

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	02/14/02	67 FR 6892
Extension of Comment Period	04/10/02	67 FR 17308
NPRM Comment Period End	04/15/02	
Extended Comment Period End	06/01/02	
Final Rule	12/00/03	

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

Agency Contact: Blane A. Workie, Attorney, Department of Transportation, Office of the Secretary, Room 4116/C—70, 400 7th Street SW., Washington, DC 20590
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TDD Phone: 202 755—7687
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Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366—4723
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RIN: 2105—AD04

2161. NONDISCRIMINATION ON THE BASIS OF DISABILITY IN PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITTING FROM FEDERAL FINANCIAL ASSISTANCE; TRANSPORTATION SERVICES FOR INDIVIDUALS WITH DISABILITIES (ADA)

Priority: Substantive, Nonsignificant**Legal Authority:** 49 USC 16(a); 49 USC 16 (d); 49 USC 142; 42 USC 12101 to 12213; 47 USC 225; 49 USC 322; ...**CFR Citation:** 44 CFR 27; 44 CFR 37**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
Final Action	04/00/04	

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

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

RIN: 2105—AD05

2162. MAINTENANCE OF AND ACCESS TO RECORDS ABOUT INDIVIDUALS

Priority: Substantive, Nonsignificant**Legal Authority:** 5 USC 552a**CFR Citation:** 49 CFR 10, app**Legal Deadline:** None

Abstract: This action would provide exemptions from provisions of the Privacy Act for three Privacy Act Systems of Records to be maintained by DOT's Transportation Security Administration.

Timetable:

Action	Date	FR Cite
NPRM	12/24/02	67 FR 78403
NPRM Comment Period End	02/24/03	
To Be Withdrawn	12/00/03	

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

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

RIN: 2105—AD22

2163. PRIVACY ACT OF 1974

Priority: Substantive, Nonsignificant**Legal Authority:** PL 93—579; 49 USC 322**CFR Citation:** 49 CFR 10**Legal Deadline:** None

Abstract: This rulemaking would add a system of records to the list of the Department of Transportation Privacy

Act Systems of records that are exempt from one or more provisions of the Privacy Act.

Timetable:

Action	Date	FR Cite
NPRM	01/15/03	68 FR 2002
NPRM Comment Period End	03/17/03	
To Be Withdrawn	12/00/03	

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

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

RIN: 2105—AD23

2164. PROCEDURES FOR TRANSPORTATION WORKPLACE DRUG AND ALCOHOL TESTING PROGRAMS

Priority: Substantive, Nonsignificant**Legal Authority:** 49 USC 102; 49 USC 301; 49 USC 322; 49 USC 5331; 49 USC 20140; 49 USC 31306; 49 USC 45101**CFR Citation:** 49 CFR 40**Legal Deadline:** None

Abstract: This rule would amend the creatinine concentration criterion used for determining when an employee has substituted a urine specimen used for drug testing.

Timetable:

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

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

Agency Contact: Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—4723

DOT—OST

Final Rule Stage

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

RIN: 2105—AD26

2165. • STANDARD TIME ZONE BOUNDARY IN THE STATE OF SOUTH DAKOTA: PROPOSED RELOCATION OF JONES, MELLETTE, AND TODD COUNTIES INTO THE CENTRAL TIME ZONE

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

Legal Authority: PL 97—449; PL 99—359; 49 CFR 159(a)

CFR Citation: 49 CFR 71

Legal Deadline: None

Abstract: In response to a concurrent resolution of the South Dakota legislature, DOT proposes to relocate the boundary between Mountain Time and Central Time in the State of South Dakota. DOT proposes to all of Jones, Mellette, and Todd Counties into Central Time Zone.

Timetable:

Action	Date	FR Cite
NPRM	08/11/03	68 FR 47533
NPRM Comment Period End	09/25/03	
Final Action	11/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

Jennifer Abdul—Wali, Transportation Specialist, Department of Transportation, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—6322
Fax: 202 366—9313
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RIN: 2105—AD30

2166. • +PROTECTION OF SENSITIVE SECURITY INFORMATION

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

Legal Authority: 46 USC 70102 to 70106; 49 USC 114, 5103, 44901 to 44907; 49 USC 44913 to 44914, 44916 to 44918, 44935 to 44936; 49 USC 44942, 46105

CFR Citation: 49 CFR 15; 49 CFR 1520

Legal Deadline: None

Abstract: This action would amend the regulation governing the protection of

sensitive security information (SSI) in order to protect the confidentiality of maritime security measures adopted under the U.S. Coast Guard's regulations.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590
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TDD Phone: 202 755—7687
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RIN: 2105—AD33

2167. Sequence Number Intentionally Skipped

2168. Sequence Number Intentionally Skipped

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

Long-Term Actions

2169. +ACCESSIBILITY OF PASSENGER VESSELS TO INDIVIDUALS WITH DISABILITIES

Priority: Other Significant

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

CFR Citation: 49 CFR 37

Legal Deadline: None

Abstract: The Department's Americans with Disabilities Act (ADA) final rule, published September 6, 1991 (56 FR 45584), reserved portions of the rule concerning passenger vessels. The ADA covers passenger vessels, but issuing accessibility requirements for vessels involves complex issues unlike those affecting land transportation. This action will address these issues and propose feasible requirements to make

passenger vessels accessible to, and usable by, individuals with disabilities. DOT is participating in an ongoing advisory committee effort convened by the Access Board to study passenger vessel accessibility issues. September and November 1998 meetings were held. This rulemaking is considered significant because of substantial public and congressional interest.

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, Office of

the Secretary, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—4723
TDD Phone: 202 755—7687
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RIN: 2105—AB87

2170. 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

DOT—OST

Long-Term Actions

passengers on air carriers when individuals need special private supplies. The need for action stems from a current situation where not all carriers allow passengers to bring their own oxygen aboard. Issues involve conformance with RSPA and FAA hazardous materials rules and the question of providing oxygen during long layovers. The Department is considering whether to begin a regulatory negotiation.

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Blane A. Workie, Attorney, Department of Transportation, Office of the Secretary, Room 4116/C—70, 400 7th Street SW., Washington, DC 20590
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RIN: 2105—AC29

2171. +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

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

2172. GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENTWIDE REQUIREMENTS FOR DRUG—FREE WORKPLACE GRANTS

Priority: Substantive, Nonsignificant

Legal Authority: PL 103—355; EO 11738; EO 12549; EO 12689

CFR Citation: 49 CFR 29; 49 CFR 32

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	01/23/02	67 FR 3266

Action	Date	FR Cite
NPRM Comment Period End	03/25/02	
Final Action	12/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 2105—AD01

2173. MENTOR/PROTEGE PROGRAM

Priority: Info./Admin./Other

Legal Authority: PL 95—507

CFR Citation: 13 CFR 124; 49 CFR 26

Legal Deadline: None

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

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Agency Contact: Ferguise Leon Mayronne, Senior Program Analyst, Department of Transportation, Office of the Secretary, Nassif Building, Room 9412, 400 7th Street, SW, Washington, DC 20590
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Email: ferguise.mayronne@ost.dot.gov

RIN: 2105—AD20

**Department of Transportation (DOT)
Office of the Secretary (OST)**
Completed Actions
**2174. 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 Americans with Disabilities Act (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
Interim Final Rule Comment Period End	04/16/79	
Final Action	07/24/03	68 FR 43882
Final Action Effective	07/24/03	

Regulatory Flexibility Analysis

Required: Yes

Government Levels Affected: Federal, Local, State

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

**2175. OVERBOOKING OF FLIGHTS:
ELIMINATION OF AIRPORT NOTICE
SIGNS**

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 401; 49 USC 411; 49 USC 413; 49 USC 417

CFR Citation: 14 CFR 250

Legal Deadline: None

Abstract: Due to significant growth of electronic ticketing in the period since this proposal was issued, the Department cannot rely to the same extent on advance distribution of the Oversales ticket notice. Consequently, we are not prepared to eliminate the requirement for an Oversales airport sign without further review of the matter. Accordingly, the proposal will be withdrawn. 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	09/08/03	68 FR 52835
Final Action Effective	10/08/03	

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

**2176. PARTICIPATION BY MINORITY
BUSINESS ENTERPRISES (DBE) IN
DEPARTMENT OF TRANSPORTATION
FINANCIAL ASSISTANCE
PROGRAMS: THRESHOLD
REQUIREMENTS AND OTHER
TECHNICAL REVISIONS**

Priority: Substantive, Nonsignificant

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

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

Legal Deadline: None

Abstract: This rulemaking changed the threshold requirements for Federal Transit Administration and Federal Aviation Administration recipients to establish DBE programs and overall goals. Each August 1, recipients must submit DBE goals for the following fiscal year. This change reduced burdens on entities receiving smaller Federal grants. This document made technical changes to 49 CFR part 26.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/15/00	65 FR 68949
Interim Final Rule Effective	11/15/00	
Interim Final Rule Comment Period End	01/02/01	
Final Action	06/16/03	68 FR 35542
Final Action Effective	07/16/03	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Laura Aguilar, Attorney, Department of Transportation, Office of the Secretary, C—10, Room 10102, 400 Seventh St., SW, Washington, DC 20590
Phone: 202 366—0365
Fax: 202 366—9170
Email: laura.aguilar@ost.dot.gov

RIN: 2105—AC89

**2177. NONDISCRIMINATION IN
FEDERALLY ASSISTED PROGRAMS**

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 794; 42 USC 2000d to 2000d—7; 42 USC 6101 to 6107; EO 12250

CFR Citation: 49 CFR 21; 49 CFR 27

Legal Deadline: None

DOT—OST

Completed Actions

Abstract: This rule amends DOT's regulations implementing title VI of the Civil Rights Act of 1964 (title VI), section 504 of the Rehabilitation Act of 1972 (section 504), and the Age Discrimination Act of 1975 (Age Discrimination Act). Together, these statutes prohibit discrimination on the basis of race, color, national origin, disability, and age in programs or activities that receive Federal financial assistance. In 1988, the Civil Rights Restoration Act (CRRA) added definitions of "program or activity" and "program" to title VI and added a definition of "program or activity" to section 504 and the Age Discrimination Act. The added definitions were designed to clarify the broad scope of coverage of recipients' programs or activities under these statutes. The promulgation of this regulation would incorporate the CRRA's definition of "program or activity" and "program" into title VI, section 504, and the Age Discrimination Act regulations. This regulation would also promote consistency and enforceability of these statutes. This is a joint rulemaking with other Federal agencies.

Timetable:

Action	Date	FR Cite
NPRM	12/06/00	65 FR 76460
NPRM Comment Period End	01/05/01	
Final Action	08/26/03	68 FR 51334
Final Action Effective	09/25/03	

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

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

RIN: 2105—AC96

2178. STANDARD TIME ZONE BOUNDARY IN THE STATE OF NORTH DAKOTA: MORTON COUNTY

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 260 to 267

CFR Citation: 49 CFR 71

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	08/03/01	66 FR 40666
NPRM Comment Period End	09/17/01	
Final Action	07/22/03	68 FR 43336
Withdrawn	08/18/03	68 FR 49373

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

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

RIN: 2105—AD03

2179. GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT)/ GOVERNMENTWIDE REQUIREMENTS FOR DRUG—FREE WORKPLACE (FINANCIAL ASSISTANCE)

Priority: Substantive, Nonsignificant

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

CFR Citation: 49 CFR 29; 49 CFR 32

Legal Deadline: None

Abstract: Executive Orders 12549 and 12689 established a Governmentwide system for nonprocurement suspension and debarment. All Federal departments and major agencies codified these requirements as part of a common rule. DOT is joining 34 other departments and major agencies to update those requirements. Part one of this action is separating the drug—free workplace provisions from the existing common rule and placing them in a separate part.

Timetable:

Action	Date	FR Cite
NPRM	01/23/02	67 FR 3266
NPRM Comment Period End	03/25/02	
Final Action	11/26/03	68 FR 66533

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No

Government Levels Affected: State, Local, Tribal, Federal

Federalism: This action may have federalism implications as defined in EO 13132.

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

RIN: 2105—AD07

2180. DRUG AND ALCOHOL MANAGEMENT INFORMATION SYSTEM REPORTING

Priority: Substantive, Nonsignificant

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

CFR Citation: 49 CFR 40

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Final Action	07/25/03	68 FR 43946
Final Action Effective	07/25/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State

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

RIN: 2105—AD14

DOT—OST

Completed Actions

2181. STANDARD TIME ZONE BOUNDARY IN THE STATE OF NORTH DAKOTA: PROPOSED RELOCATION OF SIOUX COUNTY**Priority:** Substantive, Nonsignificant**Legal Authority:** PL 97—449; PL 99—359; 49 CFR 159(a)**CFR Citation:** 49 CFR 71**Legal Deadline:** None**Abstract:** This action would relocate the boundary between mountain time and central time in the State of North Dakota by moving all of the county east of State Highway 31 into the central time zone.**Timetable:**

Action	Date	FR Cite
NPRM	09/17/02	67 FR 58578
NPRM Comment Period End	10/17/02	
Final Rule	07/22/03	68 FR 43334
Final Action	08/18/03	68 FR 49373
Final Rule Effective	10/26/03	
Final Action Effective	10/26/03	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Joanne Petrie, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—4723**RIN:** 2105—AD17**2182. MAINTENANCE OF AND ACCESS TO RECORDS PERTAINING TO INDIVIDUALS****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 552a**CFR Citation:** 49 CFR 10**Legal Deadline:** Final, Statutory, February 25, 2003, Final.**Abstract:** DOT, for the Transportation Security Administration, is establishing a program to train and equip flight crews of scheduled airlines with firearms. This action would exempt the Privacy Act System of Records supporting this program from certain provisions of the Privacy Act.**Timetable:**

Action	Date	FR Cite
Terminated	09/22/03	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Robert I. Ross, Office of General Counsel, C—10, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—9156
Fax: 202 366—9170
Email: bob.ross@ost.dot.gov**RIN:** 2105—AD18**2183. DISADVANTAGED BUSINESS ENTERPRISES (DBE) AIRPORT CONCESSIONAIRES SIZE STANDARDS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 200d et seq; 49 USC 47107 and 47123; EO 12138; 3 CFR; 1979 Comp., p. 393**CFR Citation:** 49 CFR 23**Legal Deadline:** None**Abstract:** Initially DOT had considered handling adjustments to the size standards for current Disadvantaged Business Enterprises (DBE) concessionaires as a separate rulemaking proceeding. However, after further consideration, the proposed rule will be addressed in a comprehensive DBE action under RIN 2105—AC91.**Timetable:**

Action	Date	FR Cite
NPRM	12/12/02	67 FR 76327
NPRM Comment Period End	01/27/03	
Merged With RIN 2105—AC91	09/30/03	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Local, State**Agency Contact:** Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—4723
TDD Phone: 202 755—7687
Email: bob.ashby@ost.dot.gov**RIN:** 2105—AD21**2184. +EXTENSION OF COMPUTER RESERVATION SYSTEMS (CRS) REGULATIONS****Priority:** Other Significant**Legal Authority:** 49 USC 41712**CFR Citation:** 14 CFR 255**Legal Deadline:** None**Abstract:** This rulemaking maintains the existing CRS rules while the Department of Transportation completes its reexamination of whether the rules are still necessary. This rulemaking is considered significant because of public and congressional interest.**Timetable:**

Action	Date	FR Cite
NPRM	02/13/03	68 FR 7325
NPRM Comment Period End	02/28/03	
Final Action	03/31/03	68 FR 15350
Final Action Effective	03/31/03	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Thomas Ray, Office of General Counsel, Department of Transportation, Office of the Secretary, C—30, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—4731
Email: tom.ray@ost.dot.gov**RIN:** 2105—AD24**2185. PROCEDURES FOR COMPENSATION OF AIR CARRIERS****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 107—42; PL 107—71, sec 124(d)**CFR Citation:** 14 CFR 330**Legal Deadline:** None**Abstract:** This rule adjusts the amount of compensation available to two classes of carriers under the Air Transportation Safety and System Stabilization Act. The effect of the change permits increased compensation for some small air carriers.**Timetable:**

Action	Date	FR Cite
Final Action	07/29/03	
Final Action Effective	07/29/03	68 FR 44455

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Businesses

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Government Levels Affected: None**Agency Contact:** Steven Hatley, Department of Transportation, Office of the Secretary, 6402, 400 7th Street, SW, Washington, DC 20590
Phone: 202 366—1213**RIN:** 2105—AD27**2186. • ESTABLISHMENT OF THE CHAMORRO STANDARD TIME ZONE****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** Sec. 1—4, 40 Stat. 450; Sec. 1, 41 Stat. 1446; Sec. 2—7, 80 Stat. 107; 100 Stat. 764; PL 97—449, 15 USC 260—267; PL 99—359; PL

106—564, 15 USC 263, 114 Stat. 2811; 49 CFR 1.59(a)

CFR Citation: 49 CFR 71**Legal Deadline:** None**Abstract:** By statute, Congress established the Chamorro Standard Time Zone. Geographically this time zone includes Guam and the Commonwealth of the Northern Mariana Islands. This final rule would revise the Department of Transportation's regulations to reference this time zone.**Timetable:**

Action	Date	FR Cite
Final Action	08/19/03	68 FR 49712
Final Action Effective	08/19/03	

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—4723Jennifer Abdul—Wali, Transportation Specialist, Department of Transportation, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—6322

Fax: 202 366—9313

Email: jennifer.abdul—wali@ost.dot.gov

RIN: 2105—AD32**Department of Transportation (DOT)
Federal Aviation Administration (FAA)****Proposed Rule Stage****2187. +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	10/23/03	68 FR 60571
NPRM Comment Period End	01/20/04	
Final Action	05/00/05	

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, 07/00/2003

Agency Contact: Alberta Brown, Air Transportation Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591
Phone: 202 267—8321**RIN:** 2120—AF07**2188. +LICENSING AND SAFETY REQUIREMENTS FOR LAUNCH****Priority:** Other Significant**Legal Authority:** 49 USC 70101 to 70119**CFR Citation:** 14 CFR 415; 14 CFR 417**Legal Deadline:** None**Abstract:** This action would establish requirements for licensing the conduct of a launch from a non—Federal launch site. The law requires anyone who proposes to conduct a launch within the United States, or a U.S. citizen proposing to conduct a launch site outside the United States, to obtain a license from DOT. This action would

govern obtaining a license to conduct such a launch. Currently, commercial rocket launches take place from Federal Government installations operated by the Department of Defense and NASA. Licensing requirements for those launches are being developed in a related licensing rulemaking (RIN 2120—AF99). In this action, DOT proposes to implement rules regarding obtaining a license to conduct a launch from a commercial launch site, where DOT, rather than NASA or the military, has primary responsibility.

Timetable:

Action	Date	FR Cite
NPRM	10/25/00	65 FR 63922
NPRM Comment Period End	02/22/01	
SNPRM	07/30/02	67 FR 49456
NPRM: Additional Information	08/27/02	67 FR 54978
Supplemental NPRM	06/00/04	

Regulatory Flexibility Analysis Required: Undetermined**Government Levels Affected:** Undetermined**Additional Information:** Project Number: AST—97—088R.

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

Agency Contact: Rene Rey, Licensing and Safety Division, Office of Commercial Space, Department of Transportation, Federal Aviation

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Administration, 400 Seventh Street
SW., Washington, DC 20590
Phone: 202 385—4805

RIN: 2120—AG37

2189. +CHILD RESTRAINT SYSTEMS

Priority: Other Significant

Legal Authority: 49 USC 106(g); 49 USC 40103; 49 USC 40113; 49 USC 40120; 49 USC 44101; 49 USC 44111; 49 USC 44701; 49 USC 44709; 49 USC 44711; 49 USC 44712; 49 USC 44715 to 44718; 49 USC 44722; 49 USC 46306; 49 USC 46315; 49 USC 46502

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

Legal Deadline: None

Abstract: This action sought public comment on issues relating to the use of child restraint systems in aircraft during all phases of flight (i.e., taxi, takeoff, landing, or any other time the seat belt sign is illuminated). Specifically, the agency sought information about existing child restraint systems, the development of new and improved child restraint systems, the ease with which existing or new child restraint systems can be used, and the effectiveness of changing the current child restraint system regulations. The advance notice gathered information in response to a recommendation made by the White House Commission on Aviation Safety and Security. Approximately 130 comments were received on the ANPRM. This information is needed so that the FAA can determine the best way to ensure the safety of children while on board aircraft. After such a determination is made, the FAA may issue a Notice of Proposed Rulemaking with specific regulatory proposals that respond to the Commission's recommendations regarding the use of child restraint systems. This action is considered significant because of safety implications.

Timetable:

Action	Date	FR Cite
ANPRM	02/18/98	63 FR 8324
ANPRM Comment Period End	06/18/98	
NPRM	04/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

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

Agency Contact: Cindy Nordlie, Office of Rulemaking, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591
Phone: 202 267—7627

Nancy L. Claussen, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 2800 44th N. Street, Suite 450, Phoenix, AZ 85008
Phone: 602 379—4864

RIN: 2120—AG43

2190. REVISION OF AIR CARRIER CREWMEMBER AND TRAINING REGULATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 106(g); 49 USC 40113; 49 USC 40119; 49 USC 44101; 49 USC 44701; 49 USC 44702; 49 USC 44705; 49 USC 44709 to 44711; 49 USC 44713; 49 USC 44716 to 44717; 49 USC 44722; 49 USC 44901; 49 USC 44903 to 44904; 49 USC 44912; 49 USC 46105

CFR Citation: 14 CFR 60; 14 CFR 121

Legal Deadline: None

Abstract: This action proposes to revise title 14 of the Code of Federal Regulations part 121 subparts N, O, and P. The proposed revision and creation will address Advanced Qualification Programs and additional training programs. The rulemaking is needed to enhance crew resource management training, to permit rapid changes to training and checking requirements for emerging technologies, to improve safety, and to respond to numerous recommendations from various sources.

Timetable:

Action	Date	FR Cite
NPRM	12/00/04	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

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

Agency Contact: Jan Demuth, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591

Phone: 202 267—8166

RIN: 2120—AG57

2191. SAFE, EFFICIENT USE AND PRESERVATION OF THE NAVIGABLE AIRSPACE

Priority: Substantive, Nonsignificant

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

CFR Citation: 14 CFR 77

Legal Deadline: None

Abstract: This rule would add and amend definitions for terms commonly used during the aeronautical evaluation process. This action would amend obstruction standards for civil airport imaginary surfaces in order to promote and facilitate harmonization with other FAA directives. It also would simplify and clarify the rule language in accordance with the plain language initiative.

Timetable:

Action	Date	FR Cite
NPRM	12/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Project Number: ATA—00—490.

Agency Contact: Ellen Crum, Air Traffic Rules Procedures Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591
Phone: 202 267—3155

RIN: 2120—AH31

2192. DESIGN STANDARDS FOR FUSELAGE DOORS ON TRANSPORT CATEGORY AIRPLANES

Priority: Substantive, Nonsignificant

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

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This action would amend the design standards for fuselage doors, hatches, and exits on transport category airplanes. This proposal would relieve a certification burden on industry by

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eliminating regulatory differences between the air standards of the United States and Joint Aviation Requirements of Europe without affecting current industry design practices.

Timetable:

Action	Date	FR Cite
NPRM	11/00/03	
Final Action	02/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Project Number: ANM—96—398.

Agency Contact: Jeff Gardlin, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue SW, Renton, WA 98055—4056
Phone: 425 227—2136

RIN: 2120—AH34

2193. NOISE STRINGENCY INCREASE FOR SINGLE—ENGINE PROPELLER—DRIVEN SMALL AIRPLANES

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 4321; 49 USC 106(g); 49 USC 40113; 49 USC 44701; 49 USC 44702; 49 USC 44704; 49 USC 44715

CFR Citation: 14 CFR 36

Legal Deadline: None

Abstract: The FAA is proposing a change to the noise limits for propeller—driven small airplanes. The FAA, the European Joint Aviation Authorities (JAA), and representatives from the United States and European propeller—driven small airplane industries developed the ICAO Annex 16 noise limit change in a joint effort. The proposed change would provide nearly uniform noise certification standards for airplanes certificated in the United States and in the JAA countries.

Timetable:

Action	Date	FR Cite
NPRM	03/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Project Number: AEE—01—133R.

Agency Contact: Mehmet Marsan, Office of Environment and Energy, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591
Phone: 202 267—7703

RIN: 2120—AH44

2194. AIRWORTHINESS STANDARDS FOR CLASSES B AND F CARGO COMPARTMENT FOR TRANSPORT CATEGORY AIRPLANES

Priority: Substantive, Nonsignificant

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

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: The FAA proposes to amend the airworthiness standards for transport category airplanes to incorporate revised standards for Class B cargo compartments and establish standards for a new Class F cargo compartment, and to harmonize those requirements with standards proposed for the European Joint Aviation Requirements 25.

Timetable:

Action	Date	FR Cite
NPRM	11/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Project Number: ANM—93—725—A.

Agency Contact: Mahinder K. Wahi, Transport Airplane Directorate, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, WA 98055
Phone: 425 227—2142

RIN: 2120—AH47

2195. ESTABLISHMENT OF ORGANIZATION DESIGNATION AUTHORIZATION PROCEDURES

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 106(g); 49 USC 40105; 49 USC 40113; 49 USC 44701 to 44702; 49 USC 44707; 49 USC 44709; 49 USC 44711; 49 USC 44715; 49 USC 45303; 49 USC 46105

CFR Citation: 14 CFR 21; 14 CFR 121; 14 CFR 135; 14 CFR 145; 14 CFR 183

Legal Deadline: None

Abstract: This proposed rulemaking would create an Organization Designation Authorization (ODA) Program that would incorporate all organization designee rules within 14 CFR 183. It will expand the approval functions of FAA organization designees, standardize these functions to increase efficiency, and expand eligibility for organization designees, including organizations not eligible under the current rules. These actions would provide the FAA with a more efficient process to delegate certain tasks to external organizations while preserving and increasing aviation safety in an environment where the government is committed to reducing its workforce.

Timetable:

Action	Date	FR Cite
NPRM	12/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Ralph Meyer, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 6500 S. MacArthur Blvd, ARB Room 304A, Oklahoma City, OK 73169
Phone: 405 954—7072

RIN: 2120—AH79

2196. REFUSAL TO TAKE A DOT—REQUIRED DRUG OR ALCOHOL TEST

Priority: Substantive, Nonsignificant

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

CFR Citation: 14 CFR 61

Legal Deadline: None

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

DOT—FAA

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Timetable:

Action	Date	FR Cite
NPRM	01/00/04	

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

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

RIN: 2120—AH82

2197. PERFORMANCE AND HANDLING QUALITIES REQUIREMENTS FOR ROTORCRAFT

Priority: Substantive, Nonsignificant

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

CFR Citation: 14 CFR 27; 14 CFR 29

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	05/00/04	

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

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

RIN: 2120—AH87

2198. +REVISIONS TO COCKPIT VOICE RECORDER AND DIGITAL FLIGHT DATA RECORDER REGULATIONS

Priority: Other Significant

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

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

Legal Deadline: None

Abstract: This action proposes to amend the cockpit voice recorder and digital flight data recorder regulations for certain air carriers, operators, and aircraft manufacturers. This proposal is based on recommendations issued by the National Transportation Safety Board following the investigations of several accidents and incidents, and includes other revisions that the FAA has determined are necessary. This proposal would require that all newly manufactured airplanes have CVR installed that receives its electrical power from the bus that provides the maximum reliability for operation of the cockpit voice recorder without jeopardizing service to essential or emergency loads. This same language is in the proposed certification rules for the CVR and DFDR installations.

Timetable:

Action	Date	FR Cite
NPRM	08/00/04	

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

Agency Contact: Timothy Shaver, Branch Aircraft Certification, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591
Phone: 202 385—4686

RIN: 2120—AH88

2199. ISSUANCE OF STANDARD AIRWORTHINESS CERTIFICATES FOR AIRCRAFT MANUFACTURED FROM SPARE AND SURPLUS PARTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7572; 49 USC 106(g); 49 USC 40105; 49 USC 40113; 40 USC 44701 to 44702; 49 USC 44707; 49 USC 44709; 49 USC 44711; 49 USC 44713; 49 USC 44715; 49 USC 45303

CFR Citation: 14 CFR 21

Legal Deadline: None

Abstract: The FAA is considering rulemaking to preclude issuance of standard airworthiness certification to new aircraft under 14 CFR 21.183(d). This action will ask for general comments on both the policy issues and the potential impacts of the change.

Timetable:

Action	Date	FR Cite
ANPRM	04/03/03	68 FR 16217
NPRM	03/00/04	

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

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

RIN: 2120—AH90

2200. • STAGE 4 AIRCRAFT NOISE STANDARDS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 4321 et seq; 49 USC 106(g); 49 USC 1155; 49 USC 40103; 49 USC 40113; 49 USC 40120; 49 USC 44101; 49 USC 44111; 49 USC 44701 to 44702; 49 USC 44711; 49 USC 44712; 49 USC 44715 to 44717; 49 USC 44722; 49 USC 46306; 49 USC 46315; 49 USC 46316; 49 USC 46504; 49 USC 46506; 49 USC 46507; 49 USC 47122; 49 USC 47508; 49 USC 47528 to 47531, sec 305; PL 96—193; EO 11514; . . .

CFR Citation: 14 CFR 36; 14 CFR 93

Legal Deadline: None

Abstract: The FAA is proposing a new noise standard for subsonic jet airplanes and subsonic transport category large airplanes. This noise

DOT—FAA

Proposed Rule Stage

standard would ensure that the latest available noise reduction technology is incorporated into new aircraft designs. This noise standard, Stage 4, would apply to any person submitting an application for a new airplane type design on and after January 1, 2003. The standard could be chosen voluntarily prior to that date. This noise standard is intended to provide uniform noise certification standards for Stage 4 airplanes certificated in the United States and those airplanes that meet the new International Civil Aviation Organization Annex 16 Chapter 4 noise standard.

Timetable:

Action	Date	FR Cite
NPRM	12/00/03	

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

Agency Contact: Laurette Fisher, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591
Phone: 202 267—3561
Fax: 202—267—5594

RIN: 2120—AH99**2201. • +EXTENDED OPERATIONS (ETOPS) OF MULTI—ENGINE AIRPLANES****Priority:** Other Significant. Major under 5 USC 801.

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

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

Legal Deadline: None

Abstract: The FAA proposes to issue regulations governing the design, maintenance, and operation of airplanes and engines for flights that go certain long distances beyond an adequate airport. This proposal would extend some requirements that previously applied only to two—engine airplanes to airplanes with more than two—engines. The proposed rule implements existing best practices and policy, industry recommendations and

international standards to assure that long—range flights will operate safely.

Timetable:

Action	Date	FR Cite
NPRM	11/14/03	68 FR 64730
NPRM Comment Period End	01/13/04	

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

Agency Contact: Eric VanOpstal, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20594
Phone: 202 267—3774

RIN: 2120—AI03**2202. • +AGING AIRCRAFT PROGRAM (WIDESPREAD FATIGUE DAMAGE)****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.

Legal Authority: 49 USC 106(g); 49 USC 40113; 49 USC 40119; 49 USC 41706; . . .

CFR Citation: 14 CFR 121; 14 CFR 129**Legal Deadline:** None

Abstract: The FAA proposes to require incorporation of a program to preclude widespread fatigue damage into the FAA—approved maintenance program of each operator of large transport category airplanes. This action is the result of concern for the continued operational safety of airplanes that are approaching or have exceeded their design service goal. This proposed rulemaking would require a limit of validity in flight cycles or hours of the structural maintenance program, where the operator must incorporate added inspections and/or modification/replacement actions into its maintenance program to allow continued operation.

Timetable:

Action	Date	FR Cite
NPRM	12/00/03	

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

Agency Contact: Brent Bandler, Department of Transportation, Federal Aviation Administration, 3960

Paramount Boulevard, Lakewood, CA 90712

Phone: 562 627—5237

RIN: 2120—AI05**2203. • HIGH—INTENSITY RADIATED FIELDS****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

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

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

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	04/00/04	

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

Agency Contact: John Dimtroff, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591
Phone: 425 227—1371
Email: john.dimtroff@faa.gov

RIN: 2120—AI06**2204. • +SERVICE DIFFICULTY REPORTS****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.

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 44707; 49 USC 44709 to 44713; 49 USC 44715 to 44717; 49

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USC 44722; 49 USC 44901; 49 USC 44903 to 44904; 49 USC 44912; 49 USC 46105

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

Legal Deadline: None

Abstract: The FAA is proposing to withdraw a previously published final rule that amends the reporting requirements for air carriers and certificated domestic and foreign repair

station operators concerning failures, malfunctions, and defects of aircraft, aircraft engines, systems and components. We are proposing withdrawal of this document because of commenters' overwhelming opposition to the rule and for further internal study.

Timetable:

Action	Date	FR Cite
NPRM	04/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Jose E. Figueroa, Department of Transportation, Federal Aviation Administration, 5601 Mariner Street, Suite 310, Tampa, FL 33609
Phone: 813 287—4932

RIN: 2120—AI08

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

Final Rule Stage

2205. +RETROFIT OF IMPROVED SEATS IN AIR CARRIER TRANSPORT CATEGORY 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

CFR Citation: 14 CFR 121; 14 CFR 135

Legal Deadline: NPRM, Statutory, April 28, 1988, NPRM.

Abstract: This action would require that all seats of transport category airplanes used in air carrier operations and transport category airplanes used in scheduled intrastate service comply with improved crashworthiness standards. The Airport and Airways Safety and Capacity Expansion Act of 1987 directs the Secretary of Transportation to initiate a rulemaking proceeding to consider requiring all seats on board all air carrier aircraft to meet improved crashworthiness standards based upon the best available testing standards. The intended effect of this action is to increase passenger protection and survivability in survivable impact accidents. This rulemaking is considered significant because of its safety implications and statutory requirements.

Timetable:

Action	Date	FR Cite
NPRM	05/17/88	53 FR 17650
NPRM Comment Period End	10/14/88	
NPRM Comment Period Reopened	10/30/98	63 FR 58331
NPRM Comment Period End	01/08/99	
SNPRM	10/04/02	67 FR 62294

Action	Date	FR Cite
SNPRM Comment Period End	12/03/02	
SNPRM Extension of Comment Period	12/03/02	67 FR 71908
SNPRM Comment Period End	03/03/03	
Final Action	04/00/05	

Regulatory Flexibility Analysis Required: Yes

Government Levels Affected: None

Additional Information: Docket 13464. Project Number: AIR—88—136R.

ANALYSIS: Regulatory Evaluation, 05/17/88, 53 FR 17650

Agency Contact: Hal Jensen, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591
Phone: 202 267—9578

RIN: 2120—AC84

2206. +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, Other.

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	02/08/94	59 FR 5741
3/4/94		
NPRM	04/02/99	64 FR 16298
NPRM Comment Period End	08/02/99	
NPRM Comment Period Reopened	08/18/99	64 FR 45090
Comment Period End	10/08/99	
Interim Final Rule; Request for Comments	12/06/02	67 FR 72726
Interim Final Rule; Extension of Comment Period	02/04/03	68 FR 5782
Interim Final Rule; Comment Period End	02/04/03	

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Final Rule Stage

Action	Date	FR Cite
Interim Final Rule: Extension of Comment Period End	05/05/03	
Interim Final Rule Effective	01/00/04	
Final Action	03/00/04	

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**2207. 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	
Final Action	06/00/04	

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**2208. +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. The FAA is also looking at nonregulatory alternatives.

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	
Final Action	07/00/04	

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: 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—AF21**2209. 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	
Final Action	06/00/04	

Regulatory Flexibility Analysis
Required: No

DOT—FAA

Final Rule Stage

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

2210. +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	
SNPRM	07/15/98	63 FR 38232
SNPRM	03/24/03	68 FR 14276

Action	Date	FR Cite
SNPRM Comment Period End	06/23/03	
Final Action	03/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: A final rule, which was published on 12/31/96 (61 FR 69302), establishes new operating restrictions at Grand Canyon National Park.

ANALYSIS: Regulatory Evaluation, 12/31/96, 61 FR 69334

Agency Contact: Tom Connor, Office of Energy and Environment, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591
Phone: 202 267—8933

RIN: 2120—AG34

2211. +REVISIONS TO DIGITAL FLIGHT DATA RECORDER REGULATIONS FOR B—737 AIRPLANES AND FOR PART 125 OPERATORS

Priority: Other Significant

Legal Authority: 49 USC 106(g); 49 USC 40113; 49 USC 40119; 49 USC 44101; 49 USC 44701 to 44702; 49 USC 44705; 49 USC 44709 to 44711; 49 USC 44713; 49 USC 44716 to 44717; 49 USC 44722; 49 USC 44901; 49 USC 44903 to 44904; 49 USC 44912; 49 USC 46105

CFR Citation: 14 CFR 121; 14 CFR 125

Legal Deadline: None

Abstract: The FAA proposes to amend the digital flight data recorder rules for transport category airplanes to add a requirement for all Boeing 737 (B—737) series airplanes to record additional flight data parameters. This amendment is based on safety recommendations issued by the National Transportation Safety Board following the investigation of the 1994 USAir Flight 427 accident. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	11/18/99	64 FR 63139
NPRM Comment Period End	12/20/99	
Final Action	10/00/04	

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: Timothy Shaver, Branch Aircraft Certification, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591
Phone: 202 385—4686

RIN: 2120—AG87

2212. FIRE PROTECTION OF ELECTRICAL SYSTEM COMPONENTS ON TRANSPORT CATEGORY AIRPLANES

Priority: Substantive, Nonsignificant

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

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This rulemaking will amend the airworthiness standards for transport category airplanes concerning the protection of electrical system components. This action will eliminate regulatory differences between the airworthiness standards of the United States and the Joint Aviation Requirements of Europe, without affecting current industry design practices

Timetable:

Action	Date	FR Cite
NPRM	05/15/01	66 FR 26964
NPRM Comment Period End	07/16/01	
Final Action	08/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Mahinder K. Wahi, Transport Airplane Directorate, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, WA 98055
Phone: 425 227—2142

Massoud Sadeghi, Aircraft Certification Service, Department of Transportation,

DOT—FAA

Final Rule Stage

Federal Aviation Administration, 1601 Lind Avenue SW., Renton, WA 98055—4056

Phone: 425 227—2117

RIN: 2120—AG92

2213. +AIRWORTHINESS STANDARDS: NORMAL, UTILITY, ACROBATIC AND COMMUTER CATEGORY AIRPLANES

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

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

CFR Citation: 14 CFR 23

Legal Deadline: None

Abstract: The FAA intends to conduct a 610 review (a review under section 610 of the Regulatory Flexibility Act) of part 23 and RIN 2120—AG93 reflects this review. The FAA has established airworthiness standards for normal, utility, acrobatic and commuter category airplanes in part 23. This part will be reviewed to assess the financial impact on small entities.

Timetable:

Action	Date	FR Cite
Review To Be Completed	05/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

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

RIN: 2120—AG93

2214. +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 to 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	06/21/00	65 FR 38636
Correction	08/21/00	65 FR 50669
NPRM Comment Period Extended	08/22/00	65 FR 50945
NPRM Comment Period End	09/19/00	
NPRM Extended Comment Period End	11/03/00	
Final Action	01/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

ANALYSIS: Regulatory Evaluation, 06/21/00

Agency Contact: Linda Bruce, Office of Airport Safety and Standards, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591
Phone: 202 267—8553

RIN: 2120—AG96

2215. +FLIGHT SIMULATION DEVICE QUALIFICATION

Regulatory Plan: This entry is Seq. No. 96 in part II of this issue of the **Federal Register**.

RIN: 2120—AH07

2216. NOISE CERTIFICATION REGULATIONS FOR HELICOPTERS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 4321; 49 USC 106(g); 49 USC 40113; 49 USC 44701 to 44702; 49 USC 44704; 49 USC 44715; PL 96—193; EO 11514

CFR Citation: 14 CFR 36

Legal Deadline: None

Abstract: This proposal is based on a joint effort by the FAA, the European Joint Aviation Authorities (JAA), and the Aviation Rulemaking Advisory Committee (ARAC) to harmonize the U.S. noise certification regulations and the European Joint Aviation Requirements (JAR) for helicopters. The proposed changes would provide nearly uniform noise certification standards for helicopters certificated in the U.S., the JAA countries, and other countries that have adopted as their national regulation either the U.S. regulations, the JAA regulations, or the International Civil Aviation Organization standards. The harmonization of the noise certification standards would simplify airworthiness approvals for import and export purposes.

Timetable:

Action	Date	FR Cite
NPRM	10/05/00	65 FR 59634
NPRM Comment Period End	01/04/01	
Final Action	02/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Sandy Liu, Office of Environment and Energy, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591
Phone: 202 493—4864

RIN: 2120—AH10

2217. ANTIDRUG AND ALCOHOL MISUSE PREVENTION PROGRAMS FOR PERSONNEL ENGAGED IN SPECIFIED AVIATION ACTIVITIES

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 106(g); 49 USC 40113; 49 USC 40119; 49 USC 44101; 49 USC 44701 to 44702; 49 USC 44705; 49 USC 44709 to 44711; 49 USC 44713; 49 USC 44716 to 44717; 49 USC

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44722; 49 USC 44901; 49 USC 44903 to 44904; 49 USC 44912; 49 USC 46105; 49 USC 46301

CFR Citation: 14 CFR 121

Legal Deadline: None

Abstract: This action proposes to revise the FAA's Antidrug and Alcohol Misuse Prevention Programs in accordance with changes the Department of Transportation is making to 49 CFR 40. In addition, the FAA proposes some minor revisions to its Antidrug and Alcohol Misuse Prevention Program so that the requirements conform to 14 CFR 67.

Timetable:

Action	Date	FR Cite
NPRM	02/28/02	67 FR 9366
NPRM Comment Period End	05/29/02	
NPRM Comment Period Extended	05/29/02	67 FR 37361
NPRM Extended Comment Period End	07/29/02	
Final Action	02/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Diane Wood, Acting Manager, Drug Abatement Branch, Office of Aviation Medicine, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591
Phone: 202 366—6710

RIN: 2120—AH14

2218. +CERTIFICATION OF AIRCRAFT AND AIRMEN FOR THE OPERATION OF LIGHT—SPORT AIRCRAFT

Priority: Other Significant

Legal Authority: 49 USC 106(g); 49 USC 40103; 49 USC 40105; 49 USC 44101; 49 USC 44111; 49 USC 44701 to 44703; 49 USC 44707; 49 USC 44709 to 44711; 49 USC 44712; 49 USC 44713; 49 USC 44715 to 44717; 49 USC 44722; 49 USC 45102 to 45103; 49 USC 45301 to 45303; 49 USC 46306; 49 USC 46315; 49 USC 46316; 49 USC 46504; 49 USC 46506 to 46507; 49 USC 47122; 49 USC 47508; 49 USC 47528 to 47531

CFR Citation: 14 CFR 1; 14 CFR 21; 14 CFR 61; 14 CFR 65; 14 CFR 91; 14 CFR 43; 14 CFR 45

Legal Deadline: None

Abstract: The FAA is creating a new rule for the manufacture, certification, operation, and maintenance of light—sport aircraft. Light—sport aircraft weigh less than 1320 pounds and are heavier and faster than ultralight vehicles and include airplanes, gliders, balloons, powered parachutes, weight—shift—control aircraft, and gyroplanes. This action is necessary to address advances in sport and recreational aviation technology, gaps in the existing regulations, several petitions for rulemaking, and petitions for exemptions from existing regulations. The intended effect of this action is to provide for the manufacture of safe and economical certificated aircraft that exceed the limits currently allowed by ultralight regulation, and to allow operations of these aircraft by certificated pilots for sport and recreation to carry a passenger, and to conduct flight training and towing in a safe manner.

Timetable:

Action	Date	FR Cite
NPRM	02/05/02	67 FR 5268
NPRM Comment Period End	05/06/02	
Final Action	01/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Susan Gardner, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591
Phone: 202 267—8212

RIN: 2120—AH19

2219. ELECTRICAL INSTALLATION, NICKEL CADMIUM BATTERY INSTALLATION, AND NICKEL CADMIUM BATTERY STORAGE

Priority: Substantive, Nonsignificant

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

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This action amends the airworthiness standards for transport category airplanes concerning electrical equipment and nickel cadmium battery installations, and nickel cadmium battery storage. This rulemaking

eliminates regulatory differences between the airworthiness standards of the United States and the Joint Aviation Requirements of Europe, without affecting current industry design practices.

Timetable:

Action	Date	FR Cite
NPRM	05/17/01	66 FR 27582
NPRM Comment Period End	07/16/01	
Final Action	08/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Massoud Sadeghi, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, WA 98055—4056
Phone: 425 227—2117

RIN: 2120—AH27

2220. DESIGN AND INSTALLATION OF ELECTRONIC EQUIPMENT ON TRANSPORT CATEGORY AIRPLANES

Priority: Substantive, Nonsignificant

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

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This action amends the airworthiness standards for transport category airplanes concerning the design and installation of electronic equipment. The rule requires that such equipment be designed and installed so that it does not cause essential loads to become inoperative as a result of electrical power supply transients or transients from other causes. Adopting this rulemaking would eliminate regulatory differences between the airworthiness standards of the United States and the Joint Aviation Requirements of Europe, without affecting current industry design practices

Timetable:

Action	Date	FR Cite
NPRM	05/15/01	66 FR 26956
NPRM Comment Period End	07/16/01	
Final Action	08/00/04	

Regulatory Flexibility Analysis

Required: No

DOT—FAA

Final Rule Stage

Small Entities Affected: No**Government Levels Affected:** None**Agency Contact:** Stephen M. Slotte, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, WA 98055—2315 Phone: 425 227—2315**RIN:** 2120—AH28**2221. ELECTRICAL CABLES****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 106(g); 49 USC 40113; 49 USC 44701; 49 USC 44702; 49 USC 44704**CFR Citation:** 14 CFR 25**Legal Deadline:** None**Abstract:** This rule amends the airworthiness standards for transport category airplanes concerning electrical cables. This action harmonizes part 25 and JAR—25 requirements concerning cable installations and clarifies the cable design requirements ensuring that the designer considers the critical conditions, routings, and markings of a proper installation. This rulemaking eliminates regulatory differences between the airworthiness standards of the United States and the Joint Aviation Requirements of Europe, without affecting current industry design practices.**Timetable:**

Action	Date	FR Cite
NPRM	05/15/01	66 FR 26942
NPRM Comment Period End	07/16/01	
Final Action	08/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Stephen M. Slotte, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, WA 98055—2315 Phone: 425 227—2315**RIN:** 2120—AH29**2222. PUBLIC ADDRESS SYSTEM****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 106(g); 49 USC 40113**CFR Citation:** 14 CFR 25**Legal Deadline:** None**Abstract:** The FAA proposes to shorten the time for passenger announcements in an emergency in transport category airplanes. This proposal would shorten the time for passenger announcements in an emergency from 10 to 3 seconds between the removal of the microphone from its stowage by a flight crewmember and its operation.

Adopting this proposal would eliminate regulatory differences between the airworthiness standards for the United States and the Joint Aviation Requirements of Europe, without affecting current industry design practices.

Timetable:

Action	Date	FR Cite
NPRM	11/22/02	67 FR 70510
NPRM Comment Period End	01/21/03	
Final Action	08/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Project Number: ANM—00—227.**Agency Contact:** Kirk Baker, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 3960 Paramount Boulevard, Lakewood, CA 90712 Phone: 562 627—5345**RIN:** 2120—AH30**2223. REVISIONS TO VARIOUS POWERPLANT INSTALLATION REQUIREMENTS FOR TRANSPORT CATEGORY AIRPLANES****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 106(g); 49 USC 40113**CFR Citation:** 14 CFR 25**Legal Deadline:** None**Abstract:** This action proposes to revise the standards applicable to thrust or power augmentation systems, fuel filling points, designated fire zones, and powerplant instruments. Adopting this proposal would eliminate regulatory differences between the airworthiness standards of the United States and the Joint Aviation Requirements of Europe without affecting current industry design practices.**Timetable:**

Action	Date	FR Cite
NPRM	01/31/02	67 FR 4856
NPRM Comment Period End	04/01/02	
Final Action	08/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Project Number: ANM—01—467.**Agency Contact:** Mike McRae, Airframe and Propulsion Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue SW, Renton, WA 98055—4056 Phone: 425 227—2133**RIN:** 2120—AH37**2224. MISCELLANEOUS FLIGHT REQUIREMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 106(g); 49 USC 40113**CFR Citation:** 14 CFR 25**Legal Deadline:** None**Abstract:** The FAA proposes to amend the airworthiness standards for transport category airplanes concerning miscellaneous flight requirements. Adopting this proposal would eliminate regulatory differences between the airworthiness standards of the United States and the Joint Aviation Requirements of Europe, without affecting current industry design practices.**Timetable:**

Action	Date	FR Cite
NPRM	01/14/02	67 FR 1846
NPRM Comment Period End	03/15/02	
Final Action	04/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Project Number: ANM—00—226.**Agency Contact:** Don Stimson, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain

DOT—FAA

Final Rule Stage

Region, 1601 Lind Avenue SW.,
Renton, WA 98055—4056
Phone: 425 227—1129

RIN: 2120—AH39

2225. TRIM SYSTEMS AND PROTECTIVE BREATHING EQUIPMENT

Priority: Substantive, Nonsignificant

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

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This proposed action would amend airworthiness standards for transport category airplanes concerning trim systems and protective breathing equipment. The proposed action would add language that would require a clearly marked range on the trim indication system where take—off is safe for all center—of—gravity positions. Adopting this proposal would eliminate regulatory differences between the airworthiness standards of the United States and the Joint Aviation Requirements of Europe without affecting current industry design practices.

Timetable:

Action	Date	FR Cite
NPRM	10/02/02	67 FR 61836
NPRM Comment Period End	12/02/02	
Final Action	04/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Project Number: ANM—00—567.

Agency Contact: Kenneth Frey, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, WA 98055—4056
Phone: 425 227—2673

RIN: 2120—AH40

2226. +REVISIONS TO PASSENGER FACILITY CHARGE RULE FOR COMPENSATION TO AIR CARRIERS

Priority: Other Significant

Legal Authority: 49 USC 106(g); 49 USC 40116 to 40117; 49 USC 47111; 49 USC 47114 to 47116; 49 USC 47524; 49 USC 47526

CFR Citation: 14 CFR 158

Legal Deadline: Final, Statutory, June 12, 2004, Final.

Abstract: This rule would amend the passenger facility charge (PFC) rules by changing the amount and basis of compensation an air carrier may receive for collecting, handling, and remitting PFC revenue. This action is necessary because statute mandates that air carriers receive fair and reasonable compensation for their expenses.

Timetable:

Action	Date	FR Cite
NPRM	11/27/02	67 FR 70878
NPRM Comment Period End	01/13/03	
NPRM; Extension of Comment Period	01/14/03	68 FR 1807
NPRM; Extension of Comment Period End	02/12/03	
Final Action	03/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Project Number: APP—00—672R.

Agency Contact: Joseph Hebert, Passenger Facility Charge Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591
Phone: 202 267—8902

RIN: 2120—AH43

2227. POWERPLANT CONTROLS ON TRANSPORT CATEGORY AIRPLANES, GENERAL

Priority: Substantive, Nonsignificant

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

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This rulemaking proposes to amend the airworthiness standards for transport category airplanes concerning design requirements for powerplant valves controlled from the flightdeck. Adopting this proposal would eliminate regulatory differences between the airworthiness standards of the United States and the Joint Aviation Requirements of Europe, without affecting current industry design practices.

Timetable:

Action	Date	FR Cite
NPRM	05/08/02	67 FR 30820
NPRM Comment Period End	07/08/02	
Final Action	04/00/04	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Mike McRae, Airframe and Propulsion Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue SW, Renton, WA 98055—4056
Phone: 425 227—2133

RIN: 2120—AH65

2228. +TRANSPONDER CONTINUOUS OPERATION

Priority: Other Significant

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

CFR Citation: 14 CFR 21

Legal Deadline: None

Abstract: This proposal would amend the instrument and equipment requirements for airplanes operated in domestic, flag, and supplemental operations. Specifically, the FAA proposes to require affected airplanes to be equipped with provisions that would help assure immediate activation of the designated air traffic control (ATC) hijack alert code, and continuous transmission of that code to ATC during the hijack situation. The FAA is proposing this action in response to the heightened threat to U.S. civil aviation. This action is significant because of substantial public safety interest.

Timetable:

Action	Date	FR Cite
NPRM	01/14/03	68 FR 1942
NPRM Comment Period End	03/17/03	
Final Action	07/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

DOT—FAA

Final Rule Stage

Government Levels Affected: None**Agency Contact:** Richard Jennings, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 1895 Phoenix Boulevard, Suite 450, Atlanta, GA 30349

Phone: 770 703—6090

RIN: 2120—AH67**2229. REPORTS BY CARRIERS ON INCIDENTS INVOLVING ANIMALS DURING AIR TRANSPORT****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 106(g); 49 USC 1153; 49 USC 40101; 49 USC 40102; 49 USC 40103; 49 USC 40113; 49 USC 41721; 49 USC 44105; 49 USC 44111; 49 USC 44701 to 44717; 49 USC 44722; 49 USC 44901; 49 USC 44903; 49 USC 44904; 49 USC 44906; 49 USC 44912; 49 USC 44914; 49 USC 44936; 49 USC 44938; 49 USC 46103; 49 USC 46105**CFR Citation:** 14 CFR 119**Legal Deadline:** None**Abstract:** This action implements section 710 of P.L. 106—181, the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, by requiring air carriers that provide scheduled passenger air transportation to submit monthly to the Secretary of Transportation, through the Animal & Plant Health Inspection Service of the United States Department of Agriculture, a report on any incidents involving the loss, injury, or death of an animal during air transport provided by the air carrier.**Timetable:**

Action	Date	FR Cite
NPRM	09/27/02	67 FR 61238
NPRM Comment Period Extended to 12/27/2002	10/18/02	67 FR 64331
NPRM Comment Period End	10/28/02	
Final Rule	08/11/03	68 FR 47798
Notice of Effective Date	09/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** James Whitlow, Office of the Chief Counsel, Department of Transportation, Federal AviationAdministration, 800 Independence Avenue SW., Washington, DC 20591
Phone: 202 267—3480**RIN:** 2120—AH69**2230. +SECURITY CONSIDERATIONS FOR THE FLIGHTDECK ON FOREIGN—OPERATED TRANSPORT CATEGORY AIRPLANES****Priority:** Other Significant**Legal Authority:** 49 USC 106(g); 49 USC 40104 to 40105; 49 USC 40113; 49 USC 40119; 49 USC 44701 to 44702; 49 USC 44712; 49 USC 44716 to 44717; 49 USC 44722**CFR Citation:** 14 CFR 129**Legal Deadline:** None**Abstract:** This amendment requires improved flightdeck security and operational procedural changes to prevent unauthorized access to the flightdeck on passenger—carrying aircraft operated by foreign carriers under the provisions of part 129. This amendment applies the same flightdeck security enhancements to foreign air carriers as were previously applied to U.S. air carriers. This action is significant because of safety and substantial public interest.**Timetable:**

Action	Date	FR Cite
Final Rule	06/21/02	67 FR 42450
Final Rule Effective	06/21/02	
Final Rule Effective Date	12/30/02	
Final Rule; Request for Comments	12/30/02	67 FR 79822
Comment Period End	02/28/03	
Final Action	06/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Marlene Lovack, International Liaison Staff, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591
Phone: 202 385—4678**RIN:** 2120—AH70**2231. +PICTURE IDENTIFICATION REQUIREMENTS****Priority:** Other Significant**Legal Authority:** 49 USC 106(g); 49 USC 40113; 49 USC 44701 to 44711;

49 USC 45102 to 45103; 49 USC 45301 to 45302

CFR Citation: 14 CFR 61**Legal Deadline:** None**Abstract:** This rule revises the pilot certificate requirements to require a person to carry a photo identification acceptable to the Administrator when exercising the privileges of a pilot certificate. These measures are intended to address security concerns regarding the identification of pilots. This rulemaking is significant because of safety and substantial public interest.**Timetable:**

Action	Date	FR Cite
Final Rule; Request for Comments	10/28/02	67 FR 65858
Final Rule Effective	10/28/02	
Comment Period End	11/27/02	
Final Action	02/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** John D. Lynch, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591
Phone: 202 267—3844**RIN:** 2120—AH76**2232. FLIGHT VISIBILITY; VISION ENHANCING EQUIPMENT****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 106(g); 49 USC 40103; 49 USC 40113; 49 USC 40120; 49 USC 44101; 49 USC 44111; 49 USC 44701; 49 USC 44709; 49 USC 44711; 49 USC 44712; 49 USC 44715; 49 USC 44716; 49 USC 44717; 49 USC 44722; 49 USC 46306; 49 USC 46317; 49 USC 44722; 49 USC 46306; 49 USC 46315**CFR Citation:** 14 CFR 91**Legal Deadline:** None**Abstract:** This rule would allow persons who voluntarily equip their airplanes with certain vision enhancing devices to descend below decision height or minimum descent altitude when flight visibility is below minimums, subject to certain training and other requirements.

DOT—FAA

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	02/10/03	68 FR 6802
NPRM Correction	03/03/03	
NPRM Comment Period End	03/27/03	
Final Action	12/00/03	

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

Agency Contact: Les Smith, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591
Phone: 202 385—4586

RIN: 2120—AH78

2233. +PROHIBITION OF CONSTRUCTION OR ALTERATION IN THE VICINITY OF THE PRIVATE RESIDENCE OF THE PRESIDENT OF THE UNITED STATES

Priority: Other Significant

Legal Authority: 49 USC 302; 49 USC 322; 49 USC 324

CFR Citation: 14 CFR 76

Legal Deadline: None

Abstract: This final rule will revise part 76 under title 14 of the Code of Federal Regulations to require notice to be filed with the FAA for the construction or alteration of any object or the alteration of any existing object that would exceed 50 feet above ground level and is within 3 nautical miles of the private residence of the President of the United States. This action also establishes an obstruction standard for those objects within the designated area surrounding the residence. This action is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
Final Rule With Request for Comments	04/22/03	68 FR 19730
Comment Period End	06/23/03	
Final Action	04/00/04	

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

Agency Contact: Sheri Edgett—Baron, Air Traffic Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591
Phone: 202 267—9354

RIN: 2120—AH83

2234. FLIGHTDECK SECURITY ON FOREIGN—OPERATED AIRPLANES

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 106(g); 49 USC 40104 to 40105; 49 USC 40113; 49 USC 40119; 49 USC 41706; 49 USC 44701 to 44702; 49 USC 44716 to 44717; 49 USC 44722; 49 USC 44901 to 44904; 49 USC 44906

CFR Citation: 14 CFR 129

Legal Deadline: None

Abstract: This final rule excludes airplanes with fewer than 19 passenger seats, eliminates the term “or on overflights,” changes the compliance date for affected airplanes, and changes the term “transport category aircraft” to “transport category airplanes.”

Timetable:

Action	Date	FR Cite
Request for Comments	12/30/02	67 FR 79822
Comment Period End	02/28/03	
Final Action	06/00/04	

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

Agency Contact: Brian Staurseth, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591
Phone: 202 385—4561

RIN: 2120—AH86

2235. • SECURITY CONTROL OF AIR TRAFFIC

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

Legal Authority: 49 USC 106(g); 49 USC 40104; 49 USC 40106; 49 USC 40113; 49 USC 44502; 49 USC 44721

CFR Citation: 14 CFR 99

Legal Deadline: None

Abstract: As a result of a recent review, it was determined that the regulations required minor revisions to be consistent with recently issued congressional legislation and agreements between agencies regarding the security control of air traffic operations in the NAS.

Timetable:

Action	Date	FR Cite
Final Action	12/00/03	

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

Agency Contact: Terry Brown, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591
Phone: 202 267—8783

RIN: 2120—AI04

2236. Sequence Number Intentionally Skipped

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

Long-Term Actions

2237. 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

DOT—FAA

Long-Term Actions

navigation low or high routes, or other direct routes for which a minimum en route IFR altitude is designated in 14 CFR part 95. In addition, mountainous areas and changeover points are designated. These regulations are an established body of technical requirements that are issued routinely and frequently to maintain operational efficiency. Total actions expected—270. 10/00/2003 — 10/00/2004.

Timetable:

Action	Date	FR Cite
Actions Will Continue Through	10/00/04	

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

Agency Contact: Michael L. Henry, General Aviation and Commercial Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591
Phone: 202 267—8212

Don Pate, Mike Monroney Aeronautical Center, Department of Transportation, Federal Aviation Administration, 6500 South MacArthur, Oklahoma City, OK 73125
Phone: 405 954—4161

RIN: 2120—AA63**2238. 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. 10/00/2003 to 10/00/2004.

Timetable:

Action	Date	FR Cite
Actions Will Continue Through	10/00/04	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: None

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

RIN: 2120—AA64**2239. STANDARD INSTRUMENT APPROACH PROCEDURES; MISCELLANEOUS AMENDMENTS****Priority:** Routine and Frequent

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

CFR Citation: 14 CFR 97**Legal Deadline:** None

Abstract: Standard Instrument Approach Procedures (SIAP) provide for instrument letdown to airports in the United States. They are a nonsignificant body of regulations that are complex and technical in nature and require routine and frequent rulemaking to maintain efficiency. The FAA issues, revises, and cancels SIAPs by adopting amendments that are incorporated into 14 CFR part 97. Contemporaneously with publication in the Federal Register, the SIAPs are made available to the Aeronautical Charting and Cartography Office in the FAA and other publishers of aeronautical charts where they are published as approach procedure charts or “approach plates.” These charts are made available to the members of the aviation community for use by pilots in making instrument approaches. Total actions expected—3,300. 10/00/2003 — 10/00/2004.

Timetable:

Action	Date	FR Cite
Actions Will Continue Through	10/00/04	

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

Agency Contact: Michael L. Henry, General Aviation and Commercial Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591
Phone: 202 267—8212

Don Pate, Mike Monroney Aeronautical Center, Department of Transportation, Federal Aviation Administration, 6500 South MacArthur, Oklahoma City, OK 73125
Phone: 405 954—4161

RIN: 2120—AA65**2240. 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—450. 10/00/2003 through 10/00/2004.

Timetable:

Action	Date	FR Cite
Actions Will Continue Through	10/00/04	

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

DOT—FAA

Long-Term Actions

2241. +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, Final.**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 of 1988. 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. The FAA currently is seeking modifications to the Act.**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**2242. AIR TRAFFIC CONTROL RADAR BEACON SYSTEM AND MODE S TRANSPONDER REQUIREMENTS IN THE NATIONAL AIRSPACE SYSTEM****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 106(g); 49 USC 40113; 49 USC 40119; 49 USC 44101; 49 USC 44701 to 44702; 49 USC 44705; 49 USC 44709 to 44711; 49 USC 44712; 49 USC 44713; 49 USC 44715; 49 USC 44716 to 44717; 49 USC 44722; 49 USC 44901; 49 USC 44903 to 44904; 49 USC 44912**CFR Citation:** 14 CFR 121; 14 CFR 135**Legal Deadline:** None**Abstract:** This action would revise the Mode S transponder requirement for all aircraft operating under part 135 and certain aircraft operating under part 121 based on the expected availability of operational capabilities of Mode S ground sensors. For part 121 operators, the action would affect only those aircraft not required to have Traffic Alert and Collision Avoidance System II. An aviation rulemaking advisory committee has recommended that the FAA conduct a study of the installed Mode S ground sensor to determine the extent of the benefits derived and the 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**2243. +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	10/03/02	67 FR 62142
NPRM Comment Period End	04/01/03	
Next Action Undetermined		

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

DOT—FAA

Long-Term Actions

2244. +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 FAA proposes additional changes in response to comments received on the NPRM. 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.**Timetable:**

Action	Date	FR Cite
NPRM	12/20/95	60 FR 65951
NPRM Comment Period End	03/19/96	
NPRM Comment Period Extended to 6/19/96	03/20/96	61 FR 11492
Next Action	Undetermined	

Regulatory Flexibility Analysis**Required:** Yes**Government Levels Affected:** None**Additional Information:** Project Number: AFS—94—443R

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

Agency Contact: Kent Stephens, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20951
Phone: 202 267—7493**RIN:** 2120—AF63**2245. +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	05/05/03	68 FR 23807
NPRM Comment Period End	08/04/03	
Final Action	12/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** Project Number: AVR—94—549R.

ANALYSIS: Regulatory Evaluation 08/00/01

Agency Contact: Beverly Sharkey, Department of Transportation, Federal Aviation Administration, 13873 Park Center Road, Herndon, VA 20172—3223
Phone: 703 661—0583**RIN:** 2120—AG08**2246. +TRAINING IN THE RECOGNITION OF HAZARDOUS MATERIAL****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 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; 14 CFR 119**Legal Deadline:** None**Abstract:** The Federal Aviation Administration (FAA) is amending its hazardous materials (hazmat) training requirements for air carriers and commercial operators certificated to operate under part 121 or part 135. In addition, the FAA is requiring that repair stations certificated under part 145 document for the FAA that persons handling hazmat for transportation have been trained as required by the Department of Transportation Hazardous Materials Regulation (HMRs). The FAA is updating its regulations because hazmat transport and the aviation industry have changed significantly since the FAA promulgated its hazmat training regulations over 25 years ago. The rule will set clear training standards and ensure uniform compliance with training requirements.**Timetable:**

Action	Date	FR Cite
NPRM	05/08/03	68 FR 24809
NPRM Comment Period End	09/05/03	
Final Action	01/00/05	

Regulatory Flexibility Analysis**Required:** Undetermined**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** William Wilkening, Office of Security, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591
Phone: 202 267—5885Jan Demuth, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591
Phone: 202 267—8166**RIN:** 2120—AG75**2247. AREA NAVIGATION (RNAV) AND MISCELLANEOUS AMENDMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 106(g); 49 USC 1155; 49 USC 40103 to 40105; 49

DOT—FAA

Long-Term Actions

USC 40113; 49 USC 40119 to 40120; 49 USC 41706; 49 USC 44101; 49 USC 44111; 49 USC 44113; 49 USC 44701 to 44702; 49 USC 44705; 49 USC 44709 to 44713; 49 USC 44715 to 44717; 49 USC 44722; 49 USC 44901 to 44904; 49 USC 44906; 49 USC 44912; 49 USC 46105; 49 USC 46306; 49 USC 46315; 49 USC 46316; 49 USC 465504; 49 USC 46506 to 46507; 49 USC 47122; 49 USC 47508; 49 USC 47528 to 47531

CFR Citation: 14 CFR 1; 14 CFR 91; 14 CFR 95; 14 CFR 97; 14 CFR 121; 14 CFR 129; 14 CFR 135

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	12/17/02	67 FR 77326

Action	Date	FR Cite
NPRM Comment Period End	01/31/03	
NPRM Comment Period Reopened	04/08/03	68 FR 16992
Comment Period End	07/07/03	
Final Action	11/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Lawrence Buehler, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591
Phone: 202 267—8452

RIN: 2120—AH77

2248. +INELIGIBILITY FOR AN AIRMAN CERTIFICATE BASED ON SECURITY GROUNDS

Priority: Other Significant

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

CFR Citation: 14 CFR 61

Legal Deadline: None

Abstract: This action provides the authority to revoke a pilot certificate or deny an application for a pilot certificate based on a written determination by the Under Secretary of Transportation for Security that an individual poses a security risk related to aviation. This final rule addresses the security concerns of who should hold a pilot certificate issued by the FAA and is necessary to enhance security in air transportation. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
Final Rule; Request for Comments	01/24/03	68 FR 3772
Final Rule Effective	01/24/03	
Comment Period End	03/25/03	
Next Action Undetermined		

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Peter J. Lynch, Office of the Chief Counsel, Department of Transportation, Federal Aviation Administration, 800 Independence Ave. SW., Washington, DC 20591
Phone: 202 267—3137

RIN: 2120—AH84

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

Completed Actions

2249. OBJECTS AFFECTING NAVIGABLE AIRSPACE

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 106(g); 49 USC 40103; 49 USC 40113 to 40114; 49 USC 44502; 49 USC 44701; 49 USC 44718; 49 USC 46101 to 46102; 49 USC 46104

CFR Citation: 14 CFR 77

Legal Deadline: None

Abstract: This action would amend the standards, aeronautical studies, scope, and notice provisions concerning objects affecting navigable airspace. The notice consisted primarily of changes required by recent legislation or recommended by a Government/industry task group of the National Airspace Review Advisory Committee. This action would also cover electromagnetic interference

phenomena that could create a hazard to air navigation.

Timetable:

Action	Date	FR Cite
Notice of Review	06/19/78	43 FR 26322
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	
Withdrawn	07/24/03	68 FR 43885

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Project Number: ATO—85—015R.

ANALYSIS: Regulatory Evaluation, 08/03/90, 55 FR 31722

Agency Contact: Ellen Crum, Air Traffic Rules Procedures Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591
Phone: 202 267—3155

RIN: 2120—AA09

2250. 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;

DOT—FAA

Completed Actions

49 USC 44709; 49 USC 44710; 49 USC 44711; 49 USC 44712

CFR Citation: 14 CFR 21; 14 CFR 65; 14 CFR 107; 14 CFR 121; 14 CFR 135; 14 CFR 145

Legal Deadline: None

Abstract: The FAA is withdrawing a previously published notice of proposed rulemaking (NPRM) that proposed to amend various sections of the regulations. The proposal was to clarify language, correct improper or obsolete references, and to relax certain existing requirements. Since publication of the NPRM, many other completed, in-process, or planned actions have addressed or will address many of the issues involved. The FAA has determined that all unresolved issues have been included in more recent actions dealing with the specific sections of the regulations.

Timetable:

Action	Date	FR Cite
NPRM	10/03/83	48 FR 45214
NPRM Comment Period End	12/02/83	
Withdrawn	07/24/03	68 FR 43885

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

2251. +IMPROVED WATER SURVIVAL EQUIPMENT

Priority: Other Significant

Legal Authority: 49 USC 44705; 49 USC 44709 to 44711; 49 USC 44712; 49 USC 44713; 49 USC 44715; 49 USC 44716 to 44717; 49 USC 44722; 49 USC 44901; 49 USC 44903 to 44904; 49 USC 44912; 49 USC 106(g); 49 USC 40113; 49 USC 40119; 49 USC 44101; 49 USC 44701 to 44702

CFR Citation: 14 CFR 121; 14 CFR 135

Legal Deadline: None

Abstract: This action would have added new requirements for water survival equipment carried aboard airplanes and rotorcraft. The requirements would have applied, 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. This rulemaking will be withdrawn. Cost and unresolved issues concerning lap—help children are preventing the rulemaking from moving forward.

Timetable:

Action	Date	FR Cite
NPRM	06/30/88	53 FR 24890
NPRM Comment Period End	11/28/88	
Withdrawn	07/24/03	68 FR 43885

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Project Number: AIR—85—265R.

ANALYSIS: Regulatory Evaluation, 06/30/88, 53 FR 24890

Agency Contact: Hal Jensen, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591
Phone: 202 267—9578

RIN: 2120—AC72

2252. 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. This rulemaking will be withdrawn. This rulemaking will be incorporated in a rulemaking revision of part 21.

Timetable:

Action	Date	FR Cite
NPRM	04/21/94	59 FR 19114
NPRM Comment Period End	06/20/94	
Comment Period End	07/07/94	59 FR 34779 08/26/94
Withdrawn	07/24/03	68 FR 43885

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: Ed Chalpin, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591
Phone: 202 267—9588

RIN: 2120—AE41

2253. REVISED PRECISION APPROACH LANDING SYSTEMS POLICY

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: None

Legal Deadline: None

DOT—FAA

Completed Actions

Abstract: This statement would provide 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. FAA plans to withdraw this policy because it is no longer relevant.

Timetable:

Action	Date	FR Cite
Policy Statement	12/27/89	54 FR 53231
Withdrawn	07/24/03	68 FR 43887

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

2254. +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 document proposes upgraded 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	09/20/00	65 FR 56992
NPRM Comment Period End	01/18/01	
Final Rule	07/31/03	68 FR 45046
Final Action Effective	09/02/03	

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

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

ANALYSIS: Regulatory Evaluation 12/00/2002.

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

2255. SPECIAL FLIGHT RULES IN THE VICINITY OF GRAND CANYON NATIONAL PARK

Timetable:

Action	Date	FR Cite
Duplicate of RIN 2120- AG74	09/24/03	

RIN: 2120—AG97

2256. +AIR TOUR OPERATIONS IN STATE OF HAWAII

Priority: Other Significant

Legal Authority: 49 USC 106(g); 49 USC 40103; 49 USC 40113; 49 USC 40120; 49 USC 44101; 49 USC 44701; 49 USC 44711; 49 USC 44712; 49 USC 44715; 49 USC 44717; 49 USC 44722; 49 USC 46306; 49 USC 46315; 49 USC 46316; 49 USC 46502; 49 USC 46504; 49 USC 46506; 49 USC 47122; 49 USC 47508; 49 USC 47528 to 47530

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

Abstract: This action proposes to extend SFAR 71, which established

certain procedural, operational, and equipment requirements for air tour operators in the State of Hawaii. The FAA intends to issue a national air tour safety proposal in the near future, but until this rulemaking becomes final, there is a need to extend SFAR 71 to ensure the continuing safe environment for conducting air tours in Hawaii. During the 9—year period between 1982 and 1991, there were 11 air tour accidents with 24 fatalities in Hawaii. The apparent causes of the accidents ranged from engine power loss to encounters with adverse weather. On September 26, 1994, the FAA published an emergency final rule as SFAR 71. The rule established additional operating procedures, including minimum safe altitudes (and associated increases in visual flight rules weather minimums), minimum equipment requirements, and operational limitations for air tour aircraft in the State of Hawaii. SFAR 71 was subsequently extended until October 26, 2003. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	08/08/03	68 FR 47269
Final Action	10/23/03	68 FR 60831
Final Action Effective	10/26/03	

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

Agency Contact: Gary Davis, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591
Phone: 202 267—8166

RIN: 2120—AH02

2257. +FRACTIONAL OWNERSHIP

Priority: Other Significant

Legal Authority: 49 USC 106(g); 49 USC 1155; 49 USC 40103; 49 USC 40119; 49 USC 40120; 49 USC 44101; 49 USC 44111; 49 USC 44701 to 44702; 49 USC 44705; 49 USC 44709 to 44713; 49 USC 44715 to 44717; 49 USC 44722; 49 USC 44901; 49 USC 44903 to 44904; 49 USC 44912; 49 USC 46105; 49 USC 46306; 49 USC 46315; 49 USC 46316; 49 USC 46504; 49 USC 46506 to 46507; 49 USC 47122; 49 USC 47508; 49 USC 47528 to 47531

DOT—FAA

Completed Actions

CFR Citation: 14 CFR 61; 14 CFR 91; 14 CFR 125; 14 CFR 135

Legal Deadline: None

Abstract: The FAA proposes to update and revise the regulations governing operations by aircraft in fractional ownership programs. Current regulations do not adequately define fractional ownership programs nor clearly allocate responsibility and authority for safety and compliance with the regulations. This proposal will define fractional ownership programs and their participants, allocate responsibility and authority for safety of flight operations for purposes of compliance with the regulations, and ensure that fractional ownership program aircraft operations maintain a high level of safety. This action is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	07/18/01	66 FR 37520
NPRM Comment Period End	10/16/01	
Final Action	09/17/03	68 FR 54520
Final Action Effective	11/17/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Katherine Hakala Perfetti, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Ave. SW., Washington, DC 20591
Phone: 202 267—3760

RIN: 2120—AH06

2258. MATERIAL STRENGTH PROPERTIES AND DESIGN VALUES

Priority: Substantive, Nonsignificant

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

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: The FAA proposes to revise the material strength properties and material design values requirement for transport category airplanes by incorporating changes developed in cooperation with the Joint Aviation Authorities of Europe and the U.S. and European aviation industry through the Aviation Rulemaking Advisory

Committee. This proposal is intended to achieve common requirements and language between the requirements of the United States regulations and the Joint Aviation Requirements of Europe, while maintaining at least the level of safety provided by the current regulations.

Timetable:

Action	Date	FR Cite
NPRM	01/29/02	67 FR 4318
NPRM Comment Period End	04/01/02	
Final Action	08/05/03	68 FR 46427

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Project Number: ANM—98—300.

Agency Contact: Rich Yarges, Airframe and Airworthiness Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue SW, Renton, WA 98055—4056
Phone: 425 227—2143

RIN: 2120—AH36

2259. LOWER DECK SERVICE COMPARTMENTS ON TRANSPORT CATEGORY AIRPLANES

Priority: Substantive, Nonsignificant

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

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This action proposes to require that two—way voice communication systems between lower deck service compartments and the flight deck remain available following loss of the normal electrical power generating system. Adopting this proposal would eliminate regulatory differences between the airworthiness standards of the United States and the Joint Aviation Requirements of Europe without affecting current industry design practices.

Timetable:

Action	Date	FR Cite
NPRM	01/24/02	67 FR 3456
NPRM Comment Period End	03/25/02	
Final Action	06/19/03	68 FR 36879

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Project Number: ANM—00—5

Agency Contact: Jayson Claar, Transport Airplane Directorate, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, WA 98055—4056
Phone: 425 227—2194

RIN: 2120—AH38

2260. HARMONIZATION OF NOISE CERTIFICATION STANDARDS FOR PROPELLER—DRIVEN SMALL AIRPLANES

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 4321; 49 USC 106(g); 49 USC 40113; 49 USC 44701; 49 USC 44702; 49 USC 44704; 49 USC 44715

CFR Citation: 14 CFR 36

Legal Deadline: None

Abstract: This final rule harmonizes two technical items with international regulations to provide uniform noise certification standards for airplanes certificated in the United States and JAA (European Joint Aviation Authorities) countries. This will help to simplify airworthiness approvals for import and export purposes. The revisions to these two items will apply only to a small number of older technology airplanes.

Timetable:

Action	Date	FR Cite
Final Action	06/06/03	68 FR 34255

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Project Number: AEE—01—134.

Agency Contact: Mehmet Marsan, Office of Environment and Energy, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591
Phone: 202 267—7703

RIN: 2120—AH42

DOT—FAA

Completed Actions

2261. DIGITAL FLIGHT DATA RECORDER RESOLUTIONS REQUIREMENTS**Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 106(g); 49 USC 40113; 49 USC 40119; 49 USC 41706; 49 USC 44101; 49 USC 44701 to 44702; 49 USC 44705; 49 USC 44709 to 44713; 49 USC 44715 to 44717; 49 USC 44722; 49 USC 44901; 49 USC 44903 to 44904; 49 USC 44912; 49 USC 46105; 49 USC 44113**CFR Citation:** 14 CFR 121; 14 CFR 125; 14 CFR 135**Legal Deadline:** None**Abstract:** This action allows operators of specified airplanes to operate those airplanes under parts 121, 125, or 135 without meeting the resolution requirements for certain parameters of information recorded by flight data recorders. This action is needed to allow operators of these airplanes to continue operating these airplanes with their current recording capabilities until the FAA is able to determine the appropriate remedy for this problem.**Timetable:**

Action	Date	FR Cite
Final Rule Effective	08/17/01	
Final Rule; Request for Comments	08/22/01	66 FR 44270
Comment Period End	09/21/01	
Final Action	07/18/03	68 FR 42932

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Gary Davis, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591
Phone: 202 267—8166**RIN:** 2120—AH46**2262. PROCEDURES FOR REIMBURSEMENT OF AIRPORTS, ON—AIRPORT PARKING LOTS, AND VENDORS OF ON—AIRFIELD DIRECT SERVICES TO AIR CARRIERS FOR SECURITY MANDATES****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 107—71; 115 Stat. 597**CFR Citation:** 14 CFR 154**Legal Deadline:** None**Abstract:** FAA plans to withdraw this action because of the lack of funding. The rule would provide procedures for certain operators to apply for reimbursement of allowable costs incurred to comply with certain security requirements imposed by the FAA or Transportation Security Administration on or after September 11, 2001. These procedures are needed to inform airport operations, on—airport parking lots, and vendors of on—airfield direct services to air carriers how to apply for reimbursement of allowable costs.**Timetable:**

Action	Date	FR Cite
NPRM	12/21/01	66 FR 66238
NPRM Comment Period End	01/22/02	
Withdrawn	07/24/03	68 FR 43886

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Barry Molar, Manager, Airport Financial Assistance Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591
Phone: 202 267—3831**RIN:** 2120—AH60**2263. +REDUCED VERTICAL SEPARATION MINIMUM IN DOMESTIC UNITED STATES AIRSPACE****Priority:** Other Significant**Legal Authority:** 49 USC 106(g); 49 USC 1155; 49 USC 40103; 49 USC 40120; 49 USC 44101; 49 USC 44111; 49 USC 44701; 49 USC 44709; 49 USC 44711; 49 USC 44712; 49 USC 44715; 49 USC 44715; 49 USC 44716; 49 USC 46504; 49 USC 46506 to 46507; 49 USC 47122; 49 USC 47508; 49 USC 47528 to 47531**CFR Citation:** 14 CFR 91**Legal Deadline:** None**Abstract:** This action would permit Reduced Vertical Separation Minimum flights in the airspace over the contiguous 48 States of the United States and Alaska and that portion of the Gulf of Mexico where the FAA provides air traffic services. This reduction of vertical separation minima would only be applied between those aircraft that meet stringent altimeter

and auto—pilot performance requirements. This action would enhance airspace capacity and assist aircraft operators in saving fuel and time.

Timetable:

Action	Date	FR Cite
NPRM	05/10/02	67 FR 31920
NPRM Comment Period End	08/08/02	
Final Rule	10/27/03	68 FR 61304

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Robert Swain, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591
Phone: 202 385—4576**RIN:** 2120—AH68**2264. DIGITAL FLIGHT DATA RECORDER REQUIREMENTS — EXCEPTION AND APPENDIX UPDATES****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 106(g); 49 USC 40113; 49 USC 40119; 49 USC 41706; 49 USC 44101; 49 USC 44701 to 44702; 49 USC 44705 to 44706; 49 USC 44709 to 44713; 49 USC 44715 to 44717; 49 USC 44722; 49 USC 46105**CFR Citation:** 14 CFR 121; 14 CFR 125; 14 CFR 135**Legal Deadline:** None**Abstract:** This action amends the flight data recorder regulations by expanding the recording ranges for certain data parameters for all covered airplanes; updates the resolution recording requirements for part 135 appendix F; and updates the list of aircraft excepted from the digital flight data recorder requirements. This action is necessary because certain airplanes are unable to record certain flight parameters under the existing resolution criteria and other aircraft are too old to be retrofitted with new recording devices without undergoing unintended and expensive retrofit.**Timetable:**

Action	Date	FR Cite
Final Rule	07/18/03	68 FR 42932

Regulatory Flexibility Analysis Required: No

DOT—FAA

Completed Actions

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Gary Davis, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591
Phone: 202 267—8166

RIN: 2120—AH89

2265. SPECIAL FLIGHT RULES IN THE VICINITY OF LOS ANGELES INTERNATIONAL AIRPORT

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 106(g); 49 USC 1155; 49 USC 40103; 49 USC 40113; 49 USC 40120; 49 USC 44111; 49 USC 44701; 49 USC 44709; 49 USC 44711; 47 USC 44712; 47 USC 44715; 49 USC 44716; 49 USC 44717; 49 USC 44720; 49 USC 46306; 49 USC 46315; 49 USC 46316; 49 USC 46504; 49 USC 46506 to 46507; 49 USC 47122; 49 USC 47508; 49 USC 47528

CFR Citation: 14 CFR 91; 14 CFR 93

Legal Deadline: None

Abstract: This action proposes to revise and codify Special Federal Aviation Administration (SFAR) No. 51—1. This action would revise the description of the airspace to require aircraft to operate at a fixed altitude. The FAA is proposing this action to reduce the potential for descent conflicts, to ensure compatibility with current traffic, and to increase overall system efficiency and safety.

Timetable:

Action	Date	FR Cite
NPRM	12/31/02	67 FR 80316
NPRM Comment Period End	02/14/03	
Final Action	07/10/03	68 FR 41211

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Ken McElroy, 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—AH92

2266. +FLIGHTDECK SECURITY ON LARGE CARGO AIRPLANES

Priority: Other Significant

Legal Authority: USC 40113; 49 USC 40119; 49 USC 41706; 49 USC 44101; 49 USC 44701 to 44702; 49 USC 44705; 49 USC 44709 to 44711; 49 USC 44713; 49 USC 44716 to 44717; 49 USC 44722; 49 USC 44901; 49 USC 44903 to 44904; 49 USC 44912; 49 USC 45105; 49 USC 46105

CFR Citation: 14 CFR 121; 14 CFR 129

Legal Deadline: None

Abstract: This action provides an optional means of compliance to operators of all—cargo airplanes that are required to have a reinforced security flightdeck door by April 9, 2003. This rule allows those operators to either install reinforced doors or adopt enhanced security procedures approved by the Transportation Security Administration.

Timetable:

Action	Date	FR Cite
Final Action	07/18/03	68 FR 42873

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Scott Crosier, Federal Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591
Phone: 202 267—9579

RIN: 2120—AH96

2267. • FLIGHT CREW COMPARTMENT ACCESS AND DOOR DESIGNS

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

Legal Authority: 49 USC 106(g); 49 USC 1153; 49 USC 40113; 49 USC 40119; 49 USC 41706; 49 USC 44101; 49 USC 44701 to 44702; 49 USC 44705; 49 USC 44709 to 44711; 49 USC 44713; 49 USC 44716 to 44717; 49 USC 44722; 49 USC 44901; 49 USC 44903 to 44904; 49 USC 44912; 49 USC 46105

CFR Citation: 14 CFR 121

Legal Deadline: None

Abstract: This action supersedes Special Federal Aviation Regulation (SFAR) 92—4, which was published on

March 19, 2002, to allow operators to quickly modify the flightcrew compartment door to delay or deter unauthorized entry to the flightcrew compartment. It temporarily authorizes variances from existing design standards for the doors and certain operational rules associated with the modifications; allows for approval for return to service of modified airplanes without prior approved data if the modification constitutes a major alteration; and prohibits the possession of flightdeck compartment door keys by other than the flightcrew during flight, unless the flightdeck door has an internal flightdeck locking device installed, operative, and in use. This action also extends regulatory relief for all—cargo transport category airplanes and a limited number of passenger airplanes beyond April 9, 2003.

Timetable:

Action	Date	FR Cite
Final Action	04/09/03	68 FR 17513

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Laurette Fisher, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591
Phone: 202 267—3561
Fax: 202—267—5594

RIN: 2120—AH97

2268. • DOD COMMERCIAL AIR CARRIER EVALUATORS

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

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

CFR Citation: 14 CFR 119; 14 CFR 121; 14 CFR 135

Legal Deadline: None

Abstract: This final rule with request for comments clarifies existing regulations as they apply to the Department of Defense (DOD)

DOT—FAA

Completed Actions

commercial air carrier evaluators. These amendments are necessary to clarify DOD's congressionally mandated cockpit evaluation mission and authority for the aviation security community and for industry. DOD's Air Mobility Command (AMC) will create and issue a new credential to permit DOD commercial air carrier evaluators uninterrupted access to the cockpit for evaluations. These amendments explicitly clarify existing DOD legal authority and responsibilities.

Timetable:

Action	Date	FR Cite
Final Action	07/10/03	68 FR 41213

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Lt. Col. Tom Barrale, US Air Force, Department of Defense Air Mobility Command Liaison Officer to the FAA AFS, Department of Transportation, Federal Aviation Administration, 800 Independence Ave. SW., Washington, DC 20591
Phone: 202 267—7088

RIN: 2120—AI00

2269. • DISPOSITION OF COMMENTS: NOISE CERTIFICATION STANDARDS FOR SUBSONIC JET AND SUBSONIC TRANSPORT CATEGORY LARGE AIRPLANES; TRANSITION TO AN ALL STAGE 3 FLEET OPERATING IN THE 48 CONTIGUOUS STATES

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

Legal Authority: Not Yet Determined

CFR Citation: 14 CFR 21; 14 CFR 36; 14 CFR 91

Legal Deadline: None

Abstract: The FAA is providing response to public comments on three immediately adopted rules. The effect of this action is to close these rulemaking actions. This action is part of our effort to address recommendations of the Government Accounting Office and the Management Advisory Council to reduce the number of items in the Regulatory Agenda, and to accurately reflect agency initiatives.

Timetable:

Action	Date	FR Cite
Final Action	07/24/03	68 FR 43883

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Alicia K. Douglas, Office of Rulemaking, Department of Transportation, Federal Aviation Administration, 800 Independence Ave. S W., Washington, DC 20591
Phone: 202 267—9681

RIN: 2120—AI01

2270. • WITHDRAWAL OF PROPOSED RULES: MISCELLANEOUS AMENDMENTS; IMPROVED WATER SURVIVAL EQUIPMENT; OBJECTS AFFECTING NAVIGABLE AIRSPACE; TYPE CERTIFICATES FOR SOME SURPLUS AIRCRAFT OF THE ARMED FORCES

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

Legal Authority: Not Yet Determined

CFR Citation: 14 CFR 21; 14 CFR 61; 14 CFR 65; 14 CFR 77; 14 CFR 107; 14 CFR 109; 14 CFR 121; 14 CFR 135; 14 CFR 145; 14 CFR 154

Legal Deadline: None

Abstract: The FAA is withdrawing several previously published notices of proposed rulemaking (NPRMs). This action is necessary because the proposed actions have been overcome by events, are no longer relevant, or will be addressed in future rulemaking. This action is part of our effort to address recommendations of the Government Accounting Office and the Management Advisory Council to reduce the number of items in the Regulatory Agenda, and to accurately reflect agency initiatives.

Timetable:

Action	Date	FR Cite
Final Action	07/24/03	68 FR 43885

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Alicia K. Douglas, Office of Rulemaking, Department of Transportation, Federal Aviation Administration, 800 Independence Ave. S W., Washington, DC 20591
Phone: 202 267—9681

RIN: 2120—AI02

Department of Transportation (DOT)

Federal Highway Administration (FHWA)

Proposed Rule Stage

2271. REVISIONS TO HIGHWAY BRIDGE REPLACEMENT AND REHABILITATION PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: PL 97—424, sec 161; 23 USC 109(a); 23 USC 144(g); PL 105—178, sec 1101(a)(3); 23 USC 109(h); 23 USC 144; 23 USC 151; 23 USC 315; 23 USC 319; 33 USC 401; 33 USC 409 et seq; 33 USC 511 et seq; PL 97—134, sec 4(b); PL 105—206; ...

CFR Citation: 23 CFR 650; 23 CFR 1.32; 49 CFR 1.48(b)

Legal Deadline: None

Abstract: The FHWA is proposing to amend its regulation outlining the highway bridge replacement and rehabilitation program (HBRRP). The HBRRP was established in accordance with section 124 of the Surface Transportation Assistance Act of 1978 (Pub. L. 95—599, 92 Stat. 2689). It was established to assist the States in the

replacement and rehabilitation of bridges declared unsafe because of structural deficiencies, physical deterioration, or functional obsolescence.

This regulation has not been revised since it was issued in 1979. The FHWA proposes changes to this regulation to better meet the needs of the State and local governments, while simultaneously meeting the national goals of improving the condition of the nation's bridges.

DOT—FHWA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
ANPRM	09/26/01	66 FR 49152
ANPRM Comment Period End	12/26/01	
NPRM	01/00/04	

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

Agency Contact: Raymond McCormick, Director, Office of Bridge Technology, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590
Phone: 202 366—4675

RIN: 2125—AE75**2272. +NATIONAL BRIDGE INSPECTION STANDARDS****Priority:** Other Significant**Unfunded Mandates:** Undetermined

Legal Authority: 23 USC 109(a); 23 USC 109(h); 23 USC 144; 23 USC 151; 23 USC 315; 23 USC 319; EO 11988;

...

CFR Citation: 23 CFR 650; 23 CFR 1.32; 49 CFR 1.48(b)

Legal Deadline: None

Abstract: The FHWA is proposing to amend and update its regulation on National Bridge Inspection Standards (NBIS). The FHWA asked in an ANPRM whether there is a need to update the regulations to incorporate current, state-of-the-art bridge inspection practices which public authorities may be using. A public authority means a Federal, State, county, town, or township, Indian tribe, municipal, or other local government or instrumentality with the authority to finance, build, operate, or maintain toll or toll-free facilities. The primary purpose of the NBIS is to identify bridges that need work to ensure the safety of the traveling public. The NBIS regulation was last updated 14 years ago. Based on the comments received to the ANPRM, the FHWA will propose a revision of its regulation on the NBIS.

Timetable:

Action	Date	FR Cite
ANPRM	09/26/01	66 FR 49154
ANPRM Comment Period End	12/26/01	
NPRM	09/09/03	68 FR 53063
NPRM Comment Period End	11/10/03	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** State, Local, Tribal

Agency Contact: Wade F. Casey, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—9487

RIN: 2125—AE86**2273. UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION FOR FEDERAL ASSISTED PROGRAM****Priority:** Substantive, Nonsignificant

Legal Authority: 42 USC 4601 et seq; 49 CFR 1.48

CFR Citation: 49 CFR 24**Legal Deadline:** None

Abstract: The FHWA is proposing to update general policies and make needed changes to the regulations implementing the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act). Except for minor adjustments, this regulation has not been revised or updated in 15 years and the FHWA has received numerous requests from Federal and State agencies to update the regulation. The FHWA proposes these changes that will assist individuals and businesses that are relocated as a result of a Federal or Federal-aid project.

Timetable:

Action	Date	FR Cite
NPRM	12/00/03	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal

Agency Contact: Ron Fannin, Team Leader, Professional Development and Training Team, Department of Transportation, Federal Highway Administration, Office of Real Estate Services, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—2042

RIN: 2125—AE97**2274. • MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS; MINIMUM RETROREFLECTIVITY GUIDELINES FOR TRAFFIC SIGNS****Priority:** Substantive, Nonsignificant

Legal Authority: 23 USC 101(a); 23 USC 104; 23 USC 105; 23 USC 109(d); 23 USC 114(a)

CFR Citation: 23 CFR 655; 49 CFR 1.48(b)

Legal Deadline: None

Abstract: The FHWA is inviting comments on proposed standards for retroreflectivity of traffic signs. Section 406(a) of the Department of Transportation and Related Agencies Appropriations Act of 1993, requires the Secretary of Transportation to revise the MUTCD to include a standard for a minimum level of retroreflectivity that must be maintained for traffic signs.

The FHWA is interested in establishing standards for nighttime visibility of traffic signs. The FHWA will develop these standards by considering the results of research, engineering practices and comments received in response to this notice of proposed amendments.

Timetable:

Action	Date	FR Cite
Notice of Proposed Amendments	02/00/04	

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

Agency Contact: Peter Hatzi, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—8036

RIN: 2125—AE98**2275. • TRUCK SIZE AND WEIGHT, ROUTE DESIGNATIONS; LENGTH, WIDTH, AND WEIGHT LIMITATIONS**

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

Legal Authority: 23 USC 127; 23 USC 315; 49 USC 31111; 49 USC 31112; 49 USC 31114; 49 CFR 1.48(b)(19)

CFR Citation: 23 CFR 658**Legal Deadline:** None

DOT—FHWA

Proposed Rule Stage

Abstract: The FHWA seeks public comment in response to issues raised in a separate proposed rulemaking that sought public comment on possible changes to current Federal motor carrier size and weight regulations. The FHWA issued an NPRM entitled "Commercial Vehicle Width Exclusive Devices," on July 29, 2002 at 67 FR 48994. The NPRM's proposed changes dealt with devices, attached to the side of commercial motor vehicles for safety or efficiency purposes, that are now allowed a 3-inch exclusion whenever the width of a commercial motor vehicle is checked for compliance with Federal commercial vehicle width limitations. In response to a suggestion that the United States harmonize its width exclusion provision with those

maintained by Canada and Mexico, the FHWA proposed that the current U.S. exclusion limit be increased from 3 to 4 inches.

Some respondents to the NPRM raised safety concerns about the 1-inch increase and the lack of information presented by the FHWA on possible consequences. This SNPRM, therefore, is seeking public input from domestic and foreign sources for information from studies or other sources, of the results of similar increases in width exclusion on highway safety. Evidence provided from this SNPRM will help the FHWA more definitively determine if the proposed 1-inch increase would have a significant, detrimental effect on highway safety, or if the increase

should be pursued in the name of NAFTA harmonization.

Timetable:

Action	Date	FR Cite
Supplemental NPRM	11/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State

Agency Contact: Robert E.L. Davis, Transportation Analyst, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—2997

RIN: 2125—AE99

**Department of Transportation (DOT)
Federal Highway Administration (FHWA)**

Final Rule Stage

2276. +FEDERAL LANDS HIGHWAY PROGRAM; MANAGEMENT SYSTEMS PERTAINING TO THE NATIONAL PARK SERVICE, INCLUDING THE PARK ROADS AND PARKWAYS PROGRAM

Priority: Other Significant

Legal Authority: 23 USC 134; 23 USC 135; 23 USC 204; 23 USC 315; PL 105—178

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: The FHWA was delegated the authority to serve as the lead agency to develop transportation planning procedures pertaining to the National Park Service, the Forest Service, the Fish and Wildlife Service, and the Bureau of Indian Affairs that are consistent with the metropolitan and statewide transportation planning processes. The FHWA and the appropriate Federal land management agencies are also given the authority to develop safety, bridge, pavement, and congestion management systems for roads funded under the Federal lands highways program (FLHP). The roads funded under the FLHP include park roads and parkways, forest highways, refuge roads, and Indian reservation roads.

The FHWA sought public comment on four related ANPRMs that were published on September 1, 1999. The comment period closed on November 1, 1999. Six organizations provided

comments on the ANPRM pertaining to the National Park Service (NPS) and the park roads and parkways program. The comments generally supported the development of a separate rule for each agency including one for the NPS.

In related NPRMs, the FHWA sought public comment on a proposed rule to implement section 1115(d) of the Transportation Equity Act for the 21st Century (TEA—21) implementing safety, bridge, pavement, and congestion management systems developed by FHWA's Federal Lands Highway program office in consultation with the NPS. The NPRM was designated as significant under E.O. 12866 and the DOT regulatory policies and procedures because of the high level of interagency interest in the notices and involved program. The transportation planning procedures will be addressed in a separate NPRM.

Timetable:

Action	Date	FR Cite
ANPRM	09/01/99	64 FR 47749
ANPRM Comment Period End	11/01/99	
NPRM	01/08/03	68 FR 1080
NPRM Comment Period End	03/10/03	
Final Action	12/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Butch Wlaschin, Federal Lands Highway Office, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—9486

RIN: 2125—AE52

2277. +FEDERAL LANDS HIGHWAY PROGRAM; MANAGEMENT SYSTEMS PERTAINING TO THE BUREAU OF INDIAN AFFAIRS, INCLUDING THE INDIAN RESERVATIONS ROAD PROGRAM

Priority: Other Significant

Legal Authority: 23 USC 315; PL 105—178; 23 USC 134; 23 USC 135; 23 USC 204

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: The FHWA was delegated the authority to serve as the lead agency to develop transportation planning procedures pertaining to the National Park Service, the Forest Service, the Fish and Wildlife Service, and the Bureau of Indian Affairs that are consistent with the metropolitan and statewide transportation planning processes. The FHWA and the appropriate Federal land management agencies are also given the authority to develop safety, bridge, pavement, and congestion management systems for

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roads funded under the Federal lands highways program (FLHP). The roads funded under the FLHP include park roads and parkways, forest highways, refuge roads, and Indian reservation roads.

The FHWA sought public comment on four related ANPRMs that were published on September 1, 1999. The comment period closed on November 1, 1999. Eight organizations provided comments on the ANPRM pertaining to the Bureau of Indian Affairs (BIA) and the Indian reservation roads program. The comments generally supported the development of a separate rule for each agency including one for the BIA.

In related NPRMs, the FHWA sought public comment on a proposed rule to implement section 1115(d) of the Transportation Equity Act for the 21st Century (TEA—21), for the proposed safety, bridge, pavement, and congestion management systems developed by FHWA's Federal Lands Highway program office in consultation with the BIA. The NPRM was designated as significant under E.O. 12866 and the DOT regulatory policies and procedures because of the high level of interagency interest in the notices and involved program. The transportation planning procedures will be addressed in a separate NPRM.

Timetable:

Action	Date	FR Cite
ANPRM	09/01/99	64 FR 47746
ANPRM Comment Period End	11/01/99	
NPRM	01/08/03	68 FR 1105
NPRM Comment Period End	03/10/03	
Final Action	12/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Butch Wlaschin, Federal Lands Highway Office, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—9486

RIN: 2125—AE53

2278. +FEDERAL LANDS HIGHWAY PROGRAM; MANAGEMENT SYSTEMS PERTAINING TO THE FISH AND WILDLIFE SERVICE, INCLUDING THE REFUGE ROADS PROGRAM

Priority: Other Significant

Legal Authority: 23 USC 134; 23 USC 135; 23 USC 204; 23 USC 315; PL 105—178

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: The FHWA was delegated the authority to serve as the lead agency to develop transportation planning procedures pertaining to the National Park Service, the Forest Service, the Fish and Wildlife Service, and the Bureau of Indian Affairs that are consistent with the metropolitan and statewide transportation planning processes. The FHWA and the appropriate Federal Land Management agencies are also given the authority to develop safety, bridge, pavement, and congestion management systems for roads funded under the Federal lands highways program (FLHP). The roads funded under the FLHP include park roads and parkways, forest highways, refuge roads, and Indian reservation roads.

The FHWA sought public comment on four related ANPRMs that were published on September 1, 1999. The comment period closed on November 1, 1999. Six organizations provided comments on the ANPRM pertaining to the Fish and Wildlife Service (FWS) and the refuge roads program. The comments generally supported the development of a separate rule for each agency including one for the FWS.

In related NPRMs, the FHWA sought public comment on a proposed rule to implement section 1115(d) of the Transportation Equity Act for the 21st Century (TEA—21) for the proposed safety, bridge, pavement and congestion management systems developed by FHWA's Federal Lands Highway program office in consultation with the FWS. The NPRM was designated as significant under E.O. 12866 and the DOT regulatory policies and procedures because of the high level of interagency interest in the notices and involved program. The transportation planning procedures will be addressed in a separate NPRM.

Timetable:

Action	Date	FR Cite
ANPRM	09/01/99	64 FR 47741
ANPRM Comment Period End	11/01/99	
NPRM	01/08/03	68 FR 1096
NPRM Comment Period End	03/10/03	
Final Action	12/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Butch Wlaschin, Federal Lands Highway Office, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—9486

RIN: 2125—AE54

2279. +FEDERAL LANDS HIGHWAY PROGRAM; MANAGEMENT SYSTEMS PERTAINING TO THE FOREST SERVICE, INCLUDING THE FOREST HIGHWAYS PROGRAM

Priority: Other Significant

Legal Authority: 23 USC 135; 23 USC 204; 23 USC 315; PL 105—178; 23 USC 134

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: The FHWA was delegated the authority to serve as the lead agency to develop transportation planning procedures pertaining to the National Park Service, the Forest Service, the Fish and Wildlife Service, and the Bureau of Indian Affairs that are consistent with the metropolitan and statewide transportation planning processes. The FHWA and the appropriate Federal land management agencies are given the authority to develop safety, bridge pavement, and congestion management systems for roads funded under the Federal lands highways program. The roads funded under the FLHP include park roads and parkways, forest highways, refuge roads, and Indian reservation roads.

The FHWA sought public comment on four related ANPRMs that were published on September 1, 1999. The comment period closed on November 1, 1999. Seven organizations provided comments on the ANPRM pertaining to the Forest Service (FS) and the forest highway program. The comments

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Final Rule Stage

generally supported the development of a separate rule for each agency including one for the FS.

In related NPRMs, the FHWA sought public comment on a proposed rule to implement section 1115(d) of the Transportation Equity Act for the 21st Century (TEA—21) for the proposed safety, bridge, pavement and congestion management systems developed by FHWA's Federal Lands Highway program office in consultation with the FS. The NPRM was designated as significant under E.O. 12866 and the DOT regulatory policies and procedures because of the high level of interagency interest in the notices and involved program. The transportation planning procedures will be addressed in a separate NPRM.

Timetable:

Action	Date	FR Cite
ANPRM	09/01/99	64 FR 47744
ANPRM Comment Period End	11/01/99	
NPRM	01/08/03	68 FR 1088
NPRM Comment Period End	03/10/03	
Final Action	12/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Butch Wlaschin, Federal Lands Highway Office, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—9486

RIN: 2125—AE55

2280. COMMERCIAL VEHICLE WIDTH EXCLUSIVE DEVICES

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 31111; 49 USC 31113

CFR Citation: 23 CFR 658

Legal Deadline: None

Abstract: This action responds to two unique requests with respect to the exclusion of certain devices from established truck length and width requirements.

The rulemaking would increase from 3 to 4 inches the distance from the side of a commercial vehicle within which non—cargo carrying devices are excluded from vehicle width measurement.

In a separate matter, the Senate Committee on Appropriations has requested the FHWA consider a special allowance, within reasonable safety limitations, concerning the commercial movement of recreational vehicles (RVs) with incidental appurtenances, such as retractable awnings, that extend beyond current Federal width limitations. A number of States have enacted laws that allow incidental appurtenances on noncommercial RVs to exceed State width limitations.

This rulemaking would make these two changes to its regulation governing truck length and width exclusive devices.

Timetable:

Action	Date	FR Cite
NPRM	07/29/02	67 FR 48994
NPRM Comment Period End	09/27/02	
Final Action	11/00/03	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: State

Agency Contact: Robert E.L. Davis, Transportation Analyst, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—2997

RIN: 2125—AE90

2281. • INTERSTATE HIGHWAY SYSTEM

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

Legal Authority: 23 USC 103

CFR Citation: 23 CFR 476

Legal Deadline: None

Abstract: The FHWA and the FTA jointly remove part 476 of title 23 of the Code of Federal Regulations that prescribed policies and procedures for implementation of section 103(c)(4) of title 23, United States Code, which permitted the withdrawal of Interstate System segments and the substitution of mass transit or highway projects. The Congress recognized the expiration of this program by eliminating the underlying statutory authority for this regulation in section 1106(b) of the Transportation Equity Act for the 21st Century.

Timetable:

Action	Date	FR Cite
Final Action	11/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Donald J. West, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590
Phone: 202 366—4652

RIN: 2125—AF00

**Department of Transportation (DOT)
Federal Highway Administration (FHWA)****Long-Term Actions****2282. WORK ZONE MOBILITY AND SAFETY**

Priority: Substantive, Nonsignificant

Legal Authority: 23 USC 105; 23 USC 106; 23 USC 109; 23 USC 110; 23 USC 115; 23 USC 315; 23 USC 320; PL 102—240, sec 1051; PL 104—59, sec 358

CFR Citation: 23 CFR 636; 23 CFR 1.32; 49 CFR 1.48; 23 CFR 630

Legal Deadline: None

Abstract: The FHWA proposes to amend its regulations on traffic safety and mobility in highway and street work zones. Section 1051 of the Intermodal Surface Transportation

Efficiency Act of 1991 (ISTEA) required the Secretary of Transportation (Secretary) to develop and implement a highway work zone safety program which would improve work zone safety at highway construction sites. This provision of ISTEA was implemented through non—regulatory action.

DOT—FHWA

Long-Term Actions

A notice published in the Federal Register on October 24, 1995 (60 FR 54562) provided an outline of the work zone safety initiative.

The current proposed regulatory action would further enhance the work zone safety initiative by expanding its focus to include both safety and mobility. The proposed action would incorporate the use of new work zone techniques and technologies, update current policy and regulation, and emphasize issues

affecting the safety and mobility of highway workers and highway users.

Timetable:

Action	Date	FR Cite
ANPRM	02/06/02	67 FR 5532
ANPRM Comment Period End	06/06/02	
Notice of Public Meetings	08/09/02	67 FR 51802
NPRM	05/07/03	68 FR 24384
NPRM Comment Period End	09/04/03	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Scott Battles, Office of Transportation Operations, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—4372

RIN: 2125—AE29

Department of Transportation (DOT)

Completed Actions

Federal Highway Administration (FHWA)

2283. 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 revises 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 being revised to conform to changes made to title 23, United States Code, by technical amendments in the Transportation Equity Act of the 21st Century (TEA—21), Pub. L. 105—178, and changes made by the National Highway System Designation Act of 1995 (NHS), Pub. L. 104—59.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/19/95	60 FR 36991
Interim Final Rule Comment Period End	09/18/95	
NPRM	05/01/03	68 FR 23239
NPRM Comment Period End	06/30/03	
Final Action	10/21/03	68 FR 60031
Final Action Effective	11/20/03	

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

2284. FEDERAL—AID HIGHWAY SYSTEMS

Priority: Substantive, Nonsignificant

Legal Authority: 23 USC 103(b); 23 USC 103(c); 23 USC 315

CFR Citation: 23 CFR 470

Legal Deadline: None

Abstract: The FHWA adopts as final the interim final rule issued in 1997. The interim final rule 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	05/27/03	68 FR 28752
Final Action Effective	06/26/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: The FHWA issued an interim final rule with an opportunity for public comment. This rule amends regulations that the States comply with as part of the Federal—aid highway program. The FHWA has worked closely with the States, and the States have operated under the basic policies covered by this regulation for many years. A number of technical revisions are required as a result of the TEA—21 recodification of 23 U.S.C. 103, including incorporation of the provisions of former 23 U.S.C. 139 (Additions to Interstate System).

Agency Contact: Frank Clark, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—5006

RIN: 2125—AD74

2285. RAILROAD HIGHWAY PROJECTS

Priority: Substantive, Nonsignificant

Legal Authority: 23 USC 315; 23 USC 109(e); 23 USC 120(c); 23 USC 130

CFR Citation: 23 CFR 140; 23 CFR 646

Legal Deadline: None

DOT—FHWA

Completed Actions

Abstract: The FHWA adopts as final the interim final rule that 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
Interim Final Rule	10/27/97	
Comment Period End		
Final Action	05/08/03	68 FR 24639
Final Action Effective	06/09/03	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Local, State

Agency Contact: Debrah Williams Chappell, Department of Transportation, Federal Highway Administration, Office of Highway Safety Information, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—0087

RIN: 2125—AD86

2286. 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: The FHWA adopts as final the interim final rule that implemented the Indian Reservation Roads Bridge Program. Section 1115 of the Transportation Equity Act for the 21st Century established a nationwide priority program for improving deficient Indian reservation road (IRR) bridges and reserved \$13 million of IRR funds per year to replace and rehabilitate bridges that are in poor condition. The FHWA, Federal Lands Highway Office (FLH), and the Bureau

of Indian Affairs, Division of Transportation (BIADOT), implemented 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, developed project selection/fund allocation procedures for uniform application of the legislation.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/19/99	64 FR 38565
Interim Final Rule	07/19/99	
Effective		
Final Action	05/08/03	68 FR 24642
Final Action Effective	06/09/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Wade F. Casey, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—9487

RIN: 2125—AE57

2287. 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 withdraws this proposed rulemaking that proposed 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. However a de facto standard has emerged within the industry. Therefore, we withdraw this rulemaking action.

Timetable:

Action	Date	FR Cite
NPRM	12/30/99	64 FR 73674
NPRM Comment	02/28/00	
Period End		
Supplemental NPRM	12/12/00	65 FR 77534
Final Action	07/24/03	68 FR 43888

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

2288. MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES

Priority: Substantive, Nonsignificant

Legal Authority: 23 USC 109(d); 23 USC 315; 23 USC 402(a)

CFR Citation: 23 CFR 655, subpart F

Legal Deadline: None

Abstract: The Manual on Uniform Traffic Control Devices contains the Standards, Guidance, and Options for installing all traffic control devices (signs, traffic signals, and pavement markings) on the nation's roadways opened to public travel. By following the manual drivers, pedestrians, and bicyclists encounter the same uniform signs, traffic signals, and pavement markings, used in identical ways, along their trip. As a result of changes in technology, materials, and management strategies, the devices in the manual and their uses need to be updated and amended on an annual basis.

This amendment is in keeping with the Secretary of Transportation's authority under 23 U.S.C. 109(d), 315, and 402(a) to promulgate uniform guidelines to promote the safe and efficient use of highways.

DOT—FHWA

Completed Actions

Timetable:

Action	Date	FR Cite
Notice of Proposed Amendments	05/21/02	67 FR 35850
Comment Period End	08/19/02	
Final Action	11/20/03	68 FR 65496
Final Action Effective	12/22/03	

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

Agency Contact: Ernest D.L. Huckaby, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—9064

RIN: 2125—AE93**2289. +DESIGNATION OF DROMEDARY—EQUIPPED TRUCK TRACTOR—SEMITRAILERS AS SPECIALIZED EQUIPMENT****Priority:** Other Significant**Legal Authority:** 49 USC 3111(g)**CFR Citation:** 23 CFR 658**Legal Deadline:** None

Abstract: This rulemaking amends FHWA's truck size and weight regulations to designate dromedary—equipped truck tractor—semitrailers, when hauling munitions for the Department of Defense (DOD), as specialized equipment. No State would be able to limit this combination to less than 75 feet.

This in response to a petition from the Department of Defense indicating that the change would help expedite the hauling of munitions.

Timetable:

Action	Date	FR Cite
NPRM	10/23/02	67 FR 65056
NPRM Comment Period End	11/22/02	
Final Action	06/26/03	68 FR 37965
Final Action Effective	07/28/03	

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

Agency Contact: Phillip J. Forjan, Transportation Specialist, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—6817

RIN: 2125—AE94

Department of Transportation (DOT)

Proposed Rule Stage

Federal Motor Carrier Safety Administration (FMCSA)

2290. COMMERCIAL LEARNER PERMITS**Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 31136; PL 99—570; 49 USC 31102**CFR Citation:** 49 CFR 383, 384, 386, and 395; 49 CFR 1.73**Legal Deadline:** None

Abstract: The FHWA at the time reviewed learner permit practices of the States for processing a driver from the initial non—CDL driver to being a fully licensed CDL driver. A number of variations in state learner permit practices were found. The FHWA planned to establish more uniform practices, such as: Screening drivers before permitting them to initially drive a CMV without having obtained a full CDL; the length of time a State allows the driver to hold a learner's permit; procedures for drivers to obtain CDL training in a State other than their normal residency; supervision requirements for learner permit drivers; and commercial driver license information systems (CDLIS) recordkeeping requirements.

Timetable:

Action	Date	FR Cite
NPRM	08/22/90	55 FR 34478
NPRM Comment Period End	10/22/90	

Action	Date	FR Cite
NPRM Comment Period Extended to	10/23/90	55 FR 42741
Supplemental NPRM	09/00/04	

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

Additional Information: Because other regulatory changes have been made since the NPRM was published in 1990, FMCSA intends to issue a supplemental NPRM to solicit comments on including additional requirements consistent with changes in the CDL program.

ANALYSIS: Regulatory Evaluation, 08/22/90, 55 FR 34478

Agency Contact: Robert Redmond, Senior Transportation Specialist, Department of Transportation, Federal Motor Carrier Safety Administration, MC—ESS, State Programs Division, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366—5014

RIN: 2126—AA03**2291. +QUALIFICATION OF DRIVERS; VISION****Priority:** Other Significant**Legal Authority:** 49 USC 504; 49 USC 31502**CFR Citation:** 49 CFR 391**Legal Deadline:** None

Abstract: As part of a review of the medical qualification standards applicable to interstate CMV drivers, the agency (then the FHWA) requested comments on the need, if any, to amend the driver qualification requirements relating to the vision standard. A temporary waiver program was initiated and was concluded on March 31, 1996, to permit the agency to observe and collect data on the driving experience of a group of vision—deficient drivers who meet certain preconditions. The agency considered further research to develop comprehensive performance—based visual standards for all commercial drivers. Information about the proposed research plan and public hearing on the subject was published on June 5, 1996. The agency entered into a contract with a medical center to develop medically based recommendations for amending the current Federal vision requirements. Recommendations were delivered in October 1998. The FMCSA, after evaluating and

DOT—FMCSA

Proposed Rule Stage

considering these recommendations, has decided to publish an NPRM to amend its regulation governing the visual field requirement in the vision standard. This action is significant because of substantial public and congressional interest.

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
NPRM	06/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected:

Undetermined

Additional Information: FHWA adopted a final rule to allow drivers holding valid waivers from both the vision and diabetes standards to continue to operate in interstate commerce after March 31, 1996. See NPRM (61 FR 606, Jan. 8, 1996); Final Rule (61 FR 13338, March 26, 1996); Final Rule; technical correction (61 FR 17253, April 19, 1996). (See notices published February 28, 1992 (57 FR 6793); March 25, 1992 (57 FR 10295); June 3, 1992 (57 FR 22370); October 6, 1994 (59 FR 50887); and November 17, 1994 (59 FR 59386).)

Agency Contact: Sandra L. Zywockarte, Chief of Physical Qualifications Division (MC—PSP), Department of Transportation, Federal Motor Carrier Safety Administration, MC—PSD, Office of Bus and Truck Standards and Operations, 400 Seventh Street, SW., Washington, DC 20590
Phone: 202 366—4001

RIN: 2126—AA05

2292. +MEDICAL QUALIFICATION REQUIREMENTS AS PART OF THE COMMERCIAL DRIVER'S LICENSE (CDL) PROCESS

Priority: Other Significant

Legal Authority: PL 106—159, sec 215; 49 USC 31305; 49 USC 31502

CFR Citation: 49 CFR parts 383, 384, and 391

Legal Deadline: None

Abstract: This rulemaking would propose to verify a driver's medical qualification to operate a CMV as part of the CDL process. Incorporating

medical qualification verification and documentation into State—administered CDL procedures would improve highway safety by preventing medically—unqualified individuals from obtaining a CDL. This action would also eliminate the requirement for CDL operators to carry their medical certificate in addition to their CDL. This rulemaking responds to section 215 of the Motor Carrier Safety Improvement Act of 1999, which directed the agency to initiate a rulemaking to make the medical qualification certificate a part of the CDL process. This action is considered significant because of substantial public interest and safety implications.

Timetable:

Action	Date	FR Cite
ANPRM	07/15/94	59 FR 36338
ANPRM Comment Period End	11/14/94	
NPRM	06/00/04	

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected:

Undetermined

Agency Contact: Teresa Doggett, Physical Qualifications Division, Department of Transportation, Federal Motor Carrier Safety Administration, MC—PSD, Office of Bus and Truck Standards and Operations, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—2990

RIN: 2126—AA10

2293. +UNIFIED REGISTRATION SYSTEM

Priority: Other Significant

Legal Authority: PL 104—88; 49 USC 13908

CFR Citation: 49 CFR parts 360, 365, 366, 368, 387, and 390

Legal Deadline: Final, Statutory, January 1, 1998, Final.

Abstract: This action is required by section 103 of the ICC Termination Act of 1995 (49 USC 13908). FMCSA is proposing to replace four current identification and registration systems—the USDOT identification number system, the single—State registration system, the registration/licensing system, and the financial responsibility system—with a

single, online Federal system. This action is intended to consolidate and simplify current Federal registration processes and to increase public accessibility to data about interstate and foreign motor carriers, property brokers, and freight forwarders. This action is considered significant because of substantial industry and congressional interest.

Timetable:

Action	Date	FR Cite
ANPRM	08/26/96	61 FR 43816
ANPRM Comment Period End	10/25/96	
NPRM	04/00/04	

Regulatory Flexibility Analysis

Required: Yes

Government Levels Affected: Federal, State

Agency Contact: Robert F. Schultz Jr., Driver and Carrier Operations Division, Department of Transportation, Federal Motor Carrier Safety Administration, MC—PSD, Office of Bus and Truck Standards and Operations, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—4001

RIN: 2126—AA22

2294. POSTING OF EMPLOYEE PROTECTIONS INFORMATION

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 31136

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: FMCSA is considering requiring employers to display a poster to notify commercial motor vehicle (CMV) operators and other employees of their whistleblower rights under 49 U.S.C. 31105. The poster would also provide information on filing a complaint with the Occupational Safety and Health Administration for investigation.

Timetable:

Action	Date	FR Cite
NPRM	09/00/04	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: David Goettee, Regulatory Development Division, Department of Transportation, Federal Motor Carrier Safety Administration, MC—PRR, Office of Policy Plans and

DOT—FMCSA

Proposed Rule Stage

Regulation, 400 Seventh Street SW.,
Washington, DC 20590
Phone: 202 366—4097

RIN: 2126—AA68

2295. +HOURS OF SERVICE OF DRIVERS; SUPPORTING DOCUMENTS

Priority: Other Significant

Unfunded Mandates: Undetermined

Legal Authority: PL 103—311, sec 113

CFR Citation: 49 CFR 385, 390, and 395; 49 CFR 1.73

Legal Deadline: Final, Statutory, February 1996, Final.

Abstract: The FMCSA would propose amending the hours-of-service recordkeeping requirements to clarify that the duty of motor carriers is to verify the accuracy of drivers' hours of service (HOS) and records of duty status (RODS) including automatic on-board records, and that the driver's duty is to collect and submit to the motor carrier all supporting documents with the RODS. The agency would also propose to require carriers to maintain supporting documents with the RODS. The agency would propose that a supporting document based self-monitoring system be the primary method for ensuring compliance with the HOS regulations. Recognizing developing technologies, FMCSA would propose to permit use of electronic documents as a supplement to, and in certain instances in lieu of, paper supporting documents. These proposals would be intended to clarify definitions of "supporting documents," "employee," and "driver," and to clarify the current requirement that each motor carrier use a self-monitoring system to verify accuracy of the HOS and RODS including automatic on-board records.

Timetable:

Action	Date	FR Cite
NPRM	04/20/98	63 FR 19457
NPRM Comment Period End	06/19/98	
Supplemental NPRM	03/00/04	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Federalism: Undetermined

Agency Contact: Jerry Fulnecky, Department of Transportation, Federal

Motor Carrier Safety Administration,
MC—EC, Office of Enforcement and Compliance, 400 Seventh Street, SW.,
Washington, DC 20590
Phone: 202 366—2096

RIN: 2126—AA76

2296. SAFETY FITNESS PROCEDURES; SAFETY RATINGS

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 113

CFR Citation: 49 CFR 385

Legal Deadline: None

Abstract: The FMCSA proposes to update the safety fitness rating methodology (SFRM), which is used to measure the safety fitness of motor carriers against the safety standard, as outlined in appendix B to the Safety Fitness Procedures regulations. It is necessary to amend the list of acute and critical regulations because the agency has established operating procedures and issued several regulations required by the ICC Termination Act of 1995, the Transportation Equity Act for the 21st Century, and the Motor Carrier Safety Improvement Act of 1999.

Timetable:

Action	Date	FR Cite
NPRM	05/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Mary Pat Woodman, Chief, Enforcement and Compliance Division, Department of Transportation, Federal Motor Carrier Safety Administration, MC—ECE, Room 8310, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—9699

RIN: 2126—AA77

2297. TITLE VI REGULATIONS FOR FMCSA FINANCIAL ASSISTANCE RECIPIENTS

Priority: Substantive, Nonsignificant

Legal Authority: PL 106—159, sec 106(b); 113 Stat. 1748 and 1757; 42 USC 2000d

CFR Citation: 49 CFR 1.73

Legal Deadline: None

Abstract: This action would propose to clarify and modify the applicability of DOT regulations (49 CFR 21) and FHWA regulations (23 CFR 200) to FMCSA grant recipients. This complies with section 106(b) of the Motor Carrier Safety Improvement Act of 1999.

Timetable:

Action	Date	FR Cite
NPRM	12/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Carmen Sevier, Office of Civil Rights, Department of Transportation, Federal Motor Carrier Safety Administration, (MC—CR), 400 Seventh Street, SW, Room 8203, Washington, DC 20590
Phone: 202 366—4330

RIN: 2126—AA79

2298. PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION; FUEL SYSTEMS

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 31136 and 31502; and 49 CFR 1.73

CFR Citation: 40 CFR 86; 49 CFR 393

Legal Deadline: None

Abstract: The agency proposes to revise the Federal Motor Carrier Safety Regulations (FMCSRs) concerning fuel tank fill rates for gasoline— and methanol—fueled vehicles to (1) make that provision of the FMCSRs compatible with EPA requirements for vehicles up to 14,000 lbs. GVWR and (2) make permanent the terms of the exemptions previously granted to motor carriers operating certain gasoline—fueled CMVs manufactured by Ford Motor Company and by General Motors. The agency also proposes to incorporate into the FMCSRs previously issued regulatory guidance concerning the applicability of NHTSA fuel system integrity regulations for vehicles subject to 49 CFR 571.301 at the time of manufacture.

Timetable:

Action	Date	FR Cite
NPRM	11/12/03	68 FR 64072
NPRM Comment Period End	01/12/04	
Final Action	07/00/04	

DOT—FMCSA

Proposed Rule Stage

Regulatory Flexibility Analysis**Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** Undetermined**Agency Contact:** Deborah M. Freund, Senior Transportation Specialist, Department of Transportation, Federal Motor Carrier Safety Administration, MC—PSV, Office of Bus and TruckStandards and Operations, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—4009**RIN:** 2126—AA80

Department of Transportation (DOT)

Final Rule Stage

Federal Motor Carrier Safety Administration (FMCSA)

2299. +FEDERAL MOTOR CARRIER SAFETY REGULATIONS; HAZARDOUS MATERIALS SAFETY PERMITS**Priority:** Other Significant**Legal Authority:** 49 USC 5105; 49 USC 5109**CFR Citation:** 49 CFR parts 385, 390, and 397; and 49 CFR 1.**Legal Deadline:** Final, Statutory, November 15, 1991, Final.

Abstract: This rulemaking proposes to establish a safety permit program for motor carriers transporting hazardous materials, such as: Class A or B explosives, liquefied natural gases, hazardous materials designated as extremely toxic by inhalation, and highway route controlled quantity radioactive materials. It also proposes to consider additional acute and critical regulations relevant to determination of a carrier's safety fitness rating and the issuance of a safety permit. In addition, it proposes regulations requiring pre-trip inspection and certification of a motor vehicle used to transport a highway route controlled quantity of a radioactive material. This action is considered significant because it involves safety implications and substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	06/17/93	58 FR 33418
NPRM Comment Period End	08/16/93	
Supplemental NPRM	08/19/03	68 FR 49737
SNPRM/Correction	09/11/03	68 FR 53535
SNPRM Comment Period End	10/20/03	
Final Action	06/00/04	

Regulatory Flexibility Analysis**Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** None**Energy Effects:** Statement of Energy Effects planned as required by Executive Order 13211.**Agency Contact:** James Simmons, Hazardous Materials Division, MC—ECH, Department of Transportation, Federal Motor Carrier Safety Administration, Office of Enforcement and Compliance, 400 Seventh Street, SW., Washington, DC 20590
Phone: 202 366—6121**RIN:** 2126—AA07**2300. +MINIMUM TRAINING REQUIREMENTS FOR LONGER COMBINATION VEHICLE (LCV) OPERATORS AND LCV DRIVER—INSTRUCTOR REQUIREMENTS****Priority:** Other Significant**Legal Authority:** 49 USC 31307; PL 102—240, sec 4007(b)**CFR Citation:** 49 CFR parts 380 and 391**Legal Deadline:** Final, Statutory, December 18, 1993, Final.

Abstract: FMCSA proposes minimum training requirements for operators of longer combination vehicles and requirements for the instructors who train these operators. This action responds to section 4007 of the Intermodal Surface Transportation Efficiency Act of 1991, which directed that training for LCV operators include certification of an operator's proficiency by an instructor who has met the requirements established by the Secretary of DOT. This action is considered significant because of substantial public interest and safety.

Timetable:

Action	Date	FR Cite
ANPRM	01/15/93	58 FR 4638
ANPRM Comment Period End	03/16/93	
NPRM	08/12/03	68 FR 47890
NPRM Comment Period End	10/14/03	
Final Action	03/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Robert Redmond, Senior Transportation Specialist, Department of Transportation, Federal Motor Carrier Safety Administration, MC—ESS, State Programs Division, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—5014**RIN:** 2126—AA08**RIN:** 2126—AA08**2301. +MINIMUM TRAINING REQUIREMENTS FOR ENTRY—LEVEL COMMERCIAL MOTOR VEHICLE OPERATORS****Priority:** Other Significant**Legal Authority:** PL 102—240, sec 4007**CFR Citation:** 49 CFR 380**Legal Deadline:** Final, Statutory, December 18, 1993, Final.

Abstract: The FMCSA is proposing standards for mandatory training requirements for entry—level operators of commercial motor vehicles (CMVs) who are required to hold or obtain a commercial driver's license (CDL). This action responds to section 4007 of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), which directed the Secretary of DOT to promulgate safety regulations for entry—level training of drivers in the heavy truck, motorcoach, and school bus industries. This action is considered significant due to substantial industry and public interest.

Timetable:

Action	Date	FR Cite
ANPRM	06/21/93	58 FR 33874
ANPRM Comment Period End	08/20/93	
Report to Congress	02/05/96	
Notice of Availability of Report	04/25/96	61 FR 18355
NPRM	08/15/03	68 FR 48863
NPRM Comment Period End	10/14/03	
Final Action	05/00/04	

DOT—FMCSA

Final Rule Stage

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

Additional Information: In February 1996, the Secretary submitted the report entitled, Assessing the Adequacy of Commercial Motor Vehicle Training: Final Report and the first Cost—Benefit analysis to Congress, as required by the ISTEA. The report is available through the National Technical Information Service (Order No. PB96—141536). For further information, please call 1—800—553—6847.

Agency Contact: Ronald Finn, Transportation Specialist, Department of Transportation, Federal Motor Carrier Safety Administration, MC—ESS, Office of Safety Programs, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366—0647

RIN: 2126—AA09

2302. RULES OF PRACTICE FOR MOTOR CARRIER PROCEEDINGS; INVESTIGATIONS; DISQUALIFICATIONS AND PENALTIES

Priority: Substantive, Nonsignificant**Legal Authority:** 49 USC 113 and 307**CFR Citation:** 49 CFR 385 and 386; 49 CFR 1.73**Legal Deadline:** None

Abstract: FMCSA proposed amending its rules of practice for motor carrier safety, hazardous materials, and other enforcement proceedings, motor carrier safety ratings, driver qualification proceedings and its schedule of penalties for violations of the FMCSRs and the Hazardous Materials Regulations. FMCSA would also propose to add provisions on investigative authority and procedures and general motor carrier responsibilities. These rules would increase the efficiency of the procedures, enhance due process and the awareness of the public and regulated community, and accommodate recent program changes. The rules would apply to all motor carriers, other business entities and individuals involved in motor carrier safety and hazardous materials administrative actions.

Timetable:

Action	Date	FR Cite
NPRM	04/29/96	61 FR 18866
NPRM Comment Period End	07/29/96	
Supplemental NPRM	10/21/96	61 FR 54601
SNPRM Comment Period End	11/20/96	
Final Action	09/00/04	

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

Agency Contact: Charlene Sanders, Office of Chief Counsel, Department of Transportation, Federal Motor Carrier Safety Administration, Room 8A06, Federal Bldg., 819 Taylor Street, Fort Worth, TX 76102

Phone: 817 978—3796

RIN: 2126—AA15

2303. +SAFETY PERFORMANCE HISTORY OF NEW DRIVERS

Priority: Other Significant**Legal Authority:** 49 USC 508; 49 USC 31133, 31136, 31301 et seq, and 31502; PL 103—311**CFR Citation:** 49 CFR parts 390 and 391; and 49 CFR 1.73**Legal Deadline:** NPRM, Statutory, January 1999, NPRM.

Abstract: As required by the Hazardous Materials Transportation Authorization Act of 1994, the FHWA proposed changes concerning what minimum safety performance history information new or prospective employers would be required to seek concerning commercial motor vehicle (CMV) drivers and from where that information should be obtained. The Small Business Administration (SBA) requested more in—depth Paperwork Reduction Act and Regulatory Flexibility Act analyses of the NPRM. In response to SBA's comments to the docket and section 4014 of the Transportation Equity Act for the 21st Century (TEA—21), FMCSA published an SNPRM to address issues, such as small business burden, and to incorporate new requirements of limitation of liability and driver privacy protections imposed by TEA—21. The proposed changes are considered significant because of substantial public interest and privacy implications.

Timetable:

Action	Date	FR Cite
NPRM	03/14/96	61 FR 10548
NPRM Comment Period End	05/13/96	
Supplemental NPRM	07/17/03	68 FR 42339
SNPRM Comment Period End	09/02/03	
Final Action	03/00/04	

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

Agency Contact: Mary Moehring, Chief, Driver and Carrier Operations Division, Department of Transportation, Federal Motor Carrier Safety Administration, MC—PSD, Office of Bus and Truck Standards and Operations, 400 Seventh Street, SW., Washington, DC 20590

Phone: 202 366—4001

RIN: 2126—AA17

2304. +RAILROAD—HIGHWAY GRADE CROSSING SAFETY

Priority: Other Significant**Legal Authority:** PL 102—240; PL 103—311; 49 USC 5101, 31136, and 31502; 49 CFR 1.73**CFR Citation:** 49 CFR 392**Legal Deadline:** Final, Statutory, February 26, 1995, Final.

Abstract: This action would prohibit operators of commercial motor vehicles from driving onto a railroad grade crossing unless there is sufficient space to drive completely through the crossing without stopping. This action is required by the Hazardous Materials Transportation Authorization Act of 1994 (Pub. L. 103—311, sec. 112), and it is intended to reduce the incidence of collisions between trains and commercial motor vehicles. This action is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	07/30/98	63 FR 40691
NPRM Comment Period End	11/27/98	
Final Action	09/00/04	

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

Agency Contact: David M. Lehrman, Regulatory Development Division,

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Final Rule Stage

Department of Transportation, Federal Motor Carrier Safety Administration, MC—PRR, Office of Policy Plans and Regulation, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—0994

RIN: 2126—AA18

2305. GENERAL JURISDICTION OVER FREIGHT FORWARDER SERVICE

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 13701

CFR Citation: 49 CFR 373; 49 CFR 1.73

Legal Deadline: None

Abstract: As required by the ICC Termination Act of 1995, this action gives notice of the FMCSA's general jurisdiction over all segments of the freight forwarding industry (not just household good freight forwarders). It 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	
Final Action	04/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Lorena Beauchesne, Regulatory Development Division, Department of Transportation, Federal Motor Carrier Safety Administration, Office of Policy Plans and Regulation (MC—PRR), 400 7th Street, SW., Washington, DC 20590
Phone: 202 366—5043

RIN: 2126—AA25

2306. +TRANSPORTATION OF HOUSEHOLD GOODS; CONSUMER PROTECTION REGULATIONS

Priority: Other Significant

Legal Authority: PL 74—255; PL 104—88; PL 106—59; 49 USC 13101, 13301, 13501 et seq, 14104, 14708, 14901 et seq, and 14912

CFR Citation: 49 CFR parts 375 and 377; 49 CFR 1.73

Legal Deadline: None

Abstract: FMCSA is amending the regulations governing the interstate transportation of household goods to specify how motor carriers who transport household goods, as defined in 49 USC 13102(10), must assist their individual customers who ship household goods. The intended effect of this interim final rule is to make the regulations easier to read and understand, remove an outdated report, address hostage freight problems (situations where nonbinding 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, and make conforming and technical amendments. This action is considered significant because of substantial industry and public interest.

Timetable:

Action	Date	FR Cite
NPRM	05/15/98	63 FR 27126
NPRM Comment Period End	07/14/98	
NPRM Extension and Reopening of Comment Period	08/12/98	63 FR 43128
NPRM Comment Period End	10/13/98	
Interim Final Rule	06/11/03	68 FR 35064
Interim Final Rule Effective	09/09/03	
Interim Final Rule Compliance Date Delayed	09/30/03	68 FR 56208
Final Action	04/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Nathaniel Jackson, Household Goods Team Leader, Department of Transportation, Federal Motor Carrier Safety Administration, MC—PSD, Insurance Compliance Division, MC—ECI, Office of Enforcement and Compliance, 400 7th Street, SW., Washington, DC 20590
Phone: 202 366—6406

RIN: 2126—AA32

2307. +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, 31136, and 31502

CFR Citation: 49 CFR 1.73; 49 CFR 390; 49 CFR 396

Legal Deadline: None

Abstract: In response to a petition for rulemaking filed by the American Trucking Association, Inc. (ATA) and the ATA Intermodal Conference (petitioners), the FHWA at the time agreed to consider revisions to the requirements in parts 390 and 396 of the Federal Motor Carrier Safety Regulations that place upon motor carriers the responsibility for maintaining intermodal container chassis and trailers. These regulations prescribe requirements for the inspection, repair and maintenance of commercial motor vehicles. This action was considered significant because of substantial industry 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	
NOI To Consider a Reg Neg Process	11/29/02	67 FR 71127
Comment Period End	01/13/03	
Comment Period Extended	02/24/03	68 FR 8580
Comment Period End	04/10/03	
To Be Withdrawn	12/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Deborah M. Freund, Senior Transportation Specialist, Department of Transportation, Federal Motor Carrier Safety Administration, MC—PSV, Office of Bus and Truck Standards and Operations, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—4009

RIN: 2126—AA38

2308. 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

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CFR Citation: 49 CFR 381

Legal Deadline: Final, Statutory, December 9, 1998, Final.

Abstract: The FMCSA is adopting regulations to implement section 4007 of the Transportation Equity Act for the 21st Century (TEA—21), concerning waivers and exemptions from the Federal Motor Carrier Safety Regulations (FMCSRs), and the administration of pilot programs to evaluate innovative alternatives to the regulations. The regulations establish the procedures persons must follow to request waivers and to apply for exemptions from the FMCSRs, and the procedures FMCSA will use to process the requests for waivers and applications for exemptions. The regulations also codify statutory requirements concerning the agency's administration of pilot programs. This rulemaking is intended to provide procedures to ensure the timely processing of requests for waivers and applications for exemptions, and public disclosure of the procedures the agency would use in initiating and managing pilot programs. The agency (then the FHWA) issued an interim final rule with an opportunity for public comment after publication in order to meet the statutory deadline for issuance of a final rule.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/08/98	63 FR 67600
Interim Final Rule Effective	12/08/98	
Interim Final Rule Comment Period End	02/08/99	
Final Rule	12/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Larry M. Minor, Chief, Vehicle and Roadside Operations Division, Department of Transportation, Federal Motor Carrier Safety Administration, MC—PSV, Office of Bus and Truck Standards and Operations, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—4009

RIN: 2126—AA41

2309. +FEDERAL MOTOR CARRIER SAFETY REGULATIONS; INTERSTATE SCHOOL BUS SAFETY

Priority: Other Significant

Unfunded Mandates: Undetermined

Legal Authority: PL 105—178, sec 4024

CFR Citation: 49 CFR 390, 391, 392, 393, and 395; 49 CFR 1.73

Legal Deadline: Other, Statutory, December 9, 1998, Other.

Abstract: FMCSA was considering making the Federal Motor Carrier Safety Regulations (FMCSRs) apply to all interstate school transportation operations by local educational agencies. Section 4024 of the Transportation Equity Act for the 21st Century (TEA—21) directed the FMCSA to make a determination whether to make the FMCSRs applicable to such operations. FMCSA requested comments, data, and information to assist the agency in making this determination. The action was considered significant by the public and private sectors if the agency expanded the FMCSRs to cover government—operated school buses in interstate commerce.

Timetable:

Action	Date	FR Cite
ANPRM	10/22/01	66 FR 53373
ANPRM Comment Period End	01/22/02	
To Be Withdrawn	12/00/03	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State

Federalism: Undetermined

Agency Contact: Philip Hanley, Department of Transportation, Federal Motor Carrier Safety Administration, MC—PSB, Office of Bus and Truck Standards and Operations, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—6811

RIN: 2126—AA53

2310. PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION; GENERAL AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: PL 102—240, sec 1041(b); 49 USC 31136; 49 USC 31502

CFR Citation: 49 CFR 392; 49 CFR 393

Legal Deadline: None

Abstract: FMCSA is amending part 393 of the Federal Motor Carrier Safety Regulations, Parts and Accessories Necessary for Safe Operation. The amendments are intended to remove obsolete and redundant regulations; respond to several petitions for rulemaking; provide improved definitions of vehicle types, systems, and components; resolve inconsistencies between part 393 and the National Highway Traffic Safety Administration's Federal Motor Vehicle Safety Standards (49 CFR 571); and codify certain FMCSA regulatory guidance concerning the requirements of part 393. Generally, the amendments do not involve the establishment of new or more stringent requirements but a clarification of existing requirements.

Timetable:

Action	Date	FR Cite
NPRM	04/14/97	62 FR 18170
NPRM Comment Period Extended	06/12/97	62 FR 32066
NPRM Comment Period End	06/13/97	
Comment Period End	07/28/97	
Public Meeting	02/20/98	63 FR 8606
Final Action	09/00/04	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Agency Contact: Larry M. Minor, Chief, Vehicle and Roadside Operations Division, Department of Transportation, Federal Motor Carrier Safety Administration, MC—PSV, Office of Bus and Truck Standards and Operations, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—4009

RIN: 2126—AA61

2311. +CERTIFICATION OF SAFETY AUDITORS, SAFETY INVESTIGATORS, AND SAFETY INSPECTORS

Priority: Other Significant

Legal Authority: PL 106—159, sec 211

CFR Citation: 49 CFR 385

Legal Deadline: Final, Statutory, December 9, 2000, Final.

Abstract: This rule would require that any safety inspection, audit, or review be conducted by a certified investigator. It would give the FMCSA authority to decertify an investigator, including a third—party investigator for failure to

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meet the prescribed certification standards. It is required by section 211 of the Motor Carrier Safety Improvement Act of 1999. This rule is significant because of public and congressional interest in rules required by MCSIA.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/19/02	67 FR 12776
IFR Comment Period End	05/20/02	
IFR Effective Date Delayed	06/17/02	67 FR 41196
IFR Date Effective	06/17/02	
Extension of Statutory Compliance Date	07/28/03	68 FR 44378
Notice; Environmental Assessment (EA)	10/02/03	68 FR 56863
EA Comment Period End	11/03/03	
Final Action	To Be Determined	

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Mary Pat Woodman, Chief, Enforcement and Compliance Division, Department of Transportation, Federal Motor Carrier Safety Administration, MC—ECE, Room 8310, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—9699

RIN: 2126—AA64

2312. +CERTIFICATION OF COMPLIANCE WITH FEDERAL MOTOR VEHICLE SAFETY STANDARDS (FMVSS)

Priority: Other Significant

Legal Authority: PL 102—240, sec 1041(b); 105 Stat. 1914; 49 USC 31136 and 31502; 49 CFR 1.73

CFR Citation: 49 CFR 393.8

Legal Deadline: None

Abstract: FMCSA proposes to amend the Federal Motor Carrier Safety Regulations so that motor carriers ensure that each commercial motor vehicle (CMV) they operate in interstate commerce displays a label certifying that the vehicle complies with all applicable Federal Motor Vehicle Safety Standards (FMVSS) in effect on the date of manufacture. This rulemaking ensures that all motor carriers operating CMVs in the United States use only vehicles that were certified by the

manufacturer as meeting all applicable Federal safety performance requirements. This action is significant because of substantial public and congressional interest and safety implications.

Timetable:

Action	Date	FR Cite
NPRM	03/19/02	67 FR 12782
NPRM Comment Period End	05/20/02	
Final Rule	03/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Deborah M. Freund, Senior Transportation Specialist, Department of Transportation, Federal Motor Carrier Safety Administration, MC—PSV, Office of Bus and Truck Standards and Operations, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—4009

RIN: 2126—AA69

2313. +LIMITATIONS ON ISSUANCE OF COMMERCIAL DRIVER'S LICENSE WITH HAZARDOUS MATERIALS ENDORSEMENT

Priority: Other Significant

Legal Authority: 49 USC 5103a; PL 107—56, sec 1012

CFR Citation: 49 CFR 383

Legal Deadline: None

Abstract: FMCSA, working in conjunction with the Transportation Security Administration (TSA), amended its regulations to prohibit States from issuing, renewing, transferring, or upgrading a commercial driver's license (CDL) with a hazardous materials endorsement unless TSA has first conducted a background records check of the applicant and determined that the applicant does not pose a security risk warranting denial of the hazardous materials endorsement. FMCSA and TSA published simultaneous interim final rules. This action is considered significant because of substantial industry and public interest and national security.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/05/03	68 FR 23844
IFR Effective	05/05/03	

Action	Date	FR Cite
IFR Comment Period End	07/07/03	
Delay of Compliance Date	11/05/03	68 FR 63030
Comment Period End	01/06/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State

Agency Contact: Robert Redmond, Senior Transportation Specialist, Department of Transportation, Federal Motor Carrier Safety Administration, MC—ESS, State Programs Division, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366—5014

RIN: 2126—AA70

2314. • QUALIFICATIONS OF MOTOR CARRIERS TO SELF—INSURE THEIR OPERATIONS AND FEES TO SUPPORT THE APPROVAL AND COMPLIANCE PROCESS; WITHDRAWAL

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

Legal Authority: 49 USC 13906, 31138, and 31139

CFR Citation: 49 CFR 387; and 49 CFR 1.73

Legal Deadline: None

Abstract: FMCSA is withdrawing an NPRM that requested comments on the need for additional backup collateral or security to protect the public against uncompensated losses. This action would have amended the regulations governing qualifications of motor carriers seeking authorization to self—insure their transportation operations. This action first appeared under former FHWA RIN 2125—AE06; then was transferred to FMCSA and assigned RIN 2126—AA28. RIN 2126—AA28 was inadvertently deleted in the May 14, 2001 Spring Semiannual Agenda (66 FR 25885). This action is no longer necessary because these issues are now part of RIN 2126—AA22.

Timetable:

Action	Date	FR Cite
To Be Withdrawn	04/00/04	

Regulatory Flexibility Analysis

Required: No

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Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Valerie Height, Transportation Specialist, Department of Transportation, Federal Motor Carrier Safety Administration, MC—PRR, Office of Policy Plans and Regulation (MC—PRR), 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—0901

RIN: 2126—AA82

2315. • DRUG AND ALCOHOL MANAGEMENT INFORMATION SYSTEM (MIS) REPORTING

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

Legal Authority: Not Yet Determined

CFR Citation: 49 CFR part 382

Legal Deadline: None

Abstract: The DOT revised its drug and alcohol testing rules in part 40 (68 FR 43946, July 25, 2003) by replacing the old multiple—page MIS reporting forms with a single one—page form for use by FMCSA, FAA, FTA, FRA, RSPS, and USCG. The form is required by part 40. Accordingly, FMCSA makes

conforming amendments to its drug and alcohol testing rules in part 382.

Timetable:

Action	Date	FR Cite
Final Rule	12/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Jerry Fulnecky, Department of Transportation, Federal Motor Carrier Safety Administration, MC—EC, Office of Enforcement and Compliance, 400 Seventh Street, SW., Washington, DC 20590
Phone: 202 366—2096

RIN: 2126—AA83

Department of Transportation (DOT)

Long-Term Actions

Federal Motor Carrier Safety Administration (FMCSA)

2316. +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, Final.

Abstract: This action was initiated by section 9105 of the Truck and Bus Safety and Regulatory Reform Act of 1988. It proposes minimum uniform standards for a biometric identification system for commercial motor vehicle (CMV) operators. In 1989, an ANPRM was published by requesting comments on a pilot demonstration project using biometric data including retinal eye scans and fingerprint technologies. After considering the comments, it was determined at the time that technology had not progressed to the point where a nationwide identification system could be cost—effective and provide the benefits for which a system was intended. In 1991, a Notice of Information was published summarizing results of the pilot study and the comments to demonstrate how the technologies studied fell short of the demands of the commercial licensing environment at the time.

In 1998, section 4011(c) of the Transportation Equity Act for the 21st Century, 49 USC 31308 amended, required each commercial driver's

license (CDL) issued by the States after January 1, 2001, to have unique identifiers (which may include biometric identifiers). A pilot study was conducted to collect over 16,000 sample digital facial images and sets of fingerprints from volunteers in California, Georgia, and West Virginia; California provided the lead for this study. The pilot study has been completed and a report delivered in November 2002. FMCSA is considering setting biometric storage and transmission standards which States would use if they voluntarily wish to store fingerprint images and transmit such images to other States upon request. Further action on this rulemaking is pending action by TSA. This action is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	05/15/89	54 FR 20875
ANPRM Comment Period End	07/14/89	
Information Notice NPRM	03/08/91	56 FR 9925 To Be Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State

Agency Contact: Ronald Finn, Transportation Specialist, Department of Transportation, Federal Motor

Carrier Safety Administration, MC—ESS, Office of Safety Programs, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—0647

RIN: 2126—AA01

2317. +APPLICATION BY CERTAIN MEXICO—DOMICILED MOTOR CARRIERS TO OPERATE BEYOND U.S. MUNICIPALITIES AND COMMERCIAL ZONES ON THE U.S.—MEXICO BORDER

Priority: Other Significant

Legal Authority: 5 USC 553 and 559; 16 USC 1456; 49 USC 13101, 13301, and 13901 et seq; 49 USC 31138 and 31144

CFR Citation: 49 CFR 365; 49 CFR 1.73

Legal Deadline: None

Abstract: This action revises the regulations and form, OP—1(MX), governing applications by Mexico—domiciled property and passenger carriers who want to operate within the United States beyond the municipalities adjacent to Mexico in Texas, New Mexico, Arizona, and California, and beyond the commercial zones of such municipalities (border zones). The action is taken in anticipation of a presidential order lifting the current statutory moratorium on authorizing such operations. The form requires additional information about the applicant's business and

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operating practices to help the FMCSA to determine if the applicant will be able to meet the safety standards established for operating in interstate commerce in the United States. The interim rule included requirements that were not proposed in the NPRM but which were necessary to comply with the FY 2002 DOT Appropriations Act. This action is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	05/03/01	66 FR 22371
NPRM Comment Period End	07/02/01	
Interim Final Rule	03/19/02	67 FR 12702
Interim Final Rule Comment Period End	04/18/02	
Interim Final Rule Effective	05/03/02	
Notice of Intent to prepare an EIS	08/26/03	68 FR 51322
EIS Public Scoping Meetings	10/08/03	68 FR 58162
Final Action	To Be Determined	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Thomas Kozlowski, Department of Transportation, Federal Motor Carrier Safety Administration, MC—ES, Office of Safety Programs, Room 8314, 400 7th Street, SW., Washington, DC 20590
Phone: 202 366—4049

RIN: 2126—AA34

2318. +SAFETY MONITORING SYSTEM AND COMPLIANCE INITIATIVE FOR MEXICO—DOMICILED MOTOR CARRIERS OPERATING IN THE UNITED STATES

Priority: Other Significant

Legal Authority: 49 USC 113, 504, and 521(b)(5)(A); 49 USC 5113; 49 USC 31136, 31144, and 31502; PL 107—87 sec 350

CFR Citation: 49 CFR 385

Legal Deadline: None

Abstract: This action implements a safety monitoring system and compliance initiative designed to evaluate the continuing safety fitness of all Mexico—domiciled motor carriers within 18 months after receiving a provisional Certificate of Registration or

provisional authority to operate in the United States. The rule also establishes suspension and revocation procedures for provisional Certificates of Registration and operating authority, and incorporates criteria to be used by FMCSA in evaluating whether Mexico—domiciled carriers exercise basic safety management controls. The interim rule included requirements that were not proposed in the NPRM, but which are necessary to comply with the FY 2002 DOT Appropriations Act. This action is significant due to public interest and safety—related issues.

Timetable:

Action	Date	FR Cite
NPRM	05/03/01	66 FR 22415
NPRM Comment Period End	07/02/01	
Interim Final Rule	03/19/02	67 FR 12758
IFR Comment Period End	04/18/02	
IFR Effective	05/03/02	
Notice of Intent To Prepare an EIS	08/26/03	68 FR 51322
EIS Public Scoping Meetings	10/08/03	68 FR 58162
Final Action	To Be Determined	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Mary Pat Woodman, Chief, Enforcement and Compliance Division, Department of Transportation, Federal Motor Carrier Safety Administration, MC—ECE, Room 8310, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—9699

RIN: 2126—AA35

2319. SAFETY FITNESS PROCEDURES

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 31144

CFR Citation: 49 CFR 385

Legal Deadline: None

Abstract: The FHWA published a final rule on November 6, 1997 (62 FR 60035), which incorporated the safety fitness rating methodology into 49 CFR 385 as appendix B. In that document, FHWA identified its ultimate goal of 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	To Be Determined	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Bryan Price, Transportation Specialist, PRISM Team, Department of Transportation, Federal Motor Carrier Safety Administration, Office of Enforcement and Compliance, Federal Building, 1000 Liberty Avenue, Room 305, Pittsburgh, PA 15222
Phone: 412 395—4816

RIN: 2126—AA37

2320. +NEW ENTRANT SAFETY ASSURANCE PROCESS

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

Unfunded Mandates: Undetermined

Legal Authority: PL 106—159, sec 210

CFR Citation: 49 CFR 385; 49 CFR 1.73

Legal Deadline: None

Abstract: This action will establish minimum requirements for new entrant motor carriers to ensure that they are knowledgeable about applicable Federal motor carrier safety standards. After ensuring that they are knowledgeable, the new entrants will operate for 18 months in which time they must pass a safety review in order to receive permanent operating authority. This rule is significant because of public and congressional interest in rules required by MCSIA.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/13/02	67 FR 31978
IFR Comment Period End	07/12/02	
IFR Effective	01/01/03	
Final Rule	11/00/04	

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Long-Term Actions

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

Agency Contact: Mary Pat Woodman, Chief, Enforcement and Compliance Division, Department of Transportation, Federal Motor Carrier Safety Administration, MC—ECE, Room 8310, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366—9699

RIN: 2126—AA59

2321. +PENALTIES, INSPECTION, AND DECAL DISPLAY REQUIREMENTS FOR MEXICO—DOMICILED MOTOR CARRIERS
Priority: Other Significant**Legal Authority:** 49 USC 31136; 49 USC 31502; PL 107—87 sec 350**CFR Citation:** 49 CFR 386; 49 CFR 396**Legal Deadline:** None

Abstract: FMCSA amends part 396 of the Federal Motor Carrier Safety Regulations (FMCSRs) to incorporate the requirement, as codified in parts 365 and 385, that all commercial motor vehicles operated by Mexico—domiciled motor carriers holding authority to transport property or passengers beyond the commercial zones of U.S. municipalities on the United States—Mexico border must display a Commercial Vehicle Safety Alliance (CVSA) decal issued by a CVSA—certified inspector. Adding this requirement to part 396 will enable FMCSA to assess civil penalties against Mexico—domiciled long—haul motor

carriers that operate vehicles without the necessary CVSA decal. This rule also clarifies that carriers will be required to obtain the necessary inspection decal before proceeding beyond border ports of entry. By providing for more effective enforcement of the inspection and decal requirements, this rule will help to ensure that these motor carriers operate safe vehicles in the United States. This action is considered significant because of substantial public and congressional interest.

Timetable:

Action	Date	FR Cite
Interim Final Rule	To Be	Determined

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

Agency Contact: Thomas Kozlowski, Department of Transportation, Federal Motor Carrier Safety Administration, MC—ES, Office of Safety Programs, Room 8314, 400 7th Street, SW., Washington, DC 20590

Phone: 202 366—4049

RIN: 2126—AA72

2322. +REGISTRATION ENFORCEMENT
Priority: Other Significant**Legal Authority:** PL 106—159, sec 205; 113 Stat 1762**CFR Citation:** 49 CFR 350 and 392; 49 CFR 1.73**Legal Deadline:** None

Abstract: This rule prohibits a motor carrier who is subject to the registration requirements under 49 U.S.C. 13902 from operating a commercial motor vehicle in interstate commerce unless it has registered with FMCSA. Motor carriers are also prohibited from operating beyond the scope of their registered authorization. If vehicles are discovered operating in violation of such registration requirements, they will be placed out of service, and the carrier may be subject to additional penalties. This action makes State enforcement of the registration requirements a condition of MCSAP eligibility. This action is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/28/02	67 FR 55162
IFR Effective	09/27/02	
IFR Comment Period	10/28/02	
End		
Final Rule	11/00/04	

Regulatory Flexibility Analysis**Required:** Undetermined**Small Entities Affected:** Governmental Jurisdictions**Government Levels Affected:** Local, State

Agency Contact: Mary Pat Woodman, Chief, Enforcement and Compliance Division, Department of Transportation, Federal Motor Carrier Safety Administration, MC—ECE, Room 8310, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366—9699

RIN: 2126—AA78

Department of Transportation (DOT)
Federal Motor Carrier Safety Administration (FMCSA)**Completed Actions**

2323. PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION; SLEEPER BERTHS ON MOTOR COACHES; WITHDRAWAL
Priority: Substantive, Nonsignificant**Legal Authority:** 49 USC 31136 and 31502**CFR Citation:** 49 CFR 393; 49 CFR 1.73**Legal Deadline:** None

Abstract: On January 12, 1994, the FHWA published an ANPRM requesting comments on the suitability

of existing driver sleeper berth regulations for motor coaches and possible amendment to account for design differences between trucks and motor coaches. Based on its review of the issue and minimal interest by the industry, FMCSA withdrew the ANPRM and terminated this proceeding.

Timetable:

Action	Date	FR Cite
ANPRM	01/12/94	59 FR 1706

Action	Date	FR Cite
ANPRM Comment Period End	03/14/94	
Withdrawn	07/24/03	68 FR 43891

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

Agency Contact: Philip Hanley, Department of Transportation, Federal Motor Carrier Safety Administration,

DOT—FMCSA

Completed Actions

MC—PSB, Office of Bus and Truck Standards and Operations, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—6811

RIN: 2126—AA12

2324. PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION; TELEVISION RECEIVERS AND DATA DISPLAY UNITS; WITHDRAWAL

Priority: Substantive, Nonsignificant

Legal Authority: PL 102—240; 49 USC 31136 and 31502

CFR Citation: 49 CFR 393; 49 CFR 1.73

Legal Deadline: None

Abstract: This action proposed amending the regulations regarding television viewers or screens in commercial motor vehicles. FHWA was concerned that current restrictions on the locations of such devices would have the unintended effect of discouraging use of certain Intelligent Transportation System (ITS) technologies, such as collision avoidance and traveler information systems, which could improve the safety and efficiency of commercial vehicle operations. Based on its review of the comments, FMCSA withdrew the NPRM and terminated this proceeding.

Timetable:

Action	Date	FR Cite
NPRM	04/03/96	61 FR 14733
NPRM Comment Period End	06/03/96	
Withdrawn	07/24/03	68 FR 43891

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Larry M. Minor, Chief, Vehicle and Roadside Operations Division, Department of Transportation, Federal Motor Carrier Safety Administration, MC—PSV, Office of Bus and Truck Standards and Operations, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—4009

RIN: 2126—AA19

2325. +ENGLISH LANGUAGE REQUIREMENT; QUALIFICATIONS OF DRIVERS; WITHDRAWAL

Priority: Other Significant

Legal Authority: 49 USC 504; 49 USC 31133, 31136, and 31502

CFR Citation: 49 CFR 391; 49 CFR 1.73

Legal Deadline: None

Abstract: This action was in response to the American Civil Liberties Union (ACLU) letter to the Department, asserting that the regulation, as written, is overly broad and subject to arbitrary enforcement, causing potential interference with constitutional guarantees of due process and equal protection. The current regulation is little changed from the original rule adopted in 1936. The ACLU requested an opportunity to submit a comprehensive analysis of this issue. The ANPRM was intended to provide the ACLU with such an opportunity and to open this issue for public comment. Based on its analysis and comments received, FMCSA withdrew the ANPRM and terminated this proceeding.

Timetable:

Action	Date	FR Cite
ANPRM	08/26/97	62 FR 45200
ANPRM Comment Period End	10/27/97	
Withdrawn	07/24/03	68 FR 43889

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Transferred from RIN 2125—AE19.

Agency Contact: Mary Moehring, Chief, Driver and Carrier Operations Division, Department of Transportation, Federal Motor Carrier Safety Administration, MC—PSD, Office of Bus and Truck Standards and Operations, 400 Seventh Street, SW., Washington, DC 20590
Phone: 202 366—4001

RIN: 2126—AA31

2326. OUT—OF—SERVICE CRITERIA; WITHDRAWAL

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 31133, 31136, 31310, and 31502; PL 104—59

CFR Citation: 49 CFR 395 and 396; 49 CFR 1.73

Legal Deadline: None

Abstract: The FHWA had requested public comments concerning whether the North American Uniform Out—of—Service (OOS) Criteria should be included in the Federal Motor Carrier

Safety Regulations. The OOS Criteria are enforcement tolerances used by Federal, State, and local safety inspectors in determining whether to place commercial motor vehicles (CMVs), or their drivers, “out of service.” Based on its review of the issues and comments, FMCSA withdrew the ANPRM and terminated this proceeding.

Timetable:

Action	Date	FR Cite
ANPRM	07/20/98	63 FR 38791
ANPRM Comment Period End	09/18/98	
Comment Period Extended	10/09/98	63 FR 54432
Comment Period End	12/08/98	
Withdrawn	07/24/03	68 FR 43893

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Larry M. Minor, Chief, Vehicle and Roadside Operations Division, Department of Transportation, Federal Motor Carrier Safety Administration, MC—PSV, Office of Bus and Truck Standards and Operations, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—4009

RIN: 2126—AA36

2327. +SAFETY REQUIREMENTS FOR OPERATORS OF SMALL PASSENGER—CARRYING COMMERCIAL MOTOR VEHICLES USED IN INTERSTATE COMMERCE

Priority: Other Significant

Legal Authority: 49 USC 13301 and 13902; 49 USC 31132, 31133, 31136, 31502, and 31504; PL 104—88, sec 204

CFR Citation: 49 CFR 1.73; 49 CFR 390

Legal Deadline: Final, Statutory, December 9, 2000, Final.

Abstract: The FMCSA amended the Federal Motor Carrier Safety Regulations (FMCSRs) to require that motor carriers who operate commercial motor vehicles (CMVs), designed or used to transport between 9 and 15 passengers (including the driver) in interstate commerce, must comply with the FMCSRs when they are directly compensated for such services, and the vehicle is operated beyond a 75 air mile radius (86.3 statute miles or 138.9 kilometers) from the driver’s normal

DOT—FMCSA

Completed Actions

work—reporting location. These particular motor carriers, drivers, and vehicles would be subject to the same safety requirements as motorcoach operators, except for the commercial driver's license, controlled substances and alcohol testing regulations. This action is required by sec. 212 of the Motor Carrier Safety Improvement Act of 1999. This action is considered significant because of substantial public interest and safety implications.

Timetable:

Action	Date	FR Cite
NPRM	01/11/01	66 FR 2767
NPRM Comment Period End	04/11/01	
Final Rule	08/12/03	68 FR 47860
Final Rule Effective	09/11/03	
Correction; Final Rule Compliance Date	10/27/03	68 FR 61246

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

Additional Information: Motor carriers affected by this final rule must comply with these safety regulations by December 10, 2003.

Agency Contact: Larry M. Minor, Chief, Vehicle and Roadside Operations Division, Department of Transportation, Federal Motor Carrier Safety Administration, MC—PSV, Office of Bus and Truck Standards and Operations, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—4009

RIN: 2126—AA52

Department of Transportation (DOT)

Prerule Stage

National Highway Traffic Safety Administration (NHTSA)

2328. REVIEW: AIR BAG ON—OFF SWITCHES**Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 40 USC 30166**CFR Citation:** 49 CFR 571.208**Legal Deadline:** None

Abstract: This standard allows passenger vehicles to be equipped with an on—off switch for the right front passenger air bag if the rear seat cannot accommodate a rear—facing infant seat. The standard also enables vehicle owners to obtain an on—off switch for their passenger and/or driver air bag if they transport people who should not be exposed to an air bag deployment. The agency will determine, by observation of vehicles in use, the percentage of on—off switches that are

being correctly used. This regulation was selected for review because of its public interest and potential benefit.

Timetable:

Action	Date	FR Cite
Begin Review	04/01/98	
End Review	06/00/04	

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

Additional Information: Preliminary results of the observational survey are that the switches were left on (when they should be off) for 9 percent of infant passengers, 27 percent of child passengers age 1—6, and 56 percent of child passengers age 7—12. They were turned off for 18 percent of teen and adult passengers, depriving them of any potential benefits of air bags.

Agency Contact: Charles J. Kahane, Chief, Evaluation Division, Office of Plans and Policy, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366—2560

Fax: 202 366—2559

Email: ckahane@nhtsa.dot.gov

RIN: 2127—AH12

Department of Transportation (DOT)

Proposed Rule Stage

National Highway Traffic Safety Administration (NHTSA)

2330. SEATING SYSTEMS PERFORMANCE**Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.207**Legal Deadline:** None

Abstract: Environmental Research and Safety Technologists of Flagstaff, AZ, petitioned the agency to reexamine the seatback performance requirements of the standard in rear impact crashes.

Timetable:

Action	Date	FR Cite
ANPRM	10/04/89	54 FR 40896
ANPRM Comment Period End	12/04/89	
Request for Comments	11/23/92	57 FR 54958
Comment Period End	01/22/93	
NPRM	06/00/04	

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

Additional Information: Petitions for rulemaking were granted 07/24/89. See a related rulemaking action involving these petitioners under RIN 2127—AC57. The first part of the research is complete. A computer model and a prototype seat were developed. Information on this research is available in the docket along with a report on crash data analysis. The agency is currently evaluating the research results and conducting dynamic seat testing.

Agency Contact: Lori Summers, Division Chief, Department of

DOT—NHTSA

Proposed Rule Stage

Transportation, National Highway Traffic Safety Administration, NVS—112, Light Duty Vehicle Division, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—4917
Fax: 202 366—4329

RIN: 2127—AD08

2331. CERTIFICATION REQUIREMENTS OF MULTISTAGE VEHICLES

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

CFR Citation: 49 CFR 567; 49 CFR 568; 49 CFR 1.50

Legal Deadline: None

Abstract: The agency proposed to amend the certification requirements that apply to incomplete vehicles other than chassis—cabs. Incomplete vehicles are vehicles that include at least a frame and chassis structure, power train, steering system, suspension system, and brake system, but need further manufacturing performed on them to become completed vehicles. The agency proposed to extend the certification requirements currently applying to chassis—cabs to all types of incomplete vehicles. The agency recognizes that manufacturers who build vehicles in more than one stage are faced with somewhat different problems than manufacturers who build vehicles in a single stage, especially when it comes to certifying vehicles to meet Federal Motor Vehicle Safety Standards. The agency held a public meeting to listen to the views of these groups and others with respect to improving the vehicle certification process. The agency established a negotiated rulemaking advisory committee to develop recommended amendments to the existing regulations. The agency will publish the findings and recommendations of the negotiated rulemaking advisory committee and request comments from the public.

Timetable:

Action	Date	FR Cite
NPRM	12/03/91	56 FR 61392
NPRM Comment Period End	01/31/92	
Announced Public Meeting	11/17/95	60 FR 57694
Notice of Intent	05/20/99	64 FR 27499

Action	Date	FR Cite
Notice of Formation of Advisory Committee	11/26/99	64 FR 66447
Notice of Meetings	02/07/00	65 FR 5847
Notice	04/19/00	65 FR 20936
SNPRM	12/00/03	

Regulatory Flexibility Analysis

Required: Yes

Government Levels Affected: None

Additional Information: The agency has published a list of scheduled meetings.

ANALYSIS: Regulatory Evaluation, 12/03/91, 56 FR 61392

Agency Contact: George Mouchahoir, Team Leader, Special Vehicles and Systems Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366—4919

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Email: gmouchahoir@nhtsa.dot.gov

RIN: 2127—AE27

2332. REAR CONVEX CROSS—VIEW MIRRORS

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

CFR Citation: 49 CFR 571.111

Legal Deadline: None

Abstract: In response to a petition for rulemaking, the agency requested comments on the issue of rear mounted cross—view mirrors on light and medium duty trucks for the purpose of eliminating the blind spot directly behind the vehicle. The petitioner requested that these mirrors be mandated to eliminate backing crashes where children could be seriously injured or killed. Petition was granted.

Timetable:

Action	Date	FR Cite
Request for Comments	06/17/96	61 FR 30586
Comment Period End	10/15/96	
ANPRM	11/27/00	65 FR 70681
ANPRM Comment Period End	01/26/01	
NPRM	08/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Chris Flanigan, General Engineer, NVS—121, Department of Transportation, National Highway Traffic Safety Administration, Visibility & Injury Prevention Division, Office of Crash Avoidance Stds, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366—2720

RIN: 2127—AG41

2333. UPGRADE ROOF CRASHWORTHINESS

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

CFR Citation: 49 CFR 571.216

Legal Deadline: None

Abstract: In response to a petition for rulemaking, the agency is considering whether to upgrade the roof crashworthiness particularly since a larger percentage of American vehicles consist of light duty and utility vehicles, a class of vehicles more prone to rollover accidents. Petition was granted.

Timetable:

Action	Date	FR Cite
Request for Comments	10/22/01	66 FR 53376
Comment Period End	12/06/01	
NPRM	05/00/04	

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

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Email: gmouchahoir@nhtsa.dot.gov

RIN: 2127—AG51

2334. 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

DOT—NHTSA

Proposed Rule Stage

Legal Deadline: None

Abstract: In response to a petition for rulemaking, the agency is considering allowing a lower minimum mounting height for side reflex reflectors on motorcycles. The intent is to harmonize United States lighting safety standards with European and Asian reflector position regulations and improve the flow of trade by creating “windows of harmonization” that will allow manufacturers to market “common” vehicles in global markets.

Timetable:

Action	Date	FR Cite
Agency Decision	12/00/03	

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

Agency Contact: Kenneth Hardie, Safety Standards Engineer Office of Crash Avoidance Standards, Department of Transportation, National Highway Traffic Safety Administration, NVS—121, Visibility and Injury Prevention Division, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—2720
Fax: 202 366—4329

RIN: 2127—AG92**2335. CHILD RESTRAINTS FOR OLDER CHILDREN****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.213**Legal Deadline:** None

Abstract: In response to a petition for rulemaking, the agency requested comments on whether the child restraint standard should be amended to facilitate the production of lap belt—installed booster seats and other child restraints for children weighing over 18 kilograms, such as by allowing use of a tether in some of the compliance tests.

Timetable:

Action	Date	FR Cite
Request for Comment	07/07/99	64 FR 36657
Comment Period End	09/07/99	
Agency Decision	11/00/03	

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

Agency Contact: George Mouchahoir, Team Leader, Special Vehicles and Systems Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366—4919

Fax: 202 366—4329

Email: gmouchahoir@nhtsa.dot.gov

RIN: 2127—AH14**2336. UPGRADE DOOR RETENTION PERFORMANCE****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.206**Legal Deadline:** None

Abstract: Based upon annual average estimates from the 1988 through 1996 Fatal Analysis Reporting System (FARS) and the National Automotive Sampling System (NASS), there is an annual average of 2,515 fatalities and 1,882 serious injuries due to door ejections. Side door ejections are the second leading cause of ejections in all crashes, superseded only by ejections through fixed glazing. One of the activities of agency rollover research focuses on reducing injuries and fatalities resulting from side door ejections. This research has led the agency to identify potential significant solutions to mitigating a substantial number of these fatalities and injuries by improving side door retention performance. Therefore, the agency is proposing to upgrade the door retention requirements.

Timetable:

Action	Date	FR Cite
NPRM	04/00/04	

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

Agency Contact: George Mouchahoir, Team Leader, Special Vehicles and Systems Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366—4919

Fax: 202 366—4329

Email: gmouchahoir@nhtsa.dot.gov

RIN: 2127—AH34**2337. ADMINISTRATIVE REWRITE OF THE LIGHTING REQUIREMENTS OTHER THAN HEADLAMPS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.108**Legal Deadline:** None

Abstract: The agency is proposing to rewrite the reflective devices and associated equipment requirements to make the standard more readable and understandable. The standard has grown over the last 30 years by the incorporation of dozens of amendments. The document has become unwieldy to use and the agency decided to rewrite it to separate it into sections that address each lighting function separately. These sections will state the basic performance necessary for each lighting function and for lamp installation on various vehicle types. The rewrite will continue to reference Society of Automotive Engineers (SAE) and other standards and recommended practices for test procedures if too lengthy to incorporate changes. Moreover, it will codify various agency interpretations of its rules to make the standard more explicit. The proposed administrative rewrite of the headlamp regulations can be found under RIN 2127—AG87.

Timetable:

Action	Date	FR Cite
NPRM	12/00/04	

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

Agency Contact: David Hines, General Engineer Office of Crash Avoidance Standards, Department of Transportation, National Highway Traffic Safety Administration, NVS—121, 400 7th Street SW., Room 5307, Washington, DC 20590
Phone: 202 493—0245

RIN: 2127—AH37

DOT—NHTSA

Proposed Rule Stage

2338. +FRONTAL OFFSET 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 571.208**Legal Deadline:** None

Abstract: The agency is considering establishing a Federal motor vehicle safety standard for high—speed frontal offset crash testing. The frontal offset test is a crash test for automobiles and light trucks in which the subject vehicles are run into a deformable honeycomb barrier. The barrier contacts only 40 percent of the front of the vehicle, simulating an 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. NHTSA is also examining whether implementing a new offset test might create disbenefits in other crash modes such as side impacts.

Timetable:

Action	Date	FR Cite
Request for Comments	02/00/04	

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

Agency Contact: Lori Summers, Division Chief, Department of Transportation, National Highway Traffic Safety Administration, NVS—112, Light Duty Vehicle Division, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366—4917

Fax: 202 366—4329

RIN: 2127—AH73**2339. SPECIAL PURPOSE VEHICLES****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.224**Legal Deadline:** None

Abstract: In response to a petition for rulemaking, the agency is considering whether to amend the standard for new

trailers and semitrailers with a gross vehicle weight rating (GVWR) of 4,536 kilograms (10,000 pounds) or more be equipped with a rear impact guard by revising the definition of “special purpose vehicles.” These are vehicles with rear mounted liftgates that operate by swinging through the area or reside in any part of the area that is designated for the horizontal member of the rear impact guard.

Timetable:

Action	Date	FR Cite
NPRM	02/00/04	

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**2340. 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	01/00/05	

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

Agency Contact: William Evans, Safety Standards Engineer, Department of

Transportation, National Highway Traffic Safety Administration, Office of Crash Avoidance, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—2272

RIN: 2127—AH80**2341. HEADLAMP GLARE****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.108**Legal Deadline:** None

Abstract: The current standard sets minimum and maximum headlamp intensities to ensure the driver of the vehicle sees as much of the roadway as possible, while minimizing glare for other drivers using the road. The agency has been receiving a significant number of public complaints about headlamp glare from other vehicles. Technological changes, fleet mix changes, and an increase in the average driver age, cause the agency to reexamine seeing distance and glare.

Timetable:

Action	Date	FR Cite
Request for Comments (Auxiliary Lamps)	09/28/01	66 FR 49594
Reopen Comment Period	11/30/01	66 FR 59769
Comment Period End	12/22/01	
Comment Period End	01/28/02	
NPRM	12/00/03	

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

Agency Contact: Richard Van Iderstine, Chief, Visibility and Injury Prevention Division NVS—121, Department of Transportation, National Highway Traffic Safety Administration, Office of Crash Avoidance Stds., 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366—2720

Fax: 202 366—4329

RIN: 2127—AH81

DOT—NHTSA

Proposed Rule Stage

2342. 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
Agency Decision	05/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** Other issues raised by the petitioners are being addressed in RIN 2127—AH65 — Child Restraint Anchorage Systems — Part 1 and RIN 2127—AH86 — Child Restraint Anchorage Systems — Part 2.**Agency Contact:** George Mouchahoir, Team Leader, Special Vehicles and Systems Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366—4919

Fax: 202 366—4329

Email: gmouchahoir@nhtsa.dot.gov

RIN: 2127—AH85**2343. MOTORCYCLE HEADLAMP SYSTEM****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.108**Legal Deadline:** None**Abstract:** In response to a petition for rulemaking, the agency is considering whether to modify the motorcycle headlamp system height of upper beam and number of headlamp and light source.**Timetable:**

Action	Date	FR Cite
NPRM	11/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Kenneth Hardie, Safety Standards Engineer Office of Crash Avoidance Standards, Department of Transportation, National Highway Traffic Safety Administration, NVS—121, Visibility and Injury Prevention Division, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366—2720

Fax: 202 366—4329

RIN: 2127—AH92**2344. IMPROVE MOTORCYCLE HELMET HEAD PROTECTION****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.218**Legal Deadline:** None**Abstract:** In 1998, 2,284 motorcyclists were killed and 49,000 injured in traffic crashes on U.S. highways. The agency believes that helmet usage by motorcyclists is the most effective method to reduce deaths and injuries in motorcycle crashes. In order to improve the head protection for motorcyclists, the agency is proposing to upgrade the performance standards and test procedures to incorporate the technological advancements available in the current market and to review the standard for harmonization with other major helmet standards.**Timetable:**

Action	Date	FR Cite
Agency Decision	04/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** George Mouchahoir, Team Leader, Special Vehicles and Systems Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366—4919

Fax: 202 366—4329

Email: gmouchahoir@nhtsa.dot.gov

RIN: 2127—AI03**2345. REORGANIZE AND HARMONIZE CONTROLS AND DISPLAYS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.101**Legal Deadline:** None**Abstract:** The agency is proposing to reorganize the controls and displays requirements to make them more user—friendly and to harmonize the standard with the Canadian Motor Vehicle Safety Standard No. 101 on the same subject. These proposed changes will list the symbols used in the standard to improve driver recognition of the function of controls and the meaning of telltales.**Timetable:**

Action	Date	FR Cite
NPRM	09/23/03	68 FR 55217
NPRM Comment Period End	11/24/03	
Final Action	12/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Gayle Dalrymple, Safety Engineer, Vehicle Controls and Adapted Vehicle Division, Department of Transportation, National Highway Traffic Safety Administration, Office of Crash Avoidance Standards NVS—123, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366—5559

RIN: 2127—AI09**2346. SEAT BELT EMERGENCY LOCKING RETRACTOR****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.209**Legal Deadline:** None**Abstract:** In response to a petition for rulemaking, the agency is proposing clarifications concerning the test

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procedure for the acceleration pulse shape, onset rate, time duration, and acceleration tolerance for seat belt emergency locking retractors.

Timetable:

Action	Date	FR Cite
NPRM	02/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Lori Summers, Division Chief, Department of Transportation, National Highway Traffic Safety Administration, NVS—112, Light Duty Vehicle Division, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366—4917

Fax: 202 366—4329

RIN: 2127—AI38

2347. ADAPTATION OF INSTRUMENTED LOWER LEGS FOR HYBRID III MALE AND FEMALE ADULT DUMMIES

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

CFR Citation: 49 CFR 572

Legal Deadline: None

Abstract: The agency is proposing the use of crash test dummies with instrumented lower legs to assess the crashworthiness and the potential of lower limb injuries to occupants of passenger cars, vans, light trucks, and sport utility vehicles. The new legs would be retrofits for un—instrumented legs in current Hybrid III male and female adult size dummies. The legs will be used to monitor both the inertial impact and floor pan intrusion effects upon injury potential to the knees, tibia, ankle, and feet. The new legs will permit the agency to assess the injury potential to the lower legs in current motor vehicles during crashes and also enable the vehicle manufacturers to design and construct vehicles that will minimize lower limb injuries.

Timetable:

Action	Date	FR Cite
NPRM	12/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Sean Doyle, Engineer, Office of Crashworthiness Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366—1740

Fax: 202 366—4329

Email: sean.doyle@nhtsa.dot.gov

RIN: 2127—AI39

2348. PROCEDURES FOR PARTICIPATING IN AND RECEIVING DATA FROM THE NATIONAL DRIVER REGISTRATION PROBLEM DRIVER POINTER SYSTEM

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 30301 to 30308; PL 106—159, sec 204

CFR Citation: 23 CFR 1327

Legal Deadline: None

Abstract: The agency is proposing to amend the National Driver Register regulations to implement an amendment made by the Motor Carrier Safety Improvement Act of 1999 (PL 106—159). The amendment requires a State, before issuing or renewing a motor vehicle operator's license to an individual, to query both the National Driver Register and the Commercial Driver's License Information System on the individual's driving record.

Timetable:

Action	Date	FR Cite
NPRM	11/00/03	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: State

Agency Contact: Edward Milton, Acting Chief, Driver Register and Traffic Records, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366—4800

RIN: 2127—AI45

2349. CARGO CARRYING CAPACITY

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

CFR Citation: 49 CFR 575

Legal Deadline: None

Abstract: In response to a petition for rulemaking, the agency is considering mandatory consumer information in the form of a label that will inform the consumer of the Cargo Carrying Capacity (CCC) of motor homes, travel trailers, and fifth wheel travel trailers. Such labeling will help the consumer make informed decisions during the purchasing process, act as a reference during cargo loading and encourage the recreational vehicle industry to allow for greater cargo carrying capacities which in turn will reduce instances of overloading.

Timetable:

Action	Date	FR Cite
NPRM	01/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: William Evans, Safety Standards Engineer Office of Crash Avoidance Stds., Department of Transportation, National Highway Traffic Safety Administration, NVS—123, Vehicle Controls and Adapted Vehicle Division, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366—2272

Fax: 202 366—4329

RIN: 2127—AI50

2350. HORIZONTAL DISCHARGE TRAILERS

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

CFR Citation: 49 CFR 571.224

Legal Deadline: None

Abstract: In response to two petitions for rulemaking, the agency is considering excluding semitrailers equipped with "horizontal discharge trailers" from the current standard.

Timetable:

Action	Date	FR Cite
NPRM	11/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: George Mouchahoir, Team Leader, Special Vehicles and

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Systems Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366—4919

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Email: gmouchahoir@nhtsa.dot.gov

RIN: 2127—AI56

2351. ALLOW ROLL—BAR DURING BRAKE TESTING

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

CFR Citation: 49 CFR 571.105

Legal Deadline: None

Abstract: The agency is proposing to allow vehicles with a gross vehicle weight rating of over 10,000 pounds to use a roll—bar during braking tests.

Timetable:

Action	Date	FR Cite
NPRM	11/04/03	68 FR 62417
NPRM Comment Period End	01/05/04	
Final Action	10/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Samuel Daniel, General Engineer Office of Crash Avoidance Stds., Department of Transportation, National Highway Traffic Safety Administration, NVS—122, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—4921

RIN: 2127—AI63

2352. CHILD RESTRAINT SYSTEM WEBBING STRENGTH

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

CFR Citation: 49 CFR 571.213

Legal Deadline: None

Abstract: The agency is proposing to require minimum breaking strengths for child restraint systems webbing.

Timetable:

Action	Date	FR Cite
NPRM	12/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: George Mouchahoir, Team Leader, Special Vehicles and Systems Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366—4919

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Email: gmouchahoir@nhtsa.dot.gov

RIN: 2127—AI66

2353. MOTORCYCLE BRAKE CONTROLS

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

CFR Citation: 49 CFR 571.123

Legal Deadline: None

Abstract: In response to a petition for rulemaking, the agency is proposing to allow a handlebar lever instead of a foot pedal to control the rear brakes on motorcycles which have no clutch control.

Timetable:

Action	Date	FR Cite
NPRM	11/21/03	68 FR 65667
NPRM Comment Period End	01/20/04	
Final Action	10/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Mike Pyne, Safety Standards Engineer, Office of Crash Avoidance NVS—123, Department of Transportation, National Highway Traffic Safety Administration, NVS 123, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366—4171

RIN: 2127—AI67

2354. GM PETITION ON AMENDING FMVSS NO. 301 AND FMVSS NOS. 208, 212, 219, 303, AND 305

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1497

CFR Citation: 49 CFR 571.208; 49 CFR 571.212; 49 CFR 571.219; 49 CFR 571.301; 49 CFR 571.303; ...

Legal Deadline: None

Abstract: NHTSA published an NPRM on November 13, 2000, proposing to upgrade the rear— and side—impact tests in FMVSS No. 301, Fuel System Integrity. The NPRM requested comments on a number of particular issues. One of the requests, item 3.h, proposed to eliminate the second sentence in the standard's S7.11(b), which describes the test vehicle loading conditions. GM submitted comments on the issue and recommended specific changes. In addition, GM petitioned NHTSA to amend FMVSS Nos. 208, 212, 219, 303 and 305 with identical language that GM recommended for amending FMVSS No. 301.

Timetable:

Action	Date	FR Cite
Agency Decision	02/00/04	

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

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Email: gmouchahoir@nhtsa.dot.gov

RIN: 2127—AI76

2355. +FEDERAL MOTOR VEHICLE SAFETY STANDARDS; CHILD RESTRAINT SYSTEMS

Priority: Other Significant

Legal Authority: 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

CFR Citation: 49 CFR 571.213

Legal Deadline: Other, Statutory, November 1, 2001, Other.

Other, Statutory, November 1, 2002, Other.

TREAD ACT MANDATE (November 2002).

Abstract: Section 14(a) of the TREAD Act requires NHTSA to initiate a rulemaking for the purpose of improving the safety of child restraints,

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including minimizing head injuries from side impact collisions. The action specifically addresses the prospective adoption of a dynamic side impact test in FMVSS No. 213; currently, only frontal tests are conducted. If side impact test requirements are not proposed, the TREAD Act requires NHTSA to submit a Report to Congress explaining the rationale for these actions.

Timetable:

Action	Date	FR Cite
ANPRM Report to Congress	05/01/02 03/00/04	67 FR 21836

Regulatory Flexibility Analysis Required: Yes**Government Levels Affected:** Federal

Agency Contact: George Mouchahoir, Team Leader, Special Vehicles and Systems Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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RIN: 2127—AI83

2356. INCORPORATION OF EUROSID II DUMMY INTO 49 CFR PART 572

Priority: Substantive, Nonsignificant

Unfunded Mandates: Undetermined

Legal Authority: 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

CFR Citation: 49 CFR 572

Legal Deadline: None

Abstract: Incorporation of the EuroSID II, Side Impact Crash Test Dummy, into part 572 is being considered to support the forthcoming upgrade of FMVSS 214, Side Impact Regulation and to attain harmonization of crash test tools on a worldwide basis. The EuroSID is one of the alternative crash test tools being evaluated to upgrade FMVSS 214.

Timetable:

Action	Date	FR Cite
NPRM	04/00/04	

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—AI89

2357. VEHICLES BUILT IN TWO OR MORE STAGES — STANDARD 201 (PETITIONS FOR RECONSIDERATION)

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: In response to a petition for rulemaking, the agency is considering an amendment to FMVSS No. 201 Occupant Protection in Interior Impact as the requirements apply to vehicles manufactured in two or more stages. An interim final rule was published on June 18, 2002 (67 FR 41348) that amended the schedule for compliance by manufacturers of vehicles built in two or more stages with the upper interior head protection requirements of FMVSS No. 201.

Timetable:

Action	Date	FR Cite
NPRM	03/00/04	

Regulatory Flexibility Analysis Required: Yes

Government Levels Affected: None

Agency Contact: Dr. William R.S. Fan, Safety Standards Engineer, Department of Transportation, National Highway Traffic Safety Administration, Room 5320F, NVS—112, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366—4922

Fax: 202 366—4329

RIN: 2127—AI93

2358. PART 571.3 DEFINITIONS, DESIGNATED SEATING POSITION

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

CFR Citation: 49 CFR 571.3

Legal Deadline: None

Abstract: The agency is considering an amendment to part 571.3 Definitions, to redefine the term “designated seating position” (DSP) in order to establish an objective criteria that is more enforceable.

Timetable:

Action	Date	FR Cite
NPRM	02/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Lori Summers, Division Chief, Department of Transportation, National Highway Traffic Safety Administration, NVS—112, Light Duty Vehicle Division, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366—4917

Fax: 202 366—4329

RIN: 2127—AI94

2359. CRS REGISTRATION RULEMAKING, FMVSS NO. 213 AND PART 588

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1409

CFR Citation: 49 CFR 571.213; 49 CFR 588

Legal Deadline: None

Abstract: This rule would modify the registration card by adding a space for the consumer’s email address.

Amending the registration card would require modification to FMVSS No. 213, “Child Restraint Systems,” and part 588, “Child Restraint Systems Recordkeeping Requirements.”

Timetable:

Action	Date	FR Cite
NPRM	04/00/04	

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

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 Email: gmouchahoir@nhtsa.dot.gov
 RIN: 2127—AI95

2360. BUY AMERICA REQUIREMENTS

Priority: Substantive, Nonsignificant

Legal Authority: PL 97—424

CFR Citation: 23 CFR 1253

Legal Deadline: None

Abstract: The agency is proposing to exempt certain purchases by grantees from the requirements of the Department of Transportation's Buy America provisions to streamline and improve the grant process.

Timetable:

Action	Date	FR Cite
NPRM	11/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: John Donaldson, Acting Assistant Chief Counsel, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590
 Phone: 202 366—9511

RIN: 2127—AJ06

2361. • VEHICLE MODIFICATIONS TO ACCOMMODATE PEOPLE WITH DISABILITIES

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 322, 30111, 30115, 30117, 30122 and 30166; delegation of authority of 49 CFR 1.50

CFR Citation: 49 CFR 595

Legal Deadline: None

Abstract: NPRM proposing to extend part 595 subpart C, vehicle modifications to accommodate people with disabilities, to include portions of FMVSS Nos. 201, 208, and 225.

Timetable:

Action	Date	FR Cite
NPRM	06/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Rebecca MacPherson, Attorney Advisor, Office of Chief

Counsel, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590
 Phone: 202 366—2992

RIN: 2127—AJ07

2362. • +SIDE IMPACT PROTECTION UPGRADE — STANDARD 214

Regulatory Plan: This entry is Seq. No. 98 in part II of this issue of the Federal Register.

RIN: 2127—AJ10

2363. • FEDERAL MOTOR VEHICLE SAFETY STANDARDS DEFINITION OF LOW SPEED VEHICLES

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

Legal Authority: 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166; ...

CFR Citation: 49 CFR 571.3

Legal Deadline: None

Abstract: This proposal addresses two petitions for rulemaking regarding the exclusion of trucks from the definition of "low-speed vehicle" (LSV). The proposed definition, would expand LSV class to include trucks, but would limit the class to small electric vehicles. In addition proposed definition is more objective than the current definition.

Timetable:

Action	Date	FR Cite
NPRM	12/00/03	

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, Office of Crash Avoidance Standards NVS—123, 400 Seventh Street SW., Washington, DC 20590
 Phone: 202 366—5559

RIN: 2127—AJ12

2364. • AMEND REGULATORY DEFINITION OF MOTORCYCLE TO EXCLUDE LOW—SPEED MOTORCYCLES

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

Legal Authority: 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166; ...

CFR Citation: 49 CFR 575

Legal Deadline: None

Abstract: Rulemaking to amend 49 CFR 571.3, Definitions, so that the definition of "motorcycle" will exclude low-speed motorcycles, i.e., those capable of a maximum speed of 20 mph or less.

Timetable:

Action	Date	FR Cite
NPRM	04/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Mike Pyne, Safety Standards Engineer, Office of Crash Avoidance NVS—123, Department of Transportation, National Highway Traffic Safety Administration, NVS 123, 400 Seventh Street SW., Washington, DC 20590
 Phone: 202 366—4171

RIN: 2127—AJ13

2365. • INCORPORATION OF SID—IIS SIDE IMPACT CRASH TEST DUMMY INTO PART 572

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

Legal Authority: 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166; ...

CFR Citation: 49 CFR 1.50

Legal Deadline: None

Abstract: Incorporation of the SID—IIs small female side impact crash test dummy into Part 572 is being considered to support forthcoming upgrade of FMVSS 214, side impact regulation and to attain harmonization of crash test tools on a worldwide basis. SID IIs is one of the alter—native crash test tools being evaluated to upgrade FMVSS 214 to assure safety provisions in motor vehicles for small female occupants, cost of the SID IIs

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to the vehicle manufacturers are negligible per female manufactured vehicle basis.

Timetable:

Action	Date	FR Cite
NPRM	06/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Undetermined**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—AJ16

Department of Transportation (DOT)

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National Highway Traffic Safety Administration (NHTSA)

2366. RADIATOR SAFETY CAP**Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.402**Legal Deadline:** None

Abstract: In response to a petition for rulemaking, the agency is proposing a new Federal motor vehicle safety standard regulating new radiator caps and coolant reservoir caps, and new passenger cars, multipurpose passenger vehicles and light trucks with such caps. The agency believes that this new standard, if implemented, would result in fewer scald injuries that occur when people attempt to remove caps from motor vehicle radiators or coolant reservoirs that are under high pressure and contain hot fluids. However, this rulemaking would not require that radiator caps or coolant reservoir caps be provided on any motor vehicle.

Timetable:

Action	Date	FR Cite
Request for Comments	06/10/93	58 FR 32503
Comment Period End	08/09/93	
NPRM	06/01/01	66 FR 29747
NPRM Comment Period End	07/31/01	
NPRM Comment Period Extended	08/02/01	66 FR 40176
NPRM Comment Period End	09/28/01	
Final Action	09/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Kenneth Hardie, Safety Standards Engineer Office of Crash Avoidance Standards, Department of Transportation, National Highway Traffic Safety Administration,

NVS—121, Visibility and Injury Prevention Division, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—2720
Fax: 202 366—4329

RIN: 2127—AE59**2367. 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 that may assist in the agency's regulatory decisions in defining specific requirements and test procedures for upgrading the standard. Based on the responses to the notice and available data, the agency proposed replacing the current rear—impact test procedures with a more stringent test procedure. The agency also proposed replacing the standard's current side—impact test requirements with the side impact test requirements of Federal Motor Vehicle Safety Standard No. 214, Side—Impact Protection.

Timetable:

Action	Date	FR Cite
Request for Comments	12/14/92	57 FR 59041
Comment Period End	02/12/93	
ANPRM	04/12/95	60 FR 18566
ANPRM Comment Period End	06/12/95	
NPRM	11/13/00	65 FR 67693
NPRM Comment Period End	02/12/01	66 FR 78461
Final Action	02/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** This action will respond to RIN 2127—AE83. On December 15, 2000, an extension of comment period was published in response to petitions.**Agency Contact:** George Mouchahoir, Team Leader, Special Vehicles and Systems Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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RIN: 2127—AF36**2368. ALTERNATIVE GEOMETRIC VISIBILITY REQUIREMENTS FOR LAMPS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.108**Legal Deadline:** None**Abstract:** In response to a petition for rulemaking, the agency proposed to harmonize the lighting standard's

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geometric visibility requirements for signal lamps with those of the ECE. Harmonization of the standard worldwide, without reducing safety, would allow manufacturers to reduce costs by producing to a single world vehicle standard rather than several, thus reducing costs and improving the flow of trade. The agency issued additional/alternative proposals.

Timetable:

Action	Date	FR Cite
NPRM	10/26/95	60 FR 54833
NPRM Comment Period End	12/26/95	
SNPRM	12/10/98	63 FR 68233
SNPRM Comment Period End	03/10/99	
Final Action	07/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: On February 27, 1997 (62 FR 8883), the agency terminated rulemaking in which the agency had asked for comments on whether the performance and installation of front and rear fog lamps should be regulated. In response to these comments, the SAE has established a Fog Lamp Task Force to develop an internationally acceptable fog lamp standard on which a Federal standard could be based.

ANALYSIS: Regulatory Evaluation, 10/26/95, 60 FR 54833

Agency Contact: Richard Van Iderstine, Chief, Visibility and Injury Prevention Division NVS—121, Department of Transportation, National Highway Traffic Safety Administration, Office of Crash Avoidance Stds., 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366—2720

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RIN: 2127—AF75

2369. 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 noncontact 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 Rule	06/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Mike Pyne, Safety Standards Engineer, Office of Crash Avoidance NVS—123, Department of Transportation, National Highway Traffic Safety Administration, NVS 123, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366—4171

RIN: 2127—AF83

2370. DOOR LATCH EXEMPTION FOR VEHICLES EQUIPPED WITH WHEELCHAIR LIFTS AND RAMPS

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

CFR Citation: 49 CFR 571.206

Legal Deadline: None

Abstract: In response to granting a petition for rulemaking from Independent Mobility Systems, the agency is considering removing the exemption in FMVSS No. 206 for wheelchair lift door retention components. Prior to 1998, wheelchair adaptive equipment manufacturers disabled door retention components when installing wheelchair ramp and lift systems. However, recent changes in technology have eliminated the necessity for modifying door retention for wheelchair lift/ramp installations and therefore, it is no longer necessary to provide the lift exemption in FMVSS No. 206

Timetable:

Action	Date	FR Cite
Termination Notice	01/00/04	

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

2371. DEALER NOTIFICATION OF DEFECT OR NONCOMPLIANCE DETERMINATION

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 30102; 49 USC 30103; 49 USC 30111; 49 USC 30112; 49 USC 30115; 49 USC 30116; 49 USC 30118; 49 USC 30119; 49 USC 30120; 49 USC 30163; 49 USC 30165

CFR Citation: 49 CFR 573; 49 CFR 577

Legal Deadline: None

Abstract: The rule will implement an amendment to 49 USC chapter 301 which prohibits dealers from selling motor vehicles or motor vehicle equipment that has been determined to contain a safety—related defect or noncompliance with a Federal motor vehicle safety standard until the defect or noncompliance is remedied. It will set forth criteria to govern the timing and content of notifications of defects and noncompliances that manufacturers must send to their dealers.

Timetable:

Action	Date	FR Cite
NPRM	09/27/93	58 FR 50314

DOT—NHTSA

Final Rule Stage

Action	Date	FR Cite
NPRM Comment Period End	10/27/93	
SNPRM SNPRM Comment Period End	05/19/99	64 FR 27227
Final Action	02/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Jonathan D. White, Chief, Recall Analysis Division, Office of Defects Investigation, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366—5226

Fax: 202 366—7882

RIN: 2127—AG27

2372. 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 a window, partition, or panel. The agency is currently gathering non—crash fatality data from state records to determine the scope of the problem.

Timetable:

Action	Date	FR Cite
NPRM	11/15/96	61 FR 58504
NPRM Comment Period End	01/14/97	
Final Rule	11/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Mike Pyne, Safety Standards Engineer, Office of Crash Avoidance NVS—123, Department of Transportation, National Highway Traffic Safety Administration, NVS 123,

400 Seventh Street SW., Washington, DC 20590

Phone: 202 366—4171

RIN: 2127—AG36

2373. SEAT BELT POSITIONING DEVICES

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

CFR Citation: 49 CFR 575

Legal Deadline: None

Abstract: In response to a petition for rulemaking, the agency proposed a labeling requirement for seat belt positioning devices. This label would consist of a warning regarding the suitability of these devices for a particular height/weight/age of child.

Timetable:

Action	Date	FR Cite
NPRM	08/13/99	64 FR 44164
NPRM Comment Period End	10/12/99	
Final Action	03/00/04	

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—AG49

2374. GLARE REDUCTION FROM DAYTIME RUNNING LAMPS

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: The agency proposed to amend the lighting standard to reduce glare from daytime running lamps (DRLs). A final rule is imminent. This action is intended to provide the public with all the conspicuity benefits of

DRLs while reducing glare and is based on research that has become available since the final rule establishing DRLs was published in 1993.

Timetable:

Action	Date	FR Cite
NPRM	08/07/98	63 FR 42348
NPRM Comment Period End	09/21/98	
Final Action	02/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Richard Van Iderstine, Chief, Visibility and Injury Prevention Division NVS—121, Department of Transportation, National Highway Traffic Safety Administration, Office of Crash Avoidance Stds., 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366—2720

Fax: 202 366—4329

RIN: 2127—AG86

2375. ADMINISTRATIVE REWRITE FOR HEADLAMP REQUIREMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: The agency has proposed to rewrite the sections relating to headlighting. The rewrite is important because of the standard's age and numerous amendments which have made it difficult to read and interpret. The revised standard should reduce burden, especially to small manufacturers, because of improved clarity. The reorganization of the sections relating to other lamps will be addressed in a separate rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	11/12/98	63 FR 63258
NPRM Comment Period Extended to 4/11/99	02/08/99	64 FR 6021
NPRM Comment Period End	02/10/99	
Final Action	03/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

DOT—NHTSA

Final Rule Stage

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—AG87

2376. SIGNAL LAMPS USED WITH LIGHT—EMITTING DIODES

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: In response to a petition for rulemaking, the agency proposed to revise the requirements for signal lamps equipped with 3 or more light—emitting diodes (LEDs). The current requirements have become design restrictive and a service burden for vehicle and signal lamp manufacturers.

Timetable:

Action	Date	FR Cite
NPRM	06/24/98	63 FR 34350
NPRM Comment Period Extended	08/03/98	63 FR 41222
NPRM Comment Period End	10/09/98	
Final Action	01/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Chris Flanigan, General Engineer, NVS—121, Department of Transportation, National Highway Traffic Safety Administration, Visibility & Injury Prevention Division, Office of Crash Avoidance Stds, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—2720

RIN: 2127—AG88

2377. +ALLOCATION OF FUEL ECONOMY CREDITS

Priority: Other Significant

Legal Authority: 49 USC 32903

CFR Citation: 49 CFR 534

Legal Deadline: None

Abstract: The agency is proposing rulemaking to clarify when and how predecessor and successor automobile manufacturers may use the fuel economy credits of the predecessor or successor. The use of carry forward or carry back credits will be specified for manufacturers that merge. This action is considered significant because it will affect the treatment of the Corporate Average Fuel Economy (CAFE) penalties.

Timetable:

Action	Date	FR Cite
NPRM	01/22/01	66 FR 6523
Final Action	12/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Edward Glancy, Senior Attorney Advisor, Office of the Chief Counsel, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—2992

RIN: 2127—AG97

2378. +UPGRADE OF HEAD RESTRAINTS

Priority: Economically Significant. Major under 5 USC 801.

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

Legal Authority: 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166; 49 USC 322

CFR Citation: 49 CFR 571.202

Legal Deadline: None

Abstract: The agency has proposed to upgrade the current head restraint requirements to increase safety. The proposal also, until the upgraded requirements become effective, allows manufacturers to certify their vehicles either to the existing U.S. requirements or to the Economic Commission for Europe (ECE) Regulation No. 25. The upgrade proposed performance requirements intended to assure that the head restraint, if adjusted, will remain locked in specific height positions and calls for the installation of head restraints in rear seats. This action is considered significant due to

the expected high cost to the private sector for the modifications to the standard.

Timetable:

Action	Date	FR Cite
NPRM	01/04/01	66 FR 967
NPRM Comment Period End	03/05/01	
Final Action	05/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Lori Summers, Division Chief, Department of Transportation, National Highway Traffic Safety Administration, NVS—112, Light Duty Vehicle Division, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—4917
Fax: 202 366—4329

RIN: 2127—AH09

2379. UPPER INTERIOR IMPACT

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

CFR Citation: 49 CFR 571.201

Legal Deadline: None

Abstract: At the request of the manufacturers' organizations, the agency proposed to amend the upper interior impact requirements (1) to modify the minimum distance between certain targets on vertical surfaces inside a vehicle and (2) to add new definitions and test procedures for new—style door frames and vertical seat belt mounting structures.

Timetable:

Action	Date	FR Cite
NPRM	04/05/00	65 FR 17843
NPRM Comment Period Extended	06/05/00	
NPRM Comment Period Extended	06/07/00	65 FR 36106
NPRM Comment Period End	07/05/00	
Final Action	03/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Lori Summers, Division Chief, Department of

DOT—NHTSA

Final Rule Stage

Transportation, National Highway Traffic Safety Administration, NVS—112, Light Duty Vehicle Division, 400 Seventh Street SW., Washington, DC 20590

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RIN: 2127—AH61

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 proposed to reduce regulatory burdens associated with importation of Canadian vehicles for resale in the United States when those vehicles already comply in essential respects with the Federal motor vehicle safety standards. This proposal would enhance safety by revising application procedures to ensure a higher caliber of registered importers and clarifying existing obligations.

Timetable:

Action	Date	FR Cite
NPRM	11/20/00	65 FR 69810
NPRM Comment Period	02/01/01	
Final Action	03/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Goode Michael, Attorney Advisor, 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

Legal Authority: 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

CFR Citation: 49 CFR 571.124

Legal Deadline: None

Abstract: The agency reviewed this standard and published a Request for Comments to obtain information on electronic accelerator controls. After reviewing the comments received on this notice, the agency plans to propose a revision of the standard that will make explicit the application of the standard to electronic accelerator controls and the electric vehicles. The proposal will recognize that electronic engine controls vastly increase the ways manufacturers can achieve fail—safe performance in the event of a disconnection or severance of the accelerator control system and will propose a number of alternative compliance tests for fail—safe performance to avoid design restrictions.

Timetable:

Action	Date	FR Cite
Request for Comments	12/04/95	60 FR 62061
Comment Period End	02/02/96	
NPRM	07/23/02	67 FR 48117
Final Action	11/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Mike Pyne, Safety Standards Engineer, Office of Crash Avoidance NVS—123, Department of Transportation, National Highway Traffic Safety Administration, NVS 123, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—4171

RIN: 2127—AH71

2382. VEHICLES WITH RAISED ROOFS

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

CFR Citation: 49 CFR 571.216

Legal Deadline: None

Abstract: In response to petitions for reconsideration of a final rule published on April 27, 1999 (64 FR 22567, RIN 2127—AF40) that made testing more suitable for vehicles with raised— or sloped—roof structures, the petitioners requested that the agency

modify the portion of the rule that pertains to raised—roof vehicles, particularly those vehicles used for transporting disabled persons. The petitioners claim that the test plate position requirement for these vehicles causes the plate's rear edge to contact the raised—roof structure in a manner which causes abnormal penetration and failure.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/31/00	65 FR 4579
Interim Final Rule Effective	01/31/00	
Final Action	03/00/04	

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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Email: gmouchahoir@nhtsa.dot.gov

RIN: 2127—AH74

2383. BRAKE HOSES

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

CFR Citation: 49 CFR 571.106

Legal Deadline: None

Abstract: In response to a petition for rulemaking, the agency is considering whether to adopt portions of the brake component Federal safety provisions that are now in the Federal Motor Carrier Safety Administration regulations into the agency's brake regulation.

Timetable:

Action	Date	FR Cite
NPRM	05/15/03	68 FR 26384
NPRM Comment Period End	07/14/03	
Final Action	03/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

DOT—NHTSA

Final Rule Stage

Agency Contact: Jeffrey Woods, Safety Standards Engineer Office of Crash Avoidance Standards, Department of Transportation, National Highway Traffic Safety Administration, NVS—122, Vehicle Dynamics Division, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366—2720

Fax: 202 366—4329

RIN: 2127—AH79

2384. CLARIFY TEST PROCEDURES FOR BRAKE FLUIDS

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

CFR Citation: 49 CFR 571.116

Legal Deadline: None

Abstract: The agency has proposed to revise the corrosion and evaporation test procedures for brake fluids. These revisions are intended to improve the levels of compliance test repeatability and/or reproducibility.

Timetable:

Action	Date	FR Cite
NPRM	01/16/01	66 FR 3527
NPRM Comment Period End	03/19/01	
Final Action	01/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Samuel Daniel, General Engineer Office of Crash Avoidance Stds., Department of Transportation, National Highway Traffic Safety Administration, NVS—122, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366—4921

RIN: 2127—AH96

2385. LABEL PLACEMENT ON REAR IMPACT GUARDS

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

CFR Citation: 49 CFR 571.223

Legal Deadline: None

Abstract: In response to petitions for rulemaking, the agency is proposing to

allow trailer manufacturers additional flexibility in the placement of the permanent label on the guard to minimize the probability that the label will be exposed to conditions — environmental, operational, or otherwise — that may damage or destroy the guard while maintaining a location that is easily accessible and visible for inspection and enforcement purposes. Other portions of the petitions are denied.

Timetable:

Action	Date	FR Cite
NPRM	03/29/02	67 FR 15154
NPRM Comment Period End	05/28/02	
Final Action	12/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: George Mouchahoir, Team Leader, Special Vehicles and Systems Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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RIN: 2127—AI04

2386. DISPOSITION OF REPLACED TIRES

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 30102 to 30103; 49 USC 30112; 49 USC 30117 to 30121; 49 USC 30166 to 30167; Delegation of authority 49 CFR 1.50

CFR Citation: 49 CFR 573

Legal Deadline: None

Abstract: Rule to implement section 7 of the TREAD Act, PL 106—414 49 USC 30120(d) by requiring a manufacturer who conducts a campaign to remedy a safety—related defect or noncompliance that involves the replacement of tires to develop a plan regarding the disposition of the tires that are replaced. The plan would address how to prevent, by means reasonably within the manufacturer's control, the disposal of replaced tires in landfills, particularly through shredding, crumbling, recycling, recovery, and other alternative beneficial nonvehicular uses.

Timetable:

Action	Date	FR Cite
NPRM	12/18/01	66 FR 65165
NPRM Comment Period End	02/19/02	
SNPRM	07/26/02	67 FR 48852
SNPRM Comment Period End	08/26/02	
SNPRM Comment Period End	08/26/02	
Final Action	03/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Enid Rubenstein, Senior Attorney, Department of Transportation, National Highway Traffic Safety Administration, 5219, NCC—10, 400 Seventh Street, SW, Washington, DC 20590

Phone: 202 366—5252

Fax: 202 366—2820

RIN: 2127—AI29

2387. +AUTOMOTIVE FUEL ECONOMY MANUFACTURING INCENTIVE FOR ALTERNATIVE FUEL VEHICLES

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: 49 USC 32905(f); 49 USC 32906(a)(1)(B)

CFR Citation: 49 CFR 538

Legal Deadline: Final, Statutory, December 31, 2001, Final.

Abstract: The agency is statutorily required to publish a notice that either extends the incentive program whereby automotive manufacturers earn Corporate Average Fuel Economy credits for the production of dual—fuel vehicles for up to four years beyond model year 2004, with a maximum allowable increase in average fuel economy per manufacturer of 0.9 miles per gallon, or explains the rationale for not extending the incentive program.

Timetable:

Action	Date	FR Cite
Notice of Intent	01/07/02	67 FR 713
NPRM	03/11/02	67 FR 10873
NPRM Comment Period End	04/10/02	
NPRM Comment Period End	04/10/02	
Final Action	11/00/03	

Regulatory Flexibility Analysis

Required: No

DOT—NHTSA

Final Rule Stage

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Kenneth Richard Katz, Lead Engineer, Consumer Program Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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Email: kkatz@nhtsa.dot.gov

RIN: 2127—AI41

2388. EXPANDING THE AUTO PARTS MARKING REQUIREMENT

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 33103

CFR Citation: 49 CFR 541

Legal Deadline: None

Abstract: In accordance with the Anti Car Theft Act of 1992, the Attorney General was required to report on the effectiveness of expanding the parts marking requirements of the theft prevention standard to the remaining motor vehicle lines. On the basis of the available evidence presented, the Attorney General found that the evidence did not support a finding that requiring parts marking would not substantially inhibit chop shop operations and auto theft and therefore, recommended expanding the parts marking requirements to the remaining motor vehicle lines. Based on the results of the report, the agency is required to conduct a rulemaking to extend the theft prevention standard to the remaining motor vehicle lines.

Timetable:

Action	Date	FR Cite
NPRM	06/26/02	67 FR 43075
NPRM Comment Period End	08/26/02	
Final Action	12/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Rosalind Proctor, Division Chief, Consumer Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366—0846

Fax: 202 493—2290

Email: rosalind.proctor@nhtsa.dot.gov

RIN: 2127—AI46

2389. PARKING BRAKES FOR NON—SCHOOL BUS VEHICLES

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

CFR Citation: 49 CFR 571.105

Legal Deadline: None

Abstract: The agency is proposing to update the standard to require non—school bus vehicles with a gross vehicle weight rating (GVWR) over 10,000 pounds to be equipped with a hydraulic parking brake system.

Timetable:

Action	Date	FR Cite
NPRM	10/30/02	67 FR 66098
Final Action	11/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Samuel Daniel, General Engineer Office of Crash Avoidance Stds., Department of Transportation, National Highway Traffic Safety Administration, NVS—122, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366—4921

RIN: 2127—AI47

2390. HEAVIER HYBRID III TYPE 6—YEAR—OLD—SIZE TEST DUMMY

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166; ...

CFR Citation: 49 CFR 572

Legal Deadline: None

Abstract: The agency is proposing to incorporate a heavier 6—year—old child dummy as part of the Hybrid III test dummy family. This dummy will have weight added to the existing dummy, making it heavier than 60 pounds. The weighted 6—year—old dummy would have application for testing child restraint systems which are rated for weights above the current 6—year—old dummy weight and would serve as an interim device until such time as the Hybrid III 10—year—old dummy has been fully developed.

Timetable:

Action	Date	FR Cite
Final Action	05/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Sean Doyle, Engineer, Office of Crashworthiness Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366—1740

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Email: sean.doyle@nhtsa.dot.gov

RIN: 2127—AI58

2391. RETROACTIVE CERTIFICATION (POLICY STATEMENT)

Priority: Info./Admin./Other

Legal Authority: 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30166; 49 USC 32502; ...

CFR Citation: 49 CFR 567

Legal Deadline: None

Abstract: Policy statement will detail circumstances under which the agency will allow retroactive certification of heavy trucks and buses manufactured for use in Canada and Mexico.

Timetable:

Action	Date	FR Cite
Request for Comments	03/19/02	67 FR 12790
Comment Period End	05/20/02	
Final Action	12/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Rebecca MacPherson, Attorney Advisor, Office of Chief Counsel, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366—2992

RIN: 2127—AI59

DOT—NHTSA

Final Rule Stage

2392. RECORD RETENTION OF RETROACTIVELY CERTIFIED VEHICLES**Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 30112; 49 USC 30115; 49 USC 30117 30121; 49 USC 30166 to 30167**CFR Citation:** 49 CFR 576**Legal Deadline:** None**Abstract:** Record retention requirements for manufacturers who retroactively certify that heavy trucks and buses manufactured for use in Canada and Mexico met all applicable Federal motor vehicle safety standards on date of original manufacture.**Timetable:**

Action	Date	FR Cite
NPRM	03/19/02	67 FR 12800
NPRM Comment Period End	05/20/02	
Final Action	12/00/03	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Rebecca MacPherson, Attorney Advisor, Office of Chief Counsel, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—2992**RIN:** 2127—AI60**2393. IMPORTATION OF COMMERCIAL MOTOR VEHICLES****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 30112**CFR Citation:** 49 CFR 591**Legal Deadline:** None**Abstract:** This rulemaking would propose a definition of the term "import."**Timetable:**

Action	Date	FR Cite
NPRM	03/19/02	67 FR 12806
NPRM Comment Period End	05/20/02	
Final Action	12/00/03	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Edward Glancy, Senior Attorney Advisor, Office of the Chief Counsel, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366—2992

RIN: 2127—AI64**2394. FMVSS NO. 208 ADVANCED AIR BAG PETITIONS FOR RECONSIDERATION (PART 2)****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.208**Legal Deadline:** None**Abstract:** This notice is the second in a series addressing the Petitions for Reconsideration received for the December 18, 2001, FMVSS No. 208 Final Rule. It addresses detailed dummy and seat positioning issues and other test procedure clarification requested in the Petitions for Reconsideration.**Timetable:**

Action	Date	FR Cite
Final Action	11/00/03	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Louis Molino, Safety Standards Engineer, Department of Transportation, National Highway Traffic Safety Administration, Office of Crashworthiness Standards, NVS—112, 400 Seventh Street, SW, Room 5320, Washington, DC 20590
Phone: 202 366—1833
Fax: 202 366—4329**RIN:** 2127—AI82**2395. WARNING LABEL AND ADDITIONAL CONSPICUITY FEATURES FOR LOW SPEED VEHICLES****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 500**Legal Deadline:** None**Abstract:** Low speed vehicles (whose top speed capability is, by definition, 25 mph) are required by NHTSA to meet certain minimum safety requirements. These requirements are less stringent and comprehensive than those for all other passenger motor vehicles. While low speed vehicles originally intended for use on roadways in neighborhoods, gated communities, and similar environments with limited traffic, some States now permit them to be used on roads with posted speed limits up to 35 mph, and even higher in a few cases. Additionally, because various States treat these vehicles as zero emission vehicles, it is likely that larger volumes of these vehicles will enter service beginning in 2003. Given the small size of these vehicles and their limited safety features, they offer less protection in a crash than a regular car, van, or truck does. This means a higher risk of injury or death in crashes, even at low speeds. Consequently, the agency is considering a label warning of this higher risk and measures for increasing the conspicuity of low speed vehicles.**Timetable:**

Action	Date	FR Cite
NPRM	07/12/02	67 FR 46149
Final Rule	06/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Richard Van Iderstine, Chief, Visibility and Injury Prevention Division NVS—121, Department of Transportation, National Highway Traffic Safety Administration, Office of Crash Avoidance Stds., 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366—2720

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Chris Flanigan, General Engineer, NVS—121, Department of Transportation, National Highway Traffic Safety Administration, Visibility & Injury Prevention Division, Office of Crash Avoidance Stds, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—2720**RIN:** 2127—AI84

DOT—NHTSA

Final Rule Stage

2396. USE OF SEAT—MOUNTED CHILD RESTRAINTS ON SCHOOL BUS SEATS**Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 1392**CFR Citation:** 49 CFR 571.213**Legal Deadline:** None

Abstract: This action responds to petitions to amend FMVSS No. 213, Child Restraint Systems, to allow the use of seat—mounted child restraint systems on school buses. Currently, FMVSS No. 213 does not allow child restraint systems to be attached to a vehicle seat cushion or vehicle seat back except by vehicle seat belts.

Timetable:

Action	Date	FR Cite
Final Rule	12/00/03	

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

Agency Contact: George Mouchahoir, Team Leader, Special Vehicles and Systems Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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RIN: 2127—AI88**2397. +REAR CENTER LAP/SHOULDER BELT REQUIREMENT — STANDARD 208****Priority:** Economically Significant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30177; 49 USC 30166**CFR Citation:** 49 CFR 571.208**Legal Deadline:** None

Abstract: The agency is considering an amendment to its occupant protection standard, FMVSS No. 208, to require the installation of Type 2 (lap/shoulder belt) assemblies for all rear non—outboard designated seating positions (DSPs) in passenger cars, trucks and multipurpose passenger vehicles with a Gross Vehicle Weight Rating (GVWR) of 4,536 kg (10,000 lbs.) or less.

Timetable:

Action	Date	FR Cite
NPRM Final Rule	08/06/03 09/00/04	68 FR 46546

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

Agency Contact: Lori Summers, Division Chief, Department of Transportation, National Highway Traffic Safety Administration, NVS—112, Light Duty Vehicle Division, 400 Seventh Street SW., Washington, DC 20590

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Fax: 202 366—4329

RIN: 2127—AI91**2398. +REPORTING OF INFORMATION AND DOCUMENTS ABOUT POTENTIAL DEFECTS****Priority:** Other Significant**Legal Authority:** 49 USC 30166(m)**CFR Citation:** 49 CFR 579**Legal Deadline:** None

Abstract: Final rule responding to remaining petitions for reconsideration of final rule on reporting of information and documents about potential defects published on July 10, 2002 (67 FR 45882).

Timetable:

Action	Date	FR Cite
Final Rule	12/00/03	

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

Agency Contact: Andrew DiMarsico, Trial Attorney, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366—5263

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Email: andrew.dimarsico@dot.gov

RIN: 2127—AI92**2399. 5TH PERCENTILE DUMMY BELTED BARRIER CRASH TEST REQUIREMENTS — STANDARD 208****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 an amendment to its occupant protection standard, FMVSS No. 208, to improve high speed crash protection to belted occupants of small stature that may sit in the full forward seat position. Current crash test requirements for the 5th percentile adult female dummy include a 0—48 km/h belted rigid barrier crash test. The agency is considering increasing the maximum crash test speed from 48 km/h to 56 km/h to be consistent with the 50th percentile adult male requirements that will take effect according to the second phase of the FMVSS No. 208 Advanced Air Bag Final Rule (65 FR 30680).

Timetable:

Action	Date	FR Cite
NPRM Final Rule	08/06/03 10/00/04	68 FR 46539

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

Agency Contact: Lori Summers, Division Chief, Department of Transportation, National Highway Traffic Safety Administration, NVS—112, Light Duty Vehicle Division, 400 Seventh Street SW., Washington, DC 20590

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RIN: 2127—AI98**2400. REIMBURSEMENT PRIOR TO RECALL****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 30120(d)**CFR Citation:** 49 CFR 573; 49 CFR 577**Legal Deadline:** None

Abstract: This action responds to a petition for reconsideration of the reimbursement prior to recall rule (67 FR 64049).

DOT—NHTSA

Final Rule Stage

Timetable:

Action	Date	FR Cite
Final Rule	02/00/04	

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

Agency Contact: Andrew DiMarsico, Trial Attorney, Department of Transportation, National Highway Traffic Safety Administration, 5219, NCC—10, 400 Seventh Street SW., Washington, DC 20590
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RIN: 2127—AJ05**2401. • CHILD RESTRAINT SYSTEMS**

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

Legal Authority: 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30117; ...

CFR Citation: 49 CFR 571.213**Legal Deadline:** None

Abstract: Response to a petition for reconsideration of an October 1, 2002 Final Rule amending the requirements for child restraint labels and the written instructions that accompany child restraints.

Timetable:

Action	Date	FR Cite
Final Action	03/00/04	

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

Agency Contact: Mary Versailles, Office of Planning and Consumer Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366—2057

RIN: 2127—AJ15**2402. • PLATFORM LIFT SYSTEMS; PETITIONS FOR RECONSIDERATION**

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

Legal Authority: 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30116; ...

CFR Citation: 49 CFR 571.403; 49 CFR 571.404**Legal Deadline:** None

Abstract: The history of this rulemaking includes a NPRM (2/1993), a SNPRM (7/2000) and a Final Rule (12/2002). In this action, the Agency is responding to Petitions for Reconsideration to the Final Rule is taking place. The Final Rule adopts two new safety standards: Standard No. 403, an equipment standard specifying requirements for platform lifts; and Standard No. 404, a vehicle standard for all vehicles equipped with such lifts. The equipment standard will require platform lift manufacturers to ensure that their lifts meet minimum platform dimensions and maximum size limits on platform protrusions and gaps. Requirements also include handrails, a threshold—warning signal, provisions for backup operation, and retaining barriers. Performance tests address such areas as wheelchair retention, lift strength/durability, maximum platform velocity/acceleration, and platform slip resistance. Interlocks are prescribed to prevent situations relative to vehicle and lift movement that could cause injury. The vehicle standard will require vehicle manufacturers who install lifts to use lifts meeting the equipment standard, to install them in accordance with lift manufacturer's instructions, and to ensure that specific information is made available to lift users. These standards will prevent lift occupants from rolling or falling off of lift platforms, slipping or tripping while on lift platforms, being caught or pinched by moving lift components, and will provide safer transit for the disabled public.

Timetable:

Action	Date	FR Cite
Final Action	06/00/04	

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

Agency Contact: William Evans, Safety Standards Engineer Office of Crash Avoidance Stds., Department of Transportation, National Highway Traffic Safety Administration, NVS—123, Vehicle Controls and Adapted Vehicle Division, 400 Seventh Street SW., Washington, DC 20590
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RIN: 2127—AJ18**2403. • CONFIDENTIAL BUSINESS INFORMATION**

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

Legal Authority: 49 USC 30166 (m)**CFR Citation:** 49 CFR 512**Legal Deadline:** None

Abstract: This action is related to completed rulemaking action (RIN 2127—AI13), which was published on July 28, 2003, at 68 FR 44209. It responds to petitions for reconsideration received by NHTSA in response to the final rule.

Timetable:

Action	Date	FR Cite
Response to Petitions	01/00/04	

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

Agency Contact: Michael Kido, Trial Attorney, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590

Phone: 202 366—5263

RIN: 2127—AJ24

Department of Transportation (DOT)

Long-Term Actions

National Highway Traffic Safety Administration (NHTSA)

2404. +REVIEW: SIDE—IMPACT PROTECTION**Priority:** Other Significant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.214**Legal Deadline:** None

Abstract: This standard requires passenger cars manufactured after September 1, 1996, to provide occupant protection when impacted in the side by a moving deformable barrier. The agency has compared the actual risk of occupant injury in side—impact crashes of cars meeting the standard to the risk in pre—standard cars. The cost of the standard has been estimated. The technical report has been published. This regulation was selected for review because of its costs, potential benefits, and public interest.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/94	
Technical Report: Phase I	12/08/99	64 FR 68717
Comment Period End	04/06/00	
Summary and Discussion of Public Comments Sent to Docket: Phase 1	08/11/00	
End Review	06/00/05	

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

Additional Information: The Phase I evaluation report indicates that the test injury criterion TTI(d) has a statistically significant association with fatality risk in actual side—impact crashes on the highway. In model years 1981—93 cars, models with low TTI(d) on the Federal motor vehicle safety standard no. 214 test tend to have low fatality risk.

Agency Contact: Charles J. Kahane, Chief, Evaluation Division, Office of Plans and Policy, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366—2560

Fax: 202 366—2559

Email: ckahane@nhtsa.dot.gov

RIN: 2127—AF54**2405. REVIEW: REDESIGNED AIR BAGS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.208**Legal Deadline:** None

Abstract: This standard was temporarily amended to make the unbelted test for vehicles with air bags less stringent and, in effect, make it easier for manufacturers to quickly depower their air bags. Redesigned air bags are likely to benefit out—of—position occupants and reduce drivers' arm injuries, but they might be less effective than earlier air bags for some occupants. This regulation was selected for review because of public interest, potential benefits, and possibility of higher risk for some vehicle occupants.

Timetable:

Action	Date	FR Cite
Begin Review	05/01/98	
End Review	12/00/04	

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

Agency Contact: Charles J. Kahane, Chief, Evaluation Division, Office of Plans and Policy, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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RIN: 2127—AH13**2406. REVIEW: ANTILOCK BRAKE SYSTEMS FOR HEAVY TRUCKS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.105; 49 CFR 571.121**Legal Deadline:** None

Abstract: These standards require antilock brake systems (ABS) on truck—tractors manufactured after March 1, 1997, semi—trailers and single—unit trucks equipped with air brakes after March 1, 1998, and single—unit trucks over 10,000 pounds

GVWR equipped with hydraulic brakes after March 1, 1999. The agency will study the influence of ABS on crash involvement rates and estimate the cost of ABS. These regulations were selected for review because of their costs, potential benefits, and public interest.

Timetable:

Action	Date	FR Cite
Begin Review	04/01/00	
Evaluation Plan Published	08/14/00	65 FR 49633
Collection of Information	10/05/01	66 FR 51093
Comment Period End	12/04/01	
End Review	12/00/06	

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

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RIN: 2127—AI14**2407. REVIEW: REAR—IMPACT GUARDS FOR TRUCK TRAILERS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.223; 49 CFR 571.224**Legal Deadline:** None

Abstract: These standards set requirements for the geometry, configuration, strength, and energy absorption capability of rear—impact guards on full trailers and semi—trailers over 10,000 pounds GVWR manufactured after January 26, 1998. The agency will study the influence of these guards on injuries in passenger vehicles that rear—impact trailers. The cost of the standards will also be estimated. These regulations were selected for review because of their costs, potential benefits, and public interest.

Timetable:

Action	Date	FR Cite
Begin Review	04/15/00	

DOT—NHTSA

Long-Term Actions

Action	Date	FR Cite
Evaluation Plan Published	08/14/00	65 FR 49633
Collection of Information	10/05/01	66 FR 51093
Comment Period End	12/04/01	
End Review	12/00/06	

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

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RIN: 2127—AI15**2408. IDLE STOP TECHNOLOGY USED IN SOME HYBRID ELECTRIC VEHICLES****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.102**Legal Deadline:** None

Abstract: The agency is proposing to amend the standard to clarify the intent of the standard and allow it to accommodate “idle stop technology” used in some hybrid electric vehicles. This will respond to existing interpretations which promised such a modification.

Timetable:

Action	Date	FR Cite
NPRM	05/15/03	68 FR 26269
NPRM Comment Period End	07/14/03	
Final Action	01/00/05	

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

Agency Contact: William Evans, Safety Standards Engineer Office of Crash Avoidance Stds., Department of Transportation, National Highway Traffic Safety Administration, NVS—123, Vehicle Controls and Adapted

Vehicle Division, 400 Seventh Street SW., Washington, DC 20590
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RIN: 2127—AI43**2409. CONVEX MIRRORS FOR COMMERCIAL TRUCKS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.111**Legal Deadline:** None

Abstract: In response to a petition for rulemaking from Barbara Sandord, the agency is considering amending the standard to require that all commercial trucks traveling on the interstate highway system have convex mirrors affixed to their front right and left fenders (such as those required on school buses).

Timetable:

Action	Date	FR Cite
Request for Comments	01/22/03	68 FR 2993
Comment Period Ends	03/24/03	
NPRM	02/00/05	

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

Agency Contact: Chris Flanigan, General Engineer, NVS—121, Department of Transportation, National Highway Traffic Safety Administration, Office of Crash Avoidance Stds, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366—2720

RIN: 2127—AI52**2410. ENHANCED PASSENGER—SIDE MIRROR SYSTEM****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.111**Legal Deadline:** None

Abstract: In response to a petition for rulemaking from AM General, the agency is considering amending the standard by extending the requirements

to MPVs and trucks (independent of their weight) to allow enhanced passenger—side mirror systems.

Timetable:

Action	Date	FR Cite
Request for Comments	01/22/03	68 FR 2993
Comment Period Ends	03/24/03	
NPRM	02/00/05	

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

Agency Contact: Chris Flanigan, General Engineer, NVS—121, Department of Transportation, National Highway Traffic Safety Administration, Visibility & Injury Prevention Division, Office of Crash Avoidance Stds, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366—2720

RIN: 2127—AI53**2411. DAYTIME RUNNING LAMPS INTENSITY REDUCTION PHASE II****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.108**Legal Deadline:** None

Abstract: The agency is proposing to further lower glare while minimizing the change in conspicuity.

Timetable: Next Action Undetermined**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None

Agency Contact: Richard Van Iderstine, Chief, Visibility and Injury Prevention Division NVS—121, Department of Transportation, National Highway Traffic Safety Administration, Office of Crash Avoidance Stds., 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366—2720

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RIN: 2127—AI62

DOT—NHTSA

Long-Term Actions

2412. +EVENT DATA RECORDERS**Priority:** Other Significant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** Not Yet Determined**Legal Deadline:** None

Abstract: In the past several years, there has been considerable interest from the safety community in establishing requirements for event data recorders (EDRs). We believe it is timely to consider what role NHTSA should take in implementing EDRs in motor vehicles. Recently, NHTSA received a petition requesting that NHTSA initiate rulemaking to require the installation of EDRs in new vehicles. The agency decided to issue a Federal Register notice asking for comments. NHTSA will decide what to do after review of comments and other related information.

Timetable:

Action	Date	FR Cite
Request for Comments	10/11/02	67 FR 63493
Comment Period End	01/09/03	
Comment Period Extended	01/10/03	68 FR 1508
Comment Period End	02/28/03	
Next Action	Undetermined	

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

Agency Contact: Dr. William R.S. Fan, Safety Standards Engineer, Department of Transportation, National Highway Traffic Safety Administration, Room 5320F, NVS—112, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—4922
Fax: 202 366—4329

RIN: 2127—AI72**2413. FMVSS NO. 201 UPPER INTERIOR IMPACT MULTI—STAGE VEHICLE COMPLIANCE****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 49 USC 322; 49 USC 21411; 49 USC 21415; 49 USC 21417; 49 USC 21466**CFR Citation:** 49 CFR 571.201**Legal Deadline:** None

Abstract: The agency received petitions for rulemaking from Recreational Vehicle Industry Association (RVIA) and National Truck Equipment Association (NTEA). The agency issued an interim final rule extending the compliance date from 9/1/02 to 9/1/03. However, this one year extension does not provide sufficient time for the agency to consider the issues raised in these petitions before the compliance date for multi—stage vehicles manufacturers. This action would extend the compliance date for multi—stage vehicles by one another three years, i.e., from 9/1/03 to 9/1/06.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/18/02	67 FR 41348
Interim Final Rule	08/28/03	68 FR 51706
Next Action	Undetermined	

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

Agency Contact: Dr. William R.S. Fan, Safety Standards Engineer, Department of Transportation, National Highway Traffic Safety Administration, Room 5320F, NVS—112, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—4922
Fax: 202 366—4329

RIN: 2127—AI86**2414. ADAPTIVE FRONTAL LIGHTING****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 571.108**Legal Deadline:** None

Abstract: The National Highway Traffic Safety Administration is examining issues related to motor vehicle headlighting glare. This will look at Advanced Frontal lighting systems to determine the adverse consequences to highway safety from glare as this new concept of adaptive lighting is introduced into the U.S. vehicle fleet. An initial notice of request for comment is being issued to gather information.

Timetable:

Action	Date	FR Cite
Request for Comments	02/12/03	68 FR 7101
Next Action	Undetermined	

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

Agency Contact: Richard Van Iderstine, Chief, Visibility and Injury Prevention Division NVS—121, Department of Transportation, National Highway Traffic Safety Administration, Office of Crash Avoidance Stds., 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366—2720

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RIN: 2127—AI97**2415. • +TIRE PRESSURE MONITORING SYSTEM****Priority:** Economically Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; ...**CFR Citation:** 49 CFR 571.138; 49 CFR 571.101**Legal Deadline:** None

Abstract: The Transportation Recall Enhancement Accountability and Documentation (TREAD) Act required the Secretary of Transportation to initiate rulemaking to require a warning system in new motor vehicles to indicate to the operator when a tire is significantly under—inflated. The agency issued a final rule for tire pressure monitoring systems (TPMS)(establishing FMVSS No. 138) on June 5, 2002; however, that version of the standard was vacated by a decision issued by the U.S. Court of Appeals for the Second Circuit in August 2003.

The agency will take action in accordance with the Administrative Procedures Act to re—establish FMVSS No. 138, in a manner consistent with the court's decision, and provide a new phase—in period.

Timetable: Next Action Undetermined**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No

DOT—NHTSA

Long-Term Actions

Government Levels Affected: None
Agency Contact: Samuel Daniel,
 General Engineer Office of Crash
 Avoidance Stds., Department of

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 122, 400 Seventh Street SW.,
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RIN: 2127—AJ23

Department of Transportation (DOT)

Completed Actions

National Highway Traffic Safety Administration (NHTSA)

2416. +CRASHWORTHINESS RATINGS

Priority: Other Significant

Legal Authority: 49 USC 322; 49 USC
 30111; 49 USC 30115; 49 USC 30117;
 49 USC 30166

CFR Citation: 49 CFR 5

Legal Deadline: None

Abstract: This action would require manufacturers to disseminate crashworthiness performance information concerning their cars to the public, to provide consumers with comparative information on the crashworthiness performance of new car models. This rulemaking is considered significant because of the impact on manufacturers, the interest shown by consumers, and the potential significant effects on the automotive marketplace. The agency requested public comments on the National Academy of Sciences (NAS) study titled "Shopping for Safety — Providing Consumer Automotive Safety Information," (TRB Special Report 248) and how that study should be reflected in the agency's decision on whether, and if so, how, to proceed with a crashworthiness rating for automobiles.

Timetable:

Action	Date	FR Cite
NPRM	01/22/81	46 FR 7025
NPRM Comment Period End	04/22/81	
Request for Comments	05/20/97	62 FR 27648
Comment Period End Termination	08/18/97 07/24/03	68 FR 43899

**Regulatory Flexibility Analysis
 Required:** No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Mary Versailles,
 Office of Planning and Consumer
 Standards, Department of
 Transportation, National Highway
 Traffic Safety Administration, 400
 Seventh Street SW., Washington, DC
 20590

Phone: 202 366—2057

RIN: 2127—AA03

2417. +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 Withdrawn	04/29/91 07/24/03	68 FR 43895

**Regulatory Flexibility Analysis
 Required:** No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: George Mouchahoir,
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RIN: 2127—AA44

2418. INCORPORATION OF 1996 REVISION OF THE AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI) INTO GLAZING STANDARD

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 322; 49 USC
 30111; 49 USC 30115; 49 USC 30117;
 49 USC 30166

CFR Citation: 49 CFR 571.205

Legal Deadline: None

Abstract: In response to a petition for rulemaking, the agency proposed to incorporate the 1996 revision of the American National Standards Institute (ANSI) standard for safety glazing used in motor vehicles and other minor revisions into the agency's current standard for safety glazing used in motor vehicles.

Timetable:

Action	Date	FR Cite
NPRM	08/04/99	64 FR 42330
NPRM Comment Period End	10/04/99	
Final Action	07/25/03	68 FR 43964
Final Action Effective	09/23/03	
Technical Amendment	09/26/03	68 FR 55544
Technical Amendment Effective	01/22/04	

**Regulatory Flexibility Analysis
 Required:** No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Lori Summers,
 Division Chief, Department of
 Transportation, National Highway
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 112, Light Duty Vehicle Division, 400
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 20590

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RIN: 2127—AH08

DOT—NHTSA

Completed Actions

2419. 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 Rule	08/11/03	68 FR 47485

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

Agency Contact: Jeffrey Woods, Safety Standards Engineer Office of Crash Avoidance Standards, Department of Transportation, National Highway Traffic Safety Administration, NVS—122, Vehicle Dynamics Division, 400 Seventh Street SW., Washington, DC 20590

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RIN: 2127—AH16**2420. DEFINITION OF MULTIFUNCTIONAL SCHOOL ACTIVITY BUS****Priority:** Substantive, Nonsignificant**Legal Authority:** 9 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571**Legal Deadline:** None

Abstract: In response to a petition for rulemaking, the agency is proposing to amend various sections of part 571 to create a new vehicle type, tentatively called community transportation vehicles, that will have to meet the crashworthiness standards applicable to school buses, but will not have to meet some of the crash avoidance standards (i.e., stop arms, flashing lights, etc.). This would allow manufacturers to certify vehicles that will be less expensive and as safe as a school bus for transportation of Head Start students because we have tentatively decided that the school bus crash avoidance features are unnecessary when there is no curb—side pickup.

Timetable:

Action	Date	FR Cite
Final Rule	07/31/03	68 FR 44892

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

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Email: gmouchahoir@nhtsa.dot.gov

RIN: 2127—AH23**2421. CHILD RESTRAINT ANCHORAGE SYSTEMS — PART 2****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.225**Legal Deadline:** None

Abstract: This action responds to several petitions for reconsideration concerning long—term testing procedures regarding the strength and other issues of universal child—restraint anchors. These requirements were established by the final rule on universal child—restraint anchorages published on March 5, 1999 (64 FR 10785, RIN 2127—AG50). An earlier action (RIN 2127—AH65) responded to other issues raised by the petitions.

Timetable:

Action	Date	FR Cite
Final Action	06/27/03	68 FR 38208

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—AH99**2422. MOVING BARRIER TIRE SPECIFICATION****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.214; 49 CFR 571.301**Legal Deadline:** None

Abstract: In response to a petition for rulemaking, the agency proposed changing the currently specified G78—15 tires used in the moving barrier test and replacing them with P215—75R15 radial tires. The current tires are not readily available.

Timetable:

Action	Date	FR Cite
NPRM	10/10/01	66 FR 51629
NPRM Comment Period End	12/10/01	
Final Action	07/29/03	68 FR 44468

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

Agency Contact: Lori Summers, Division Chief, Department of Transportation, National Highway Traffic Safety Administration, NVS—112, Light Duty Vehicle Division, 400 Seventh Street SW., Washington, DC 20590

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Fax: 202 366—4329

RIN: 2127—AI05

DOT—NHTSA

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2423. +CONFIDENTIAL BUSINESS INFORMATION**Priority:** Other Significant**Legal Authority:** 49 USC 30166(M)**CFR Citation:** 49 CFR 512**Legal Deadline:** None

Abstract: The agency is revising the confidential business information regulations to simplify them and improve their clarity, and to update specific sections to reflect current case law and legislative action. This action will help ensure the efficient processing of requests for confidential treatment and the proper protection of sensitive business information.

Timetable:

Action	Date	FR Cite
NPRM	04/30/02	67 FR 21198
NPRM Comment Period End	07/01/02	
Final Action	07/28/03	68 FR 44209

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

Agency Contact: John Donaldson, Acting Assistant Chief Counsel, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—9511

RIN: 2127—AI13**2424. +IMPROVE TIRE SAFETY INFORMATION****Priority:** Other Significant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 575**Legal Deadline:** Other, Statutory, December 1, 2000, Other.

Final, Statutory, June 1, 2002, Final.

Abstract: The recently enacted Transportation Recall Enhancement Accountability and Documentation (TREAD) Act requires the Secretary of Transportation to initiate rulemaking to improve the labeling of tires to assist consumers in identifying tires that may be the subject of a safety recall. Pursuant to that Act, the Agency published an ANPRM stating that the agency is considering amendments to its regulations to improve the tire

information and its availability and understandability to consumers. To aid in this effect, the agency sought responses from the public to questions relating to such matters as Tire Identification Number content, readability and location, loading, plies and cords, tread wear indicator, Uniform Tire Quality Grading System, speed rating, run—flat and extended mobility tires, tire inflation pressure, and dissemination of tire safety information. This action is considered to be significant because of substantial public and congressional interest.

Timetable:

Action	Date	FR Cite
ANPRM	12/01/00	65 FR 75222
ANPRM Comment Period End	01/30/01	
NPRM	12/19/01	66 FR 65535
Comment Period End	02/19/02	
Final Rule	11/18/02	67 FR 69600
Final Action — Delay of Effective Date	06/05/03	68 FR 33655

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

Agency Contact: Mary Versailles, Office of Planning and Consumer Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—2057

RIN: 2127—AI32**2425. IMPROVING THE SAFETY OF CHILD RESTRAINTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.213**Legal Deadline:** Final, Statutory, November 30, 2002, Final.

Abstract: The recently enacted Transportation Recall Enhancement Accountability and Documentation (TREAD) Act requires the Secretary of Transportation to initiate rulemaking that will improve the safety of child restraints, including minimizing head injuries from side—impact collisions. The agency will consider whether to (1) require more comprehensive tests of child restraints using an array of crash

conditions and an updated test seat assembly; (2) use test dummies that represent a greater range of sizes of children and that incorporate current technologies; (3) require improved protection from head injuries in side—and rear—impact crashes; (4) provide consumer information on the physical compatibility of child restraints and vehicle seats on a model—by—model basis; (5) prescribe clearer and simpler labels and instructions on child restraints; (6) consider restraints for children weighing up to 80 pounds; (7) apply scaled injury criteria performance levels, including neck injury; and (8) include a child restraint in each vehicle crash tested under the New Car Assessment Program.

Timetable:

Action	Date	FR Cite
NPRM	05/01/02	67 FR 21805
Final Rule	06/24/03	68 FR 37620

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
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RIN: 2127—AI34**2426. +OPERATION OF MOTOR VEHICLES BY INTOXICATED PERSONS****Priority:** Economically Significant. Major under 5 USC 801.**Legal Authority:** PL 106—346, sec 351**CFR Citation:** 23 CFR 1225**Legal Deadline:** None

Abstract: The Transportation Equity Act for the 21st Century (TEA—21) established a grant program under which States could qualify for incentive funds if they enacted and enforced a law that provides that any person with a blood alcohol concentration of .08 percent or greater while operating a motor vehicle in the State is deemed to have committed a per se offense of driving while intoxicated or an equivalent per se offense. The agency

DOT—NHTSA

Completed Actions

published a final rule implementing that incentive grant program. Section 351 of the Department of Transportation (DOT) Appropriations Act for Fiscal Year (FY) 2001 (PL 106—346) contains a new provision requiring the withholding of certain Federal—aid highway funds from a State, beginning in fiscal year 2004, if the State has not enacted and is not enforcing such a law. This action will amend the regulation implementing the incentive grant program established in TEA—21 to reflect the new sanctions provisions established in the DOT Appropriations Act for FY 2001.

Timetable:

Action	Date	FR Cite
NPRM	02/06/03	68 FR 6091
NPRM Comment Period End	04/07/03	
Final Action	08/22/03	68 FR 50703
Final Action Effective	10/21/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: State

Agency Contact: John Donaldson, Acting Assistant Chief Counsel, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—9511

Marlene Markison, Associate Administrator, Injury Control Operations & Resources, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—2121

RIN: 2127—AI44

2427. COMPLIANCE FOR MULTISTAGE MANUFACTURERS AND ALTERERS

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

CFR Citation: 49 CFR 571.225

Legal Deadline: None

Abstract: The agency is responding to a petition for extraordinary relief of the compliance date by which final—stage manufacturers and alterers must install tether anchorages in affected vehicles

to comply with our final rule published March 5, 1999 (64 FR 10786, RIN 2127—AG50).

Timetable:

Action	Date	FR Cite
Final Rule	05/08/03	68 FR 24664

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—AI49

2428. +IMPROVED TIRE SAFETY

Priority: Economically Significant.

Major under 5 USC 801.

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

Legal Authority: 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

CFR Citation: 49 CFR 571.139

Legal Deadline: Final, Statutory, June 1, 2002, Final.

Abstract: The Transportation Recall Enhancement Accountability and Documentation (TREAD) Act requires the Secretary of Transportation to initiate rulemaking to improve the safety requirements of tires. The agency is proposing a new tire standard applicable to radial and non—radial tires that are mounted on passenger cars, light truck vehicles, and multipurpose vehicles, but not tires for motorcycles and heavy trucks. The proposed requirements include tests for high speed performance, endurance, low pressure validation, low pressure high speed performance, road hazard impact, resistance to bead unseating and aging.

Timetable:

Action	Date	FR Cite
NPRM	03/05/02	67 FR 10050
NPRM Comment Period End	05/06/02	
Final Action	06/26/03	68 FR 37981

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Joseph Scott, Safety Standards Engineer, Department of Transportation, National Highway Traffic Safety Administration, Office of Crash Avoidance Stds. NVS—122, Vehicle Dynamics Division, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—2720
Fax: 202 366—4329

RIN: 2127—AI54

2429. +ADVANCED AIR BAG REQUIREMENTS

Priority: Other Significant

Legal Authority: 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

CFR Citation: 49 CFR 571.208

Legal Deadline: None

Abstract: In response to several petitions for rulemaking, the agency considered adjustments in the phase—in—requirements for advanced air bags. In January 2003, the agency issued a final rule that reduced the percentage of a manufacturer's vehicles that must comply with the advanced air bag requirements during the first year of the first stage, i.e., from September 1, 2003, through August 31, 2004, from 35 percent to 20 percent. The agency is continuing to consider possible adjustments in the alternative phase—in requirement available to limited—line manufacturers.

Timetable:

Action	Date	FR Cite
NPRM	09/24/02	67 FR 59800
NPRM Comment Period End	10/24/02	
Final Rule	01/31/03	68 FR 4961
Final Action	05/05/03	68 FR 23614

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Lori Summers, Division Chief, Department of Transportation, National Highway Traffic Safety Administration, NVS—112, Light Duty Vehicle Division, 400 Seventh Street SW., Washington, DC 20590

DOT—NHTSA

Completed Actions

Phone: 202 366—4917
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RIN: 2127—AI71

2430. THEFT DATA FOR CALENDAR YEAR 2000

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 33104 (b) (4)

CFR Citation: 49 CFR 541

Legal Deadline: None

Abstract: This action published the preliminary theft data on passenger motor vehicles that occurred in calendar year 2000 for model year 2000 vehicles. The theft data indicate the overall vehicles' theft rate in 2000. Publication of this data fulfills the agency's obligation to periodically obtain accurate and timely data and publish the information for review and comment.

Timetable:

Action	Date	FR Cite
NPRM	03/12/02	67 FR 11161
Final Action	08/19/02	67 FR 53756

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Deborah Mazyck, Program Analyst, Department of Transportation, National Highway Traffic Safety Administration, NVS—132, Office of Planning and Consumer Standards, 400 Seventh Street SW, Room 5320, Washington, DC 20590
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RIN: 2127—AI75

2431. +CONSUMER INFORMATION REGULATIONS; FEDERAL MOTOR VEHICLE SAFETY STANDARDS; ROLLOVER RESISTANCE

Priority: Other Significant

Legal Authority: 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

CFR Citation: 49 CFR 575

Legal Deadline: Final, Statutory, November 22, 2002, Final. TREAD Act Mandate.

Abstract: This action establishes a consumer information program on rollover resistance using both dynamic

and static vehicle measurements in response to section 12 of the TREAD Act. It replaces the current rollover resistance consumer information that is based only on static measurements. This action has no regulatory effect on vehicle manufacturers or the public. The cost of collecting the information and making it available to the public is entirely the responsibility of NHTSA as part of its New Car Assessment Program (NCAP).

Timetable:

Action	Date	FR Cite
NPRM	10/07/02	67 FR 62528
NPRM Comment Period End	11/21/02	
Final Action	10/14/03	68 FR 59250

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Patrick Boyd, Division Chief, Vehicle Controls & Adapted Vehicles Division, Department of Transportation, National Highway Traffic Safety Administration, Office of Crash Avoidance NVS—123, 400 Seventh Street SW., Washington, DC 20590

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Email: pboyd@nhtsa.dot.gov

RIN: 2127—AI81

2432. LIST OF NONCONFORMING VEHICLES ELIGIBLE FOR IMPORTATION

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 322; 49 USC 30141

CFR Citation: 49 CFR 593

Legal Deadline: None

Abstract: This final action amends the list of vehicles not originally manufactured to conform to all applicable Federal motor vehicle safety standards that NHTSA has decided to be eligible for importation. The list is published as an appendix to NHTSA's regulations at 49 CFR part 593 that establish the procedures through which the agency makes import eligibility decisions. The amendment will add to the list all vehicles that NHTSA has decided to be eligible for importation since the list was last published on September 19, 2002.

This action was the same as RIN 2127—AJ19; so the agency terminated this as a separate action.

Timetable:

Action	Date	FR Cite
Terminated	11/24/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Because this rule only furnishes information and imposes no regulatory requirement, the agency has good cause to dispense with a notice of proposed rulemaking to solicit comments on this amendment.

Agency Contact: Michael Goode, Trial Attorney, Department of Transportation, National Highway Traffic Safety Administration, 5219, NCC—10, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—5263
Fax: 202 366—3820

RIN: 2127—AI87

2433. +TIRE PRESSURE MONITORING SYSTEM; PETITIONS FOR RECONSIDERATION

Priority: Other Significant

Legal Authority: 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

CFR Citation: 49 CFR 571.138; 49 CFR 571.101

Legal Deadline: None

Abstract: The agency received petitions for reconsideration of the new standard requiring a tire pressure monitoring system (TPMS) on new light vehicles. This rule was required by the Transportation REcall Enhancement, Accountability, and Documentation (TREAD) Act.

The TPMS standard was challenged in a case before U.S. Court of Appeals for the Second Circuit. On August 6, 2003, the Court issued a decision which vacated the standard and remanded to the agency for further rulemaking consistent with the Court's opinion. With the standard vacated, the agency has terminated its response to petitions for reconsideration. However, the agency will treat these petitions as comments in the next phase of the TPMS rulemaking.

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Completed Actions

Timetable:

Action	Date	FR Cite
Terminated	11/01/03	

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

Agency Contact: Joseph Scott, Safety Standards Engineer, Department of Transportation, National Highway Traffic Safety Administration, Office of Crash Avoidance Stds. NVS—122, Vehicle Dynamics Division, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366—2720

Fax: 202 366—4329

RIN: 2127—AI90

2434. HIGH—THEFT LINES FOR MODEL YEAR 2004**Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 33104**CFR Citation:** 49 CFR 541**Legal Deadline:** None

Abstract: This action listed the likely high—theft vehicle lines that are subject to the parts—marking requirements of the theft prevention standard and high theft lines that are exempted from the parts—marking requirements for model year 2004.

Timetable:

Action	Date	FR Cite
Final Action	07/02/03	68 FR 39471

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

Agency Contact: Rosalind Proctor, Division Chief, Consumer Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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Email: rosaling.proctor@nhtsa.dot.gov

RIN: 2127—AI99

2435. THEFT DATA FOR CALENDAR YEAR 2001**Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 33104(b)(4)**CFR Citation:** 49 CFR 541**Legal Deadline:** None

Abstract: This action will publish the preliminary data on passenger motor vehicles that occurred in calendar year 2001 for MY 2001 vehicles. The theft data indicate the overall vehicles' theft rate in 2001. Publication of this data fulfills the agency's obligation to periodically obtain accurate and timely data and publish the information for review and comment.

Timetable:

Action	Date	FR Cite
Preliminary Theft Data; Request for Comments	04/15/03	68 FR 18181
Final Action	09/19/03	68 FR 54857

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

Agency Contact: Deborah Mazyck, Program Analyst, Department of Transportation, National Highway Traffic Safety Administration, NVS—132, Office of Planning and Consumer Standards, 400 Seventh Street SW, Room 5320, Washington, DC 20590

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RIN: 2127—AJ00

2436. INSURER REPORTING REQUIREMENTS FOR OCTOBER 2003**Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 33112**CFR Citation:** 49 CFR 544**Legal Deadline:** None

Abstract: NHTSA proposes to update its lists in appendices A, B, and C of part 544 of passenger motor vehicle insurers that are required to file reports on their motor vehicle theft loss experience. If these revised appendices are adopted in a final rule, each insurer included in any of these appendices must file a report for the 1999 calendar year not later than October 25, 2003. Further, as long as the insurer remains listed, it must submit reports by each subsequent October 25.

Timetable:

Action	Date	FR Cite
NPRM	03/21/03	68 FR 13887
Final Action	10/14/03	68 FR 59132
Final Action Effective	10/14/03	

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

Agency Contact: Rosalind Proctor, Division Chief, Consumer Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366—0846

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RIN: 2127—AJ01

2437. SELECTION OF APPENDIX A—CHILD RESTRAINT SYSTEMS—STANDARD 208**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 an amendment to its occupant protection standard, FMVSS No. 208, to establish an annual process for updating the child restraint systems currently listed in appendix A of FMVSS No. 208 for use in testing advanced air bag systems. In the past, appendix A has only been updated in response to petitions for reconsideration of the May 12, 2002, FMVSS No. 208 Advanced Air Bag final rule (65 FR 30680). This amendment will outline the method the agency will use to obtain the necessary data related to child restraint systems, the selection criteria based on these data, the timing of the update and the legal form the update will take.

The agency decided to consider this issue in the context of another rulemaking on Standard 208, RIN 2127—AI82, and therefore terminated this action.

Timetable:

Action	Date	FR Cite
Terminated	11/28/03	

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

Agency Contact: Louis Molino, Safety Standards Engineer, Department of Transportation, National Highway

DOT—NHTSA

Completed Actions

Traffic Safety Administration, Office of Crashworthiness Standards, NVS—112, 400 Seventh Street, SW, Room 5320, Washington, DC 20590
Phone: 202 366—1833
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RIN: 2127—AJ03

2438. • PART 587; OFFSET DEFORMABLE BARRIER, PETITION FOR RECONSIDERATION

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

Legal Authority: 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166; ...

CFR Citation: 49 CFR 587

Legal Deadline: None

Abstract: The agency is responding to a petition for reconsideration on the final rule (65 FR 17196) amending 49 CFR Part 587, "Deformable Barriers." The petition recommends that the agency harmonize the offset deformable barrier specification with that specified in EC regulation 96/79/EC.

Timetable:

Action	Date	FR Cite
Final Action	11/04/03	68 FR 62421

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Lori Summers, Division Chief, Department of Transportation, National Highway Traffic Safety Administration, NVS—112, Light Duty Vehicle Division, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366—4917

Fax: 202 366—4329

RIN: 2127—AJ11

2439. • LIST OF NONCONFORMING VEHICLES ELIGIBLE FOR IMPORTATION

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

Legal Authority: 49 USC 322; 49 USC 30141

CFR Citation: 49 CFR 593

Legal Deadline: None

Abstract: This final action amends the list of vehicles not originally

manufactured to conform to all applicable Federal motor vehicle safety standards that NHTSA has decided to be eligible for importation. This list is published as an appendix to NHTSA's regulations at 49 CFR Part 593 that establish the procedures through which the agency makes import eligibility decisions. The amendment will add to the list all vehicles that NHTSA has decided to be eligible for importation since the list was last published on October 1, 2002.

Timetable:

Action	Date	FR Cite
Final Action	09/26/03	68 FR 55545
Final Action Effective	09/26/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Coleman R. Sachs, Chief, Import and Certification Division, Office of Vehicle Safety Compliance, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Room 6111, NVS—223, 400 Seventh Street, SW, Washington, DC 20590
Phone: 202 366—3151
Fax: 202—366—1024
Email: csachs@nhtsa.dot.gov

RIN: 2127—AJ19

2440. • REPORTING OF INFORMATION AND DOCUMENTS ABOUT POTENTIAL DEFECTS

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

Legal Authority: 49 USC 30102—103; 49 USC 30112, 30117—121; 49 USC 30166—167; 49 CFR 1.50

CFR Citation: 49 CFR 579

Legal Deadline: None

Abstract: Final Rule responding to a petition for reconsideration of the Final Rule on reporting of information and documents about potential defects published on July 10, 2002, (67 FR 45882), to extend the date for submitting the one—Time Historical reports until 1/15/04 — Part 579.

Timetable:

Action	Date	FR Cite
Final Action	11/14/03	68 FR 64568
Final Action Effective	11/14/03	

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Andrew DiMarsico, Trial Attorney, Department of Transportation, National Highway Traffic Safety Administration, 5219, NCC—10, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—5263
Fax: 202 366—3820

RIN: 2127—AJ21

2441. • TIRE PRESSURE MONITORING SYSTEM; VACATION OF STANDARD

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

Legal Authority: 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

CFR Citation: 49 CFR 571.138; 49 CFR 571.101

Legal Deadline: None

Abstract: The TPMS standard (FMVSS No. 138) was challenged in a case before the Court of Appeals for the Second Circuit. On August 6, 2003, the Court issued a decision which vacated the standard and remanded to the agency for further rulemaking consistent with the Court's opinion. This rule is an administrative action to amend the code of Federal Regulations to reflect the Court's decision vacating the standard. The agency will reestablish FMVSS No. 138 in a separate action.

Timetable:

Action	Date	FR Cite
Final Action	11/20/03	68 FR 65404
Final Action Effective	11/20/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Samuel Daniel, General Engineer Office of Crash Avoidance Stds., Department of Transportation, National Highway Traffic Safety Administration, NVS—122, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—4921

RIN: 2127—AJ22

Department of Transportation (DOT)
Federal Railroad Administration (FRA)

Prerule Stage

2442. DETERMINATION OF MINIMUM TESTING RATE FOR RANDOM DRUG AND ALCOHOL TESTING

Priority: Info./Admin./Other

Legal Authority: 49 USC 20103

CFR Citation: None

Legal Deadline: None

Abstract: Each year FRA announces the minimum random drug and alcohol testing rates for the following year for the railroad industry. This determination is based on a review of rail industry drug and alcohol management information system data, as well as data from compliance reviews of rail industry drug and alcohol testing programs. Procedures were established in a final rule published on December 2, 1994, 59 FR

62218. For the calendar year 2003, the minimum random drug and alcohol testing rates of covered railroad employees continue to be 25 percent and 10 percent, respectively. This agenda entry will be updated each year to show the latest annual determination. Cites for determinations already issued are provided below.

Timetable:

Action	Date	FR Cite
Annual Determination	12/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: In the notice of determination of January 2, 2003 (68

FR 57), the minimum random drug and alcohol testing rates of covered railroad employees remained at 25 percent and 10 percent, respectively, for calendar year 2002. In the notices of determination of 2/18/98 (63 FR 8143), 12/30/98 (63 FR 71789), 12/27/99 (64 FR 72289), 12/19/00 (65 FR 79318), and 1/2/02 (67 FR 21), the minimum rates remained at 25 percent and 10 percent for calendar years 1998, 1999, 2000, 2001, and 2002.

Agency Contact: Patricia V. Sun, Trial Attorney, Department of Transportation, Federal Railroad Administration, 1120 Vermont Avenue NW., MS—10, Washington, DC 20590
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 Fax: 202 493—6068

RIN: 2130—AB31

Department of Transportation (DOT)
Federal Railroad Administration (FRA)

Proposed Rule Stage

2443. LOCOMOTIVE CRASHWORTHINESS

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 20103

CFR Citation: 49 CFR 229

Legal Deadline: Final, Statutory, March 3, 1995, Final.
 Report to Congress issued 9/18/96.

Abstract: The agency has proposed to address the crashworthiness of locomotives pursuant to the Rail Safety Enforcement and Review Act (1992). FRA investigated locomotive crashworthiness, as well as a variety of locomotive working conditions (See RIN 2130—AA89) and reported its finding to Congress. On October 31, 1996, the Railroad Safety Advisory Committee (RSAC) accepted a preliminary planning task to schedule handling of these issues. The Locomotive Crew Safety Working Group met on January 23, 1997, to develop task statements that were forwarded to the full RSAC and accepted on June 24, 1997. The RSAC Locomotive Crashworthiness Working Group last met in January, 2002, to consider specific recommendations for regulatory action. Originally this project was considered significant; however, it appears likely that important incremental changes in current design standards can be made without significant disruption or controversy.

Timetable:

Action	Date	FR Cite
Open Meeting Notice	07/22/94	59 FR 37528
Report to Congress	09/18/96	
NPRM	04/00/04	

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: Darrell Tardiff, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590
 Phone: 202 493—6037

RIN: 2130—AB23

2444. LOCOMOTIVE EVENT RECORDERS

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 20103

CFR Citation: 49 CFR 229

Legal Deadline: None

Abstract: FRA will propose improvements in the crashworthiness of event recorders and will propose

additional requirements for data capture and recording for event recorders installed in new and rebuilt locomotives.

Timetable:

Action	Date	FR Cite
NPRM	11/00/03	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Federalism: Undetermined

Additional Information: This rulemaking was previously titled "Crashworthy Event Recorders."

Agency Contact: Thomas Herrmann, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590
 Phone: 202 493—6036

RIN: 2130—AB34

2445. REFLECTORIZATION OF RAIL FREIGHT ROLLING STOCK

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 20103; 49 USC 20148

CFR Citation: 49 CFR Part 224

Legal Deadline: None

DOT—FRA

Proposed Rule Stage

Abstract: FRA is considering requiring that retroreflective tape be applied to all rail freight rolling stock. After extensive analysis, FRA has concluded that reflectionization of railroad freight rolling stock appears to be a viable and cost effective method of reducing the number of collisions at highway—rail grade crossings and the casualties and property damages which result from those collisions. FRA's cost—benefit analysis and comments from interested parties may be found in the public docket for this proceeding.

Timetable:

Action	Date	FR Cite
NPRM	11/00/03	

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Lucinda Henriksen, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590
Phone: 202 493—1345

RIN: 2130—AB41

2446. OCCUPATIONAL NOISE EXPOSURE FOR RAILROAD OPERATING EMPLOYEES

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 20103

CFR Citation: 49 CFR 229; 49 CFR 227

Legal Deadline: None

Abstract: FRA 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 noise, and reported its findings to Congress in 1996. FRA presented the subject of locomotive working conditions to the Railroad Safety Advisory Committee (RSAC). The RSAC process, which involves participation of all parties with significant interests, provides a forum for consensual rulemaking and program development.

Through the RSAC process, FRA is amending its occupational noise standards for railroad employees whose predominant noise exposure occurs in the locomotive cab. FRA's existing standard concerning cab noise, 49 CFR

229.121, limits cab employee noise exposure to certain levels based on the duration of their experience. FRA would like to update its regulation to incorporate new measures. This proposal would require railroads to implement a hearing conservation program, which would include hearing tests (audiograms), training, and monitoring. It would also set design standards for new locomotives and maintenance standards for all locomotives.

Timetable:

Action	Date	FR Cite
Report to Congress	09/18/96	
NPRM	04/00/04	

Regulatory Flexibility Analysis

Required: Yes

Government Levels Affected: None

Agency Contact: Christina McDonald, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 493—6032

RIN: 2130—AB56

Department of Transportation (DOT)

Final 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, Final.

Abstract: This action would govern when train whistles at grade crossings must be sounded. FRA has found that failing to use the locomotive horn can significantly increase the number of collisions with motorists using the crossing. This action is considered significant because of substantial public interest. This action is being taken pursuant to statutory mandate. FRA studied the consequences of the proposed action and prepared a draft environmental impact statement (EIS) for the proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	01/13/00	65 FR 2230

Action	Date	FR Cite
NPRM Comment Period End	05/26/00	
Interim Final Rule	11/00/03	

Regulatory Flexibility Analysis

Required: Yes

Government Levels Affected: Federal, Local, State

Additional Information: An Omnibus Bill at the end of the 106th Congress prohibited publication of a final rule before July 2001.

Agency Contact: Mark H. Tessler, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 493—6061

RIN: 2130—AA71

2448. +STANDARDS FOR DEVELOPMENT AND USE OF PROCESSOR—BASED SIGNAL AND TRAIN CONTROL SYSTEMS

Priority: Other Significant

Legal Authority: 49 USC 20103

CFR Citation: 49 CFR 234; 49 CFR 236; 49 CFR 209

Legal Deadline: None

Abstract: FRA has continued its commitment to supporting Positive Train Control (PTC) technology development, testing and compatibility; and promoting deployment of PTC technology 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 formed the basis of an NPRM that would facilitate introduction of advanced technology, including systems that support PTC functions. The NPRM addresses technical

DOT—FRA

Final Rule Stage

standards for all processor—based signal and train control products, amending 49 CFR part 236. The comment period ended 11/08/01, and FRA is now preparing a final rule.

Timetable:

Action	Date	FR Cite
NPRM	08/10/01	66 FR 42351
NPRM Comment Period End	11/08/01	
Final Rule	01/00/04	

Regulatory Flexibility Analysis

Required: Yes

Government Levels Affected:

Undetermined

Federalism: Undetermined

Agency Contact: Cynthia Walters, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 493—6064

RIN: 2130—AA94

2449. +APPLICATION OF RANDOM TESTING AND OTHER ALCOHOL AND DRUG REGULATIONS TO EMPLOYEES OF FOREIGN RAILROADS

Priority: Other Significant

Legal Authority: 49 USC 20103; 49 USC 20140

CFR Citation: 49 CFR 219

Legal Deadline: None

Abstract: This action would apply FRA's random testing and other alcohol and drug requirements to employees of a foreign railroad whose primary reporting point is outside the United States, and who perform train service or dispatching service in the United States. Such employees are currently exempt from random testing, pre—employment testing, and requirements for employee self—referral and co—worker report policies. This action is considered significant because of substantial inter—departmental concerns.

Timetable:

Action	Date	FR Cite
NPRM	12/11/01	66 FR 64000
Notice of Hearing	01/23/02	67 FR 3138
NPRM Comment Period End	02/11/02	
Comment Period Extended	03/14/02	

Action	Date	FR Cite
Docket Reopened for Additional Comments	12/10/02	67 FR 75966
Second NPRM Comment Period End	08/27/03	
Final Rule	01/00/04	

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Patricia V. Sun, Trial Attorney, Department of Transportation, Federal Railroad Administration, 1120 Vermont Avenue NW., MS—10, Washington, DC 20590
Phone: 202 493—6060
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RIN: 2130—AB39

2450. RETENTION OF CURRENT MONETARY THRESHOLD FOR REPORTING RAIL EQUIPMENT ACCIDENTS/INCIDENTS DURING CALENDAR YEAR 2003 AND UNTIL FURTHER AMENDED

Priority: Info./Admin./Other

Legal Authority: 49 USC 20103

CFR Citation: 49 CFR 225

Legal Deadline: None

Abstract: This is an Interim Final Rule which establishes the monetary threshold for reporting rail equipment accidents/incidents for the calendar year 2003 and beyond. This rule replaces the annual determination of the threshold, which is being withdrawn. The 2003 threshold will remain the same as the threshold for calendar year 2002 due to the unavailability of Bureau of Labor Statistics data that was previously used to calculate the threshold. The 2002 threshold is \$6700; this is the number that will carry over for 2003 and beyond. FRA is not calculating a new threshold; rather, the old one is being retained as it is not possible to calculate a new threshold with the current formula due to the lack of BLS data. The 2002 threshold will be carried over for calendar year 2003 and beyond, until a new formula is established. FRA will be seeking notice and comment at a future date to establish a new formula for calculating the monetary threshold for

accident/incident reporting for calendar year 2004 and beyond.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/30/02	67 FR 79533
Interim Final Rule Effective	01/01/03	
Final Action	04/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Roberta Stewart, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590
Phone: 202 493—6027

RIN: 2130—AB57

2451. RAILROAD LOCOMOTIVE SAFETY STANDARDS

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 20102 to 20103, 20133, 20137 to 20138, 20107, 20143, 20701 to 20703; 49 USC 21301 to 21302; 49 USC 21304; 49 CFR 1.49(c) and 1.49(m)

CFR Citation: 49 CFR 229

Legal Deadline: None

Abstract: This rulemaking action makes a technical clarification to the headlight and auxiliary light provisions contained in 49 CFR 229.125(a) and (d). The purpose of this modification is to codify FRA's existing acceptance of lamps used in locomotive headlights and auxiliary lights for nearly a decade. The clarifying amendment is consistent with existing FRA enforcement policies and FRA's intent when issuing the original rules related to locomotive headlights and auxiliary lights.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/19/03	68 FR 49713
Interim Final Rule Comment Period End	09/18/03	
Final Action	03/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Thomas Herrmann, Trial Attorney, Department of

DOT—FRA

Final Rule Stage

Transportation, Federal Railroad

Administration, 400 Seventh Street
SW., Washington, DC 20590

Phone: 202 493—6036

RIN: 2130—AB58

**Department of Transportation (DOT)
Federal Railroad Administration (FRA)****Completed Actions****2452. BLUE SIGNAL AND RELATED PROTECTIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 20103**CFR Citation:** 49 CFR 218**Legal Deadline:** None

Abstract: FRA was 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.

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
Withdrawn	07/18/03	

Regulatory Flexibility Analysis**Required:** Yes**Government Levels Affected:** None

Additional Information: The final rule on utility employees was published August 16, 1993 (58 FR 43287), RIN 2130—AA77. FRA has changed the title of the current entry to the Unified Agenda, which was originally titled "Protection of Utility Employees," to more accurately reflect what this action was expected to address.

Agency Contact: John A. Winkle, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590
Phone: 202 493—6067

RIN: 2130—AA90

2453. 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, Other.

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 issued a final statement of policy on May 9, 2003.

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	05/09/03	68 FR 24891

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

Additional Information: A public meeting was held on September 28, 1999. (See 64 FR 46468, 8/25/99.)

Agency Contact: Melissa Porter, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 493—6034

RIN: 2130—AB15

2454. 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 was considering whether to adopt regulations governing functional and design safety of on-track railroad cranes used for track maintenance.

Timetable:

Action	Date	FR Cite
Termination	07/24/03	

Regulatory Flexibility Analysis**Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** Undetermined**Federalism:** Undetermined

Agency Contact: Mark H. Tessler, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 493—6061

RIN: 2130—AB27

2455. ROADWAY MAINTENANCE MACHINES**Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 20103**CFR Citation:** 49 CFR 214**Legal Deadline:** None

Abstract: FRA issued regulations governing operational and design safety of on-track equipment used by railroads for track maintenance. 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.

Timetable:

Action	Date	FR Cite
NPRM	01/10/01	66 FR 1930
NPRM Comment Period End	03/12/01	
Final Rule	07/28/03	68 FR 44388

Regulatory Flexibility Analysis**Required:** No

DOT—FRA

Completed Actions

Government Levels Affected: None

Additional Information: This rulemaking is an offshoot of the rulemaking to revise the track safety standards.

Agency Contact: Daniel Alpert, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 493—6026

RIN: 2130—AB28

2456. REVISION TO RAILROAD SAFETY ENFORCEMENT PROCEDURES

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 20103

CFR Citation: 49 CFR 209

Legal Deadline: None

Abstract: This action would have revised and updated FRA's enforcement procedures. This action would have addressed the recodification of the railroad safety laws and revised certain administrative hearing procedures.

Timetable:

Action	Date	FR Cite
Termination	07/24/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Kathryn E. Shelton, Department of Transportation, Federal Railroad Administration
Phone: 202 493—6063
Fax: 202 493—6068
Email: kathryn.shelton@fra.dot.gov
RIN: 2130—AB35

2457. RULES OF PRACTICE

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 20103

CFR Citation: 49 CFR 211

Legal Deadline: None

Abstract: This action would have revised and updated 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 would have been 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
Termination	07/24/03	

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Colleen A. Brennan, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 493—6028

RIN: 2130—AB36

2458. +MINIMUM STANDARDS FOR TEMPERATURE IN THE LOCOMOTIVE CAB

Priority: Other Significant

Legal Authority: 49 USC 20103

CFR Citation: 49 CFR 229

Legal Deadline: None

Abstract: This rulemaking would have amended current minimum temperature requirements and established maximum cab temperature requirements. FRA is terminating this rulemaking because the agency was unable to determine that regulatory action could be supported by safety benefits that would clearly outweigh the costs. Rather than proposing regulatory action, FRA is making available to the industry the results of safety research for consideration in the context of broader corporate decisionmaking (including issues related to employee retention, productivity, and preservation of other assets.) FRA believes that this action will encourage continued investment toward improving locomotive cab working conditions.

Timetable:

Action	Date	FR Cite
Termination	07/24/03	

Regulatory Flexibility Analysis Required: Yes

Government Levels Affected: Undetermined

Federalism: Undetermined

Agency Contact: Cynthia Walters, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 493—6064

RIN: 2130—AB46

Department of Transportation (DOT) Federal Transit Administration (FTA)

Proposed Rule Stage

2459. ● +RAIL FIXED GUIDEWAY SYSTEMS; STATE SAFETY OVERSIGHT

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

Legal Authority: 49 USC 5330

CFR Citation: 49 CFR 659

Legal Deadline: None

Abstract: The FTA is proposing changes to clarify and further refine

state requirements for the provision of safety and security oversight of rail fixed guideway systems. The NPRM incorporates findings and lessons learned from FTA's monitoring and evaluation of the program, which has been in effect for several years. This NPRM also highlights recommendations identified by FTA to facilitate improved implementation of the original requirements and to address new

concerns for security and emergency preparedness.

Timetable:

Action	Date	FR Cite
NPRM	12/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

DOT—FTA

Proposed Rule Stage

Government Levels Affected: Local, State

Additional Information: This rulemaking action is being taken in lieu of further action on a previously reported RIN (2132—AA69).

Agency Contact: Jerry Fisher, Department of Transportation, Federal Transit Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—2896

Meghan Ludtke, Attorney Advisor, Department of Transportation, Federal

Transit Administration, Room 9316, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366—4011
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RIN: 2132—AA76

**Department of Transportation (DOT)
Federal Transit Administration (FTA)**

Final Rule Stage

**2460. • DRUG AND ALCOHOL
MANAGEMENT INFORMATION SYSTEM
REPORTING**

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

Legal Authority: 49 U.S.C. 5331; 49 CFR 1.51

CFR Citation: 49 CFR 655

Legal Deadline: None

Abstract: FTA's drug and alcohol testing rules include requirements for employers to submit drug and alcohol testing data using specific Management

Information System (MIS) forms. The Department of Transportation recently published a final rule revising all DOT agency MIS forms and transforming them into a single one—page form for use throughout DOT. The requirement for use of the form is now in 49 CFR part 40. By final rule, FTA has to conform its Drug and Alcohol rule by deleting portions of the MIS reporting requirements.

Timetable:

Action	Date	FR Cite
Final Action	12/00/03	

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected: Local, State

Agency Contact: Meghan Ludtke, Attorney Advisor, Department of Transportation, Federal Transit Administration, Room 9316, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366—4011
Fax: 202 366—3809

RIN: 2132—AA77

**Department of Transportation (DOT)
Federal Transit Administration (FTA)**

Long-Term Actions

2461. SCHOOL BUS OPERATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 5323(f)

CFR Citation: 49 CFR 605

Legal Deadline: None

Abstract: This rulemaking would amend the definition of “tripper” service, which is mass transportation service modified to meet the needs of school students and personnel. The amended definition will prohibit the use of certain signage without the express written permission of the FTA Administrator, and provides that tripper buses must stop only at stops

that are marked as available to the public. In the previous agenda, FTA had stated that it intended to withdraw the proposed amendment. However, upon further consideration, the agency has decided to hold this matter in abeyance pending reauthorization of the Transportation Equity Act for the 21st Century (TEA—21).

Timetable:

Action	Date	FR Cite
NPRM	05/03/99	64 FR 23590
NPRM Comment Period End	07/02/99	
Next Action	Undetermined	

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Agency Contact: Elizabeth S. Martineau, Attorney Advisor, Department of Transportation, Federal Transit Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—1936
Fax: 202 366—3809

RIN: 2132—AA67

**Department of Transportation (DOT)
Federal Transit Administration (FTA)**

Completed Actions

**2462. STATE SAFETY OVERSIGHT;
RAIL FIXED GUIDEWAY SYSTEMS**

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 5330

CFR Citation: 49 CFR 659

Legal Deadline: None

Abstract: Due to the receipt of an adverse comment, FTA withdrew the direct final rule issued on June 11, 2002, which would have amended the definition of “accident.” The agency

concluded that coordination with other stakeholders was warranted but had been required to expend its resources on other security initiatives during the past year. For these reasons, this rulemaking was being held in abeyance while the next course of action was

DOT—FTA

Completed Actions

determined. FTA has recently determined that it will amend the rulemaking and accordingly, will close out this rulemaking action (2132—AA69) and initiate a new rule under 2132—AA76.

Timetable:

Action	Date	FR Cite
Direct Final Rule	04/03/02	67 FR 15725
Withdrawal of Direct Final Rule	07/01/02	67 FR 44091
Withdrawn	07/01/03	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Local, State**Federalism:** This action may have federalism implications as defined in EO 13132.**Additional Information:** This rulemaking is being superceded by 2132—AA76.**Agency Contact:** Jerry Fisher, Department of Transportation, Federal Transit Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—2896

Meghan Ludtke, Attorney Advisor, Department of Transportation, Federal Transit Administration, Room 9316, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366—4011
Fax: 202 366—3809**RIN:** 2132—AA69

Department of Transportation (DOT)

Completed Actions

Saint Lawrence Seaway Development Corporation (SLSDC)

2463. ● SEAWAY REGULATIONS AND RULES: STERN ANCHORS AND NAVIGATION UNDERWAY**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 33 USC 983(a); 33 USC 984(a)(4); 49 CFR 1.52**CFR Citation:** 33 CFR 401.15; 33 CFR 401.35**Legal Deadline:** None**Abstract:** Under international agreement, the SLSDC and the Canadian St. Lawrence Seaway

Management Corporation jointly publish and administer the Seaway Regulations and Rules (Practices and Procedures in Canada). This action would amend the regulations to require large tug and tow combinations to have stern anchor and to require all vessels to meet certain manning requirements in the wheelhouse and on deck when underway.

Timetable:

Action	Date	FR Cite
Final Action	06/19/03	68 FR 36748
Final Action Effective	07/21/03	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Marc C. Owen, Chief Counsel, Department of Transportation, Saint Lawrence Seaway Development Corporation, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366—6823

Fax: 202 366—7147

Email: marc.owen@sls.dot.gov

RIN: 2135—AA18

Department of Transportation (DOT)

Proposed Rule Stage

Research and Special Programs Administration (RSPA)

2464. 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, Final.**Abstract:** The existing definition of “gas gathering line” and “regulated 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	64 FR 12147
Extension of Comment Period	04/30/99	64 FR 23256
Comment Period Ends NPRM	07/07/99 03/00/04	64 FR 23256

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** Docket No. RSPA—98—4868 (Formerly PS—122).

ANALYSIS: Regulatory Evaluation, 09/25/91, 56 FR 48505

Agency Contact: Fred Joyner, Senior Engineer, Department of Transportation, Research and SpecialPrograms Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—3530**RIN:** 2137—AB15**2465. 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, Final.**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

DOT—RSPA

Proposed Rule Stage

underwater pipeline and what constitutes a hazard to navigation.

Timetable:

Action	Date	FR Cite
NPRM	12/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected:

Undetermined

Additional Information: Docket No. RSPA—97—3001. This action could include requirements for the reburial of exposed pipelines. Under an OPS contract, Texas A&M University completed a study of the issues related to burial depth and inspection requirements for underwater pipelines.

An NPRM is being drafted that will incorporate the Texas A&M recommendation for a risk—based approach.

Agency Contact: Fred Joyner, Senior Engineer, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—3530

RIN: 2137—AC54

2466. HAZARDOUS MATERIALS: REVISION OF REQUIREMENTS FOR CARRIAGE BY AIRCRAFT

Priority: Substantive, Nonsignificant

Legal Authority: 48 USC 5101 to 5127

CFR Citation: 49 CFR 175

Legal Deadline: None

Abstract: Part 175 is being revised and rewritten in order to simplify and clarify the requirements, further align them with the international requirements (ICAO) and eliminate obsolete requirements.

Timetable:

Action	Date	FR Cite
ANPRM	02/26/02	67 FR 8769
ANPRM; Extension of Comment Period	05/13/02	67 FR 32002
ANPRM Comment Period End	05/31/02	
ANPRM; Extension Comment Period End	09/30/02	
NPRM	12/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Organizations, Businesses, Governmental Jurisdictions

Government Levels Affected: None

Additional Information: Docket No. HM—228; RSPA—02—11654.

Agency Contact: Deborah Boothe, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590

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Email: rules@rspa.dot.gov

RIN: 2137—AD18

2467. +HAZARDOUS MATERIALS SAFETY: TRANSPORTATION OF OXYGEN CYLINDERS AND OXYGEN GENERATORS ABOARD AIRCRAFT

Priority: Other Significant

Legal Authority: 49 USC 5101 to 5127

CFR Citation: 49 CFR 172; 49 CFR 175

Legal Deadline: None

Abstract: RSPA proposes to amend the Hazardous Materials Regulations to require oxygen cylinders and oxygen generators, when transported aboard aircraft, to be packed in an outer packaging that meets prescribed thermal and heat resistance requirements. These requirements will increase the level of safety associated with transportation of oxidizing gases by air. This rule has no impact on the use of passenger—owned oxygen cylinders. This rule is significant due to public interest.

Timetable:

Action	Date	FR Cite
NPRM	04/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Additional Information: HM Docket: HM—224B. A separate rulemaking addressing the use of passenger—owned cylinders of oxygen during a flight is under RIN 2105—AC29. Previously titled Hazardous Materials Safety: Transportation of Oxygen Cylinders on Aircraft.

Agency Contact: John A. Gale, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration,

400 Seventh Street SW, Washington, DC 20590

Phone: 202 366—8553

Email: rules@rspa.dot.gov

RIN: 2137—AD33

2468. +HAZARDOUS MATERIALS: SAFETY REQUIREMENTS FOR EXTERNAL PRODUCT PIPING ON CARGO TANKS TRANSPORTING FLAMMABLE LIQUIDS

Priority: Other Significant

Legal Authority: 49 USC 5101 to 5127

CFR Citation: 49 CFR 173; 49 CFR 180

Legal Deadline: None

Abstract: This rulemaking addresses requirements to reduce the risks associated with the retention of flammable liquid in unprotected product piping on a cargo tank motor vehicle during transportation (wetlines). It responds to an NTSB recommendation. It is significant because of industry concerns about its cost implications.

Timetable:

Action	Date	FR Cite
ANPRM	02/10/03	68 FR 6689
ANPRM Comment Period End	06/10/03	
NPRM	04/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: HM Docket: HM—213B; RSPA—99—6223.

Agency Contact: Michael Stevens, Transportation Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—8553
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RIN: 2137—AD36

2469. PIPELINE SAFETY: ANNUAL UPDATE OF STANDARDS INCORPORATED BY REFERENCE

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 5103, 60102, 60103, 60104, 60108, 60109, 60110, 60113, and 60118

CFR Citation: 49 CFR 191; 49 CFR 193; 49 CFR 195

Legal Deadline: None

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Proposed Rule Stage

Abstract: More than 70 voluntary consensus technical standards are incorporated by reference in the Federal gas pipeline, hazardous liquid pipeline, and liquefied natural gas (LNG) safety regulations. The Office of Pipeline Safety will propose to incorporate updated standards early in each calendar year.

Timetable:

Action	Date	FR Cite
NPRM	03/00/04	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: Docket No. RSPA—02—11457.

Agency Contact: Richard D. Huriaux, Manager, Regulations, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—4565

RIN: 2137—AD68

2470. HAZARDOUS MATERIALS: SECURITY REQUIREMENTS FOR MOTOR CARRIERS TRANSPORTING HAZARDOUS MATERIALS

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 5101 et seq; 49 USC 322; ...

CFR Citation: 49 CFR 397

Legal Deadline: None

Abstract: The Research and Special Programs Administration and the Federal Motor Carrier Safety Administration are examining the need for enhanced security requirements for motor carrier transportation of hazardous materials. We asked for comments on the feasibility of specific security enhancements and the potential costs and benefits of deploying such enhancements.

Timetable:

Action	Date	FR Cite
ANPRM	07/16/02	67 FR 46622
ANPRM Comment Period End	10/15/02	
NPRM	04/00/04	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Federalism: Undetermined

Additional Information: Docket No. HM—232A. The Federal Motor Carrier Safety Administration is closing this rulemaking action under RINA 2136—AA71. Any further rulemaking will be addressed under RSPA RIN 2137—AD70.

Agency Contact: Susan Gorsky, Senior Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—8553
Email: rules@rspa.dot.gov

RIN: 2137—AD70

2471. HAZARDOUS MATERIALS REGULATIONS: ALUMINUM CYLINDERS — REVISED REQUALIFICATION AND USE CRITERIA FOR THE DOT 3 AL CYLINDER MADE OF ALUMINUM ALLOY 6351—TG

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 5101 to 5127

CFR Citation: 49 CFR 173

Legal Deadline: None

Abstract: The purpose of this rulemaking initiative is to minimize personal injury during the filling process and adopt a standard for early detection of sustained load cracking in order to control the risk of the cylinder rupturing.

Timetable:

Action	Date	FR Cite
NPRM	11/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Docket No. HM—220F

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—AD78

2472. ● HAZARDOUS MATERIALS: EXEMPTIONS INTO REGULATIONS

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

Legal Authority: 49 USC 5101 to 5127

CFR Citation: 49 CFR 171; 49 CFR 173 and 174; 49 CFR 176 and 177

Legal Deadline: None

Abstract: This rule proposes to incorporate into the HMR certain widely used and safety—proven exemptions.

Timetable:

Action	Date	FR Cite
NPRM	12/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: HM Docket: HM—233

URL For More Information: rules@rspa.dot.gov

Agency Contact: Gigi L. Corbin, Transportation Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW, Washington, DC 20590
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RIN: 2137—AD84

2473. ● HAZARDOUS MATERIALS: MISCELLANEOUS AMENDMENTS

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

Legal Authority: 49 USC 5101 to 5127

CFR Citation: 49 CFR 171 to 180

Legal Deadline: None

Abstract: Miscellaneous amendments to HMR based on petitions for rulemaking and RSPA initiative, including updated incorporation by reference, revised definitions, revisions to the Hazardous Materials Table, and clarifications of certain existing requirements.

Timetable:

Action	Date	FR Cite
NPRM	04/00/04	

Regulatory Flexibility Analysis Required: No

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Proposed Rule Stage

Small Entities Affected: No
Government Levels Affected: None
Additional Information: Docket HM—218C.
Agency Contact: Gigi L. Corbin, Transportation Specialist, Department of Transportation, Research and Special

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RIN: 2137—AD87

2474. • Sequence Number Intentionally Skipped

2475. • Sequence Number Intentionally Skipped

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2476. PIPELINE SAFETY: PASSAGE OF INTERNAL INSPECTION DEVICES

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 60101 to 60125

CFR Citation: 49 CFR 192; 49 CFR 195

Legal Deadline: None

Abstract: In 1994, RSPA amended its gas and hazardous liquid pipeline safety regulations to require that operators design and construct certain pipelines to accommodate the passage of instrumented internal inspection devices, or smart pigs. In response to petitions for reconsideration, RSPA proposed to modify requirements that apply to offshore transmission lines and that require removal of smart pig impediments from transmission line sections. In addition, RSPA suspended enforcement of the rule on offshore transmission lines and on onshore transmission line sections except replacement parts. Final rulemaking action will resolve issues raised by the petitions and public comments on the proposed modifications, and end the suspension of enforcement.

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 Action	01/00/04	

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.

ANALYSIS: Regulatory Evaluation, 04/12/94, 59 FR 17275

Agency Contact: B. Furrow, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW, Washington, DC 20590—0001
 Phone: 202 366—4559

RIN: 2137—AB71

2477. +PIPELINE SAFETY: RESPONSE PLANS FOR ONSHORE OIL PIPELINES

Priority: Other Significant

Legal Authority: 49 USC 60101 to 60125

CFR Citation: 49 CFR 194

Legal Deadline: Final, Statutory, August 18, 1992, Final.

Abstract: The interim final rule established regulations requiring response plans for certain onshore oil pipelines. Those regulations are mandated by the Federal Water Pollution Control Act as amended by the Oil Pollution Act of 1990 (Pub. L. 101—380). Pipeline operators filed response plans under this interim final rule, and numerous tabletop exercises and area exercises have been conducted to validate the planning process. The purpose of these requirements is to improve response capabilities and minimize the impact of onshore oil spills from pipelines. This rule is significant because of substantial public and congressional interest. A final rule incorporating the comments will be published in December 2003.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/05/93	58 FR 244

Action	Date	FR Cite
Interim Final Rule Comment Period End	02/19/93	
Notice of Public Meeting	06/15/94	59 FR 30755
Notice of Public Hearing	11/29/96	61 FR 60679
Correction	01/21/97	62 FR 2989
Final Rule	12/00/03	

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: Melanie Barber, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590
 Phone: 202 366—4560

RIN: 2137—AC30

2478. +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 makes revisions 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

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(EPA and OSHA) and non—Federal governments (States, localities, and Indian tribes) must be consistent with or defer to RSPA's regulation of the transportation of hazardous materials in commerce. However, other Federal and non—Federal requirements are generally not limited where hazardous materials are not in transportation. Activities relating to loading, unloading, and storage of hazardous materials have become areas of particular uncertainty and concern to both industry and non—Federal governments. This action is significant because of the substantial public interest in reducing uncertainty and avoiding conflicting regulations.

Timetable:

Action	Date	FR Cite
ANPRM	07/29/96	61 FR 39522
ANPRM Comment Period End	11/30/96	
SANPRM	04/27/99	64 FR 22718
SANPRM Comment Period End Extended to 08/25/1999	07/26/99	
NPRM	06/14/01	66 FR 32420
NPRM Comment Period Extended to 08/02/2001 & Public Meetings	08/02/01	66 FR 40174
NPRM Comment Period End	11/30/01	
Final Action	12/00/03	

Regulatory Flexibility Analysis

Required: Yes

Government Levels Affected: Federal, Local, State, Tribal

Federalism: This action may have federalism implications as defined in EO 13132.

Additional Information: Docket No. HM—223; RSPA—98—4952. As a result of comments received to the ANPRM, we have upgraded this rulemaking to significant.

Agency Contact: Susan Gorsky, Senior Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590
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RIN: 2137—AC68

2479. HAZARDOUS MATERIALS: REVISIONS TO INCIDENT REPORTING REQUIREMENTS AND DETAILED HAZARDOUS MATERIALS INCIDENT REPORT DOT FORM

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 5105 to 5127

CFR Citation: 49 CFR 171

Legal Deadline: None

Abstract: This rulemaking would revise the hazardous materials incident reporting regulations in 49 CFR part 171, including the hazardous materials incident report (form 5800.1). The goal of this rulemaking is to simplify, update and review the requirements while enhancing the ability of the Research and Special Programs Administration and the DOT modal administrations to gather information vital to increasing safety of transporting hazardous materials.

Timetable:

Action	Date	FR Cite
ANPRM	03/23/99	64 FR 13943
ANPRM Comment Period End	06/21/99	
NPRM	07/03/01	66 FR 35155
NPRM Comment Period End	10/01/01	
Final Action	11/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal

Additional Information: Docket No. HM—229; RSPA—99—5013.

Agency Contact: T. Glenn Foster, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590
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RIN: 2137—AD21

2480. 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 proposes to amend the Hazardous Materials Regulations (HMR) to continue improving the hazard communication requirements to better identify hazardous materials in transportation, in response to several petitions for rulemaking and RSPA initiatives. The primary areas addressed are shipping papers, marking, labeling, and placarding requirements. The proposed action is intended to improve safety for transportation workers, emergency responders, and the public. The effect of the proposed regulatory action is to simplify, clarify, correct, or provide relief from certain regulatory requirements.

Timetable:

Action	Date	FR Cite
NPRM	06/11/03	68 FR 34880
NPRM Comment Period End	08/11/03	
Final Action	12/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Docket No. HM—206B; RSPA—03—15327.

Agency Contact: Helen L. Engrum, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366—8553

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RIN: 2137—AD28

2481. PIPELINE SAFETY: PERIODIC UPDATES TO PIPELINE SAFETY REQUIREMENTS (1999)

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 60101 et seq

CFR Citation: 49 CFR 190; 49 CFR 191; 49 CFR 192; 49 CFR 195

Legal Deadline: None

Abstract: This periodic update revises and updates the pipeline safety regulations to provide clarity and remove unnecessary burdens to the regulated pipeline community. Revisions include updated references to voluntary specifications and standards incorporated by reference in the pipeline safety regulations, and various

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clarifications and grammatical corrections. These updates reflect the most recent editions of each specification and standard incorporated by reference. These updates enable pipeline operators to utilize current technology, materials, and practices, thereby reducing costs and enhancing economic growth.

Timetable:

Action	Date	FR Cite
NPRM	03/22/00	65 FR 15290
NPRM Comment Period End	05/22/00	
Final Rule	11/00/03	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Docket No. RSPA—99—6106

Agency Contact: Richard D. Huriaux, Manager, Regulations, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—4565

RIN: 2137—AD35**2482. 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 harmonizes the requirements for the packaging and transportation of Class 7 (radioactive) materials with the International Atomic Energy Agency (IAEA) regulations for the safe transportation of radioactive material and the United Nations recommendations.

Timetable:

Action	Date	FR Cite
ANPRM	12/28/99	64 FR 72633
ANPRM Comment Period Extended	03/01/00	65 FR 11028
ANPRM Comment Period End	03/29/00	
ANPRM Comment Period End	06/29/00	
NPRM	04/30/02	67 FR 21328
NPRM Comment Period End	07/29/02	
Final Action	11/00/03	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** HM—230; RSPA—99—6283.

Agency Contact: Charles E. Betts, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366—8553

Email: rules@rspa.dot.gov

RIN: 2137—AD40**2483. +HAZARDOUS MATERIALS: TRANSPORTATION OF LITHIUM BATTERIES****Priority:** Other Significant**Legal Authority:** 49 USC 5101 to 5127**CFR Citation:** 49 CFR 172 to 175**Legal Deadline:** None

Abstract: RSPA is revising requirements applicable to lithium batteries for consistency with international requirements.

Timetable:

Action	Date	FR Cite
NPRM	04/02/02	67 FR 15510
NPRM Comment Period End	06/14/02	
Final Action	12/00/03	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** HM Docket: HM—224C; RSPA—02—11989

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

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RIN: 2137—AD48**2484. HAZARDOUS MATERIALS: REVISION OF THE REQUIREMENTS FOR HAZARDOUS WASTE MANIFESTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 5101 to 5127**CFR Citation:** 49 CFR 172**Legal Deadline:** None

Abstract: The NPRM proposed to update the Hazardous Waste Manifest requirements to accommodate changes the Environmental Protection Agency has proposed, including the use of electronic versions of the Hazardous Waste Manifest and electronic signatures.

Timetable:

Action	Date	FR Cite
NPRM	08/08/01	66 FR 41490
NPRM Comment Period End	10/04/01	
Final Action	04/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** State, Local, Tribal, Federal**Additional Information:** HM Docket: HM—206E; RSPA—01—10292.

Agency Contact: Darrell Relerford, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590

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RIN: 2137—AD50**2485. +PIPELINE SAFETY: PIPELINE INTEGRITY MANAGEMENT IN HIGH—CONSEQUENCE AREAS (GAS TRANSMISSION PIPELINE OPERATORS)****Priority:** Other Significant. Major under 5 USC 801.

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

Legal Authority: 49 USC 5121; 49 USC 60102 to 60104; 49 USC 60108, 60109, 60117, 60118, 60124; 49 CFR 1.53

CFR Citation: 49 CFR 192**Legal Deadline:** Final, Statutory, December 17, 2003, Final.

A law passed in 2002 requires OPS to issue regulations by December 17, 2003.

Abstract: An October 21, 1999, notice announced a public meeting to consider the need for additional safety and environmental regulations for gas transmission lines, hazardous liquid pipelines, and distribution pipelines in

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high—density population areas, commercially navigable waterways, and areas unusually sensitive to environmental damage. The public meeting was held on November 18—19, 1999, in Herndon, Virginia. The meeting was to determine the extent to which operators now have integrity management programs, to explore effective ways to promote their development and implementation by all operators, and to discuss mechanisms to confirm the adequacy of such operator—developed programs. Participants in the meeting discussed a practical definition of high—consequence areas, as well as the need, if any, for increased inspection, enhanced damage prevention, improved emergency response, and other measures to prevent and mitigate pipeline leaks and ruptures in these areas. Comments from the public were due by January 17, 2000.

A final rule was published to require validation/testing of the integrity of certain hazardous liquid pipelines in high—consequence areas (RIN 2137—AD45).

Work on a similar gas rule is almost complete. A final rule defining high consequence areas for gas transmission pipelines was issued on August 6, 2002 (67 FR 50824). A notice of proposed rulemaking proposing integrity management requirements for transmission pipelines in the high consequence areas was issued on January 28, 2003 (68 FR 4278).

Timetable:

Action	Date	FR Cite
NPRM — Integrity Management Program	01/28/03	68 FR 4278
Final Rule	12/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: This action may have federalism implications as defined in EO 13132.

Additional Information: Docket No. RSPA—00—7666.

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—AD54

2486. PIPELINE SAFETY: HAZARDOUS LIQUID PIPELINE OPERATOR ANNUAL REPORTS

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 5103; 49 USC 60102; 49 USC 60104; 49 USC 60108; 49 USC 60109; 49 USC 60118; 49 CFR 1.53

CFR Citation: 49 CFR 195

Legal Deadline: None

Abstract: This rulemaking would amend the pipeline safety regulations to require hazardous liquid pipeline operators to submit a Hazardous Liquid Operator Annual Report. The information on the hazardous liquid operator annual report form is needed to normalize hazardous liquid accident information for identifying safety trends in the accident data. The inventory information that the annual report would provide addresses a major deficiency in the current information collection. Through a separate rulemaking, RSPA is also improving the hazardous liquid accident form by expanding “failure cause” categories and collecting more detailed information about the impact of failed pipelines. Together with the improved hazardous liquid accident report, the proposed Hazardous Liquid Operator Annual Report will address the concerns of RSPA/OPS, the National Transportation Safety Board (NTSB), Congress, and others, increase the overall usefulness of the data, and make analysis more efficient and meaningful.

Timetable:

Action	Date	FR Cite
NPRM	07/26/02	67 FR 48844
Final Rule	08/05/03	68 FR 46109
Correction	11/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Docket No. RSPA—01—9832.

Agency Contact: Roger Little, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590

Phone: 202 366—4569

RIN: 2137—AD59

2487. HAZARDOUS MATERIALS: REVISION TO PENALTY GUIDELINES

Priority: Info./Admin./Other

Legal Authority: 49 USC 5101 et seq

CFR Citation: 49 CFR app A to subpart D

Legal Deadline: None

Abstract: This final rule will make revisions to RSPA’s guidelines in appendix A to 49 CFR part 107, subpart D, which set forth policy and procedures for assessing civil penalties for violations of the Federal Hazardous Materials Transportation Law and the Hazardous Materials Regulations. This rule will add baseline penalty amounts for additional violations, adjust baseline penalty amounts for other violations, and state that RSPA now considers prior violations for 6 years rather than 5. In addition, this rule will correct a typographical error in the address to where the civil penalty payments must be sent and make editorial changes to procedural regulations for issuing administrative preemption determinations.

Timetable:

Action	Date	FR Cite
Final Action	11/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Frazer C. Hilder, Attorney, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—4400

RIN: 2137—AD71

2488. PIPELINE SAFETY: TECHNICAL REVISIONS TO AGENCY PROCEDURES

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 190 60101 et seq

CFR Citation: 49 CFR 190

Legal Deadline: None

Abstract: This rulemaking action makes minor technical changes to internet and mailing addresses, docket

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procedures, titles, section numbers, and penalty amounts, among other things.

Timetable:

Action	Date	FR Cite
Final Action	01/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Docket No. RSPA—02—14136.

Agency Contact: Lawrence White, Attorney Advisor, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590
Phone: 202 366—4400
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RIN: 2137—AD77

2489. HAZARDOUS MATERIALS: ENHANCING SECURITY OF EXPLOSIVES TRANSPORTATION

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 5101 et seq

CFR Citation: 49 CFR 174; 49 CFR 175; 49 CFR 176; 49 CFR 177

Legal Deadline: None

Abstract: This rulemaking would incorporate requirements promulgated by the Transportation Security Administration concerning implementation of the Safe Explosives Act (title XI, subtitle C of the Homeland Security Act) into the Hazardous Materials Regulations.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/05/03	68 FR 23881
Interim Final Rule Effective	05/05/03	
Interim Final Rule Comment Period End	06/04/03	
Final Action	01/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Docket No. HM—232C

URL For More Information:

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RIN: 2137—AD79

2490. PIPELINE SAFETY: LIQUEFIED NATURAL GAS FACILITIES; AND UPDATING SAFETY STANDARDS

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 60101 et seq; 49 USC 5103

CFR Citation: 49 CFR 193

Legal Deadline: None

Abstract: This action will clarify the application of RSPA's safety standards for liquefied natural gas (LNG) facilities to operation, maintenance, and fire protection of certain existing facilities. In addition, it will revise standards what contain incorrect cross—references, make minor editorial changes to fire protection and training standards, require annual reviews of plans and procedures, and update references to National Fire Protection Association (NFPA) 59A, the LNG standard issued by the NFPA. These actions are needed to remove ambiguities, ensure that plans and procedures are up—to—date, and modernize references to NFPA 59A.

Timetable:

Action	Date	FR Cite
NPRM	05/01/03	68 FR 23272
Final Action	12/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Docket No. RSPA—03—14556

Agency Contact: L. M. Furrow, Regulations Manager, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—4559

RIN: 2137—AD80

2491. ● HAZARDOUS MATERIALS REGULATIONS: MATTER INCORPORATED BY REFERENCE

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

Legal Authority: 49 USC 5101 to 5127

CFR Citation: 49 CFR 171 to 173; 49 CFR 175 to 176; 49 CFR 178 to 179

Legal Deadline: None

Abstract: The final rule creates a standard format for expressing matters incorporated by reference in the HMR. It also makes minor editorial corrections to improve the clarity of the HMR.

Timetable:

Action	Date	FR Cite
Final Action	11/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Docket Number RSPA—03—15574 (HM—189U)

URL For More Information:

rules@rspa.dot.gov

URL For Public Comments:

dms.dot.gov/

Agency Contact: Eileen Edmonson, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366—8553

Email: rules@rspa.dot.gov

RIN: 2137—AD83

2492. ● HAZARDOUS MATERIALS: EDITORIAL CORRECTIONS AND MISCELLANEOUS CLARIFICATIONS

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

Legal Authority: 49 USC 5101 to 5127

CFR Citation: 49 CFR 171 to 173; 49 CFR 175 to 176; 49 CFR 178 to 179

Legal Deadline: None

Abstract: This final rule corrects editorial errors and enhances the clarity of certain provisions in the hazardous materials regulations

Timetable:

Action	Date	FR Cite
Final Action	11/00/03	

DOT—RSPA

Final Rule Stage

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** HM Docket: HM—189V**Agency Contact:** Darrell Relerford, 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—AD85**2493. • HAZARDOUS MATERIALS: SUSPENSION OF APPROVAL PROGRAM FOR CERTAIN PERSONS PERFORMING VISUAL REQUALIFICATION OF DOT SPECIFICATION CYLINDERS****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 49 USC 5107 to 5127**CFR Citation:** 49 CFR 107; 49 CFR 180**Legal Deadline:** None**Abstract:** In this final rule, RSPA is suspending until further notice regulations to require certain persons who perform visual cylinder requalifications under 49 CFR 180.209(g) of the Hazardous Materials Regulations to obtain approval from RSPA. The requirements were adopted in a final rule published August 8, 2002 (67 FR 51625; RIN 2137—AD58). This action is necessary to address

complexities concerning implementation of the approval requirements.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/00/03	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** HM—220D; RSPA—01—10373.**Agency Contact:** Sandra Webb, Transportation Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590

Phone: 202 366—8553

Fax: 202 366—3012

Email: rules@rspa.dot.gov

RIN: 2137—AD86

Department of Transportation (DOT)

Long-Term Actions

Research and Special Programs Administration (RSPA)

2494. +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, Final.**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.**Timetable:**

Action	Date	FR Cite
ANPRM	02/20/91	56 FR 6934

Action	Date	FR Cite
ANPRM Comment Period Extended to 04/29/1991	03/21/91	56 FR 11982
NPRM	05/21/93	58 FR 29698
Notice of Public Hearing	05/21/93	58 FR 29698
NPRM Comment Period End	10/18/93	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:** None**Additional Information:** ANALYSIS: Regulatory Evaluation, 05/21/93, 58 FR 29698**Agency Contact:** Helen L. Engrum, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366—8553

Email: rules@rspa.dot.gov

RIN: 2137—AC00**2495. HAZARDOUS MATERIALS: CARGO TANK ROLLOVER REQUIREMENTS****Priority:** Substantive, Nonsignificant**Unfunded Mandates:** Undetermined**Legal Authority:** 49 USC 5101 to 5127**CFR Citation:** 49 CFR 178**Legal Deadline:** None**Abstract:** The purpose of this advance notice of proposed rulemaking is to request comments concerning the need, if any, for amending the Hazardous Materials Regulations with regard to standards for cargo tank rollover protection devices on specification DOT 406, 407, and 412 cargo tank motor vehicles.**Timetable:**

Action	Date	FR Cite
ANPRM	11/16/99	64 FR 62161
ANPRM Comment Period End	05/15/00	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Undetermined**Government Levels Affected:** Undetermined**Additional Information:** HM Docket: HM—213A; RSPA—99—5921. Based on comments received to the ANPRM,

DOT—RSPA

Long-Term Actions

Federal Motor Carrier Safety Administration awarded a contract to review the UMTRI Study. The review is anticipated to be completed in 2004.

Agency Contact: Michael Stevens, Transportation 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—AD34

2496. HAZARDOUS MATERIALS: HARMONIZATION WITH THE UNITED NATIONS RECOMMENDATIONS, INTERNATIONAL MARITIME DANGEROUS GOODS CODE, AND INTERNATIONAL CIVIL AVIATION ORGANIZATION TECHNICAL INSTRUCTIONS

Priority: Substantive, Nonsignificant

Unfunded Mandates: Undetermined

Legal Authority: 49 USC 5101 to 5127

CFR Citation: 49 CFR 171 to 180

Legal Deadline: None

Abstract: To amend the Hazardous Materials Regulations (HMR; 49 CFR Parts 171—180) to maintain alignment with international standards by incorporating numerous changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations and vessel stowage requirements.

Timetable:

Action	Date	FR Cite
NPRM	12/03/02	67 FR 72034
Effective Date — Incorporation by Reference	01/08/03	
Final Rule — Incorporated by Reference	01/08/03	68 FR 1013
Final Rule	07/31/03	68 FR 44992

Action	Date	FR Cite
Final Action Effective	10/01/03	
Delayed Compliance	10/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Docket HM—215E.

Agency Contact: Joan McIntyre, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366—8553

Email: rules@rspa.dot.gov

RIN: 2137—AD66

Department of Transportation (DOT)

Research and Special Programs Administration (RSPA)

Completed Actions

2497. PIPELINE SAFETY: FURTHER REGULATORY REVIEW; GAS PIPELINE SAFETY STANDARDS

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 60101 to 60125

CFR Citation: 49 CFR 192

Legal Deadline: None

Abstract: This action would change miscellaneous gas pipeline safety standards to provide clarity, eliminate unnecessary or overly burdensome requirements, and foster economic growth. The proposed changes result from RSPA's further review of the standards and changes recommended by the National Association of Pipeline Safety Representatives (NAPSR) in its November 1992 report on the standards and by the State Industry Regulatory Review Committee in its April 26, 1999 report. The proposed changes would reduce costs in the pipeline industry without compromising safety.

Timetable:

Action	Date	FR Cite
NPRM	11/13/02	67 FR 68815
Final Rule	09/15/03	68 FR 53895
Final Action Effective	10/15/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Docket No. RSPA—02—13208. Formerly Docket No. PS—124. The NAPSR report was published November 9, 1993, at 58 FR 59431, as part of the earlier review of the standards.

Early in 1992, RSPA began an extensive review of the Federal gas pipeline safety regulations (49 CFR 192) and invited the public to participate (57 FR 4745; February 7, 1992). RSPA published a notice of proposed rulemaking (NPRM), proposing changes to 38 regulations in part 192 (Notice 1: 57 FR 39572; August 31, 1992). In addition, the National Association of Pipeline Safety Representatives (NAPSR) reported on a separate but related review of part 192. Because the NAPSR report concerned a few of the regulations covered by the NPRM and had similar objectives, we published the report and requested public comment on its various recommended rule changes (Notice 2: 58 FR 59431; November 9, 1992) and later extended the comment period (Notice 3: 58 FR 68382; December 27, 1993). A final rule was published on June 6, 1996.

However, not all the changes suggested by the commenters were incorporated in the final rule. A further review of the regulations in part 192, based on the record in this docket, was initiated in late 1996. This review identified proposals from the Gas Piping Technology Committee (GPTC), the ASME B31.8 (gas pipeline safety standards) committee, and NAPSR that have not yet been addressed.

In October 1997, NAPSR and the gas pipeline industry formed the State Industry Regulatory Review Committee (SIRRC) to discuss the regulatory proposals of NAPSR and other issues. On May 3, 1999, the SIRRC provided OPS a report on outcome of the discussion on 39 proposed changes in the gas pipeline safety regulations.

Most of the SIRRC recommendations will be addressed in a subsequent notice of proposed rulemaking. However, the welding recommendations are being adopted in the periodic update (Docket No. RSPA—99—6106 RIN 2137—AD35). And the corrosion control recommendations are being considered in a review of the gas pipeline corrosion regulations in RIN 2137—AD63.

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Completed Actions

Agency Contact: L.M. Furrow, Manager, Regulations, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—4559
Fax: 202 366—4566
Email: buck.furrow@rspa.dot.gov

RIN: 2137—AD01

2498. PIPELINE SAFETY: RECOMMENDATIONS TO CHANGE HAZARDOUS LIQUID PIPELINE SAFETY STANDARDS

Priority: Substantive, Nonsignificant

Unfunded Mandates: Undetermined

Legal Authority: 49 USC 60101 to 60128

CFR Citation: 49 CFR 195

Legal Deadline: None

Abstract: In 1995, the National Association of Pipeline Safety Representatives (NAPSR) completed its review of the hazardous liquid pipeline safety regulations. NAPSR provided RSPA with 28 recommendations for changes to 49 CFR part 195, the hazardous liquid pipeline regulations. NAPSR's recommendations are aimed at making the regulations more explicit, understandable, and enforceable. This action would address the need to change part 195 as NAPSR recommended.

Timetable:

Action	Date	FR Cite
NPRM	09/06/02	67 FR 56970
Final Action	09/11/03	68 FR 53526
Final Action Effective	10/14/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Docket No. RSPA—97—2717.

Agency Contact: L. M. Furrow, Regulations Manager, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—4559

RIN: 2137—AD10

2499. HAZARDOUS MATERIALS: AIR CARRIER EMERGENCY TELEPHONE NUMBER REQUIREMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 5101 to 5127

CFR Citation: 49 CFR 172; 49 CFR 175

Legal Deadline: None

Abstract: The rulemaking addresses safety recommendations from the National Transportation Safety Board to require that air carriers transporting hazardous materials have the means, 24 hours per day, to quickly retrieve and provide to emergency responders consolidated specific information about the identity and location of all hazardous materials on an aircraft in a timely manner.

Timetable:

Action	Date	FR Cite
ANPRM	08/15/00	65 FR 49777
ANPRM Comment Period End	11/13/00	
NPRM	02/13/02	67 FR 6669
NPRM Comment Period End	04/26/02	
Final Action	03/25/03	68 FR 14341
Final Action Effective	10/01/03	
Delayed Compliance Date	10/01/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Docket No. HM—206C; RSPA—00—7762.

Agency Contact: Gigi L. Corbin, Transportation Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366—8553
Fax: 202 366—3012
Email: rules@rspa.dot.gov

RIN: 2137—AD29

2500. PIPELINE SAFETY: PRODUCER—OPERATED OUTER CONTINENTAL SHELF GAS AND HAZARDOUS LIQUID PIPELINES THAT CROSS DIRECTLY INTO STATE WATERS

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 60101 et seq

CFR Citation: 49 CFR 192; 49 CFR 195

Legal Deadline: None

Abstract: This proposed rule would implement a provision of the December

10, 1996, Memorandum of Understanding (MOU) between the Department of the Interior (DOI) and the Department of Transportation (DOT) regarding Outer Continental Shelf (OCS) Pipelines. This rule would address producer—operated pipelines that cross into State waters without first connecting with a transporting operator's facility on the OCS. It is complementary to the Direct Final Rule that addressed OCS oil or gas pipelines located upstream of the points at which operating responsibility for the pipelines transfers from a producing operator to a transporting operator (62 FR 61692, November 19, 1997; and 63 FR 126598, March 16, 1998). The proposed rule also would address the procedures by which producer and transportation pipeline operators would petition for permission to operate under either DOT or DOI regulations governing pipeline design, construction, operation, and maintenance according to the operational circumstances of their respective pipelines.

Timetable:

Action	Date	FR Cite
NPRM	04/05/02	67 FR 15355
Final Rule	08/05/03	68 FR 46109

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, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590
Phone: 202 366—5523

RIN: 2137—AD42

2501. HAZARDOUS MATERIALS: MISCELLANEOUS AMENDMENTS FOR UNLOADING IM PORTABLE TANKS ON A TRANSPORT VEHICLE — PETITION FOR RULEMAKING

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 5101 to 5127

CFR Citation: 49 CFR 177

Legal Deadline: None

Abstract: RSPA is responding to petitions for rulemaking regarding the requirements applicable to the

DOT—RSPA

Completed Actions

unloading of intermodal (IM) portable tanks while on a transport vehicle.

Timetable:

Action	Date	FR Cite
NPRM	02/22/02	67 FR 8220
NPRM Comment Period End	04/08/02	
Final Action	05/30/03	68 FR 32409

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: HM—218A; RSPA—01—10533.

Agency Contact: Joan McIntyre, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366—8553

Email: rules@rspa.dot.gov

RIN: 2137—AD44

2502. +HAZARDOUS MATERIALS: SECURITY REQUIREMENTS FOR OFFERORS AND TRANSPORTERS OF HAZARDOUS MATERIALS

Priority: Other Significant

Legal Authority: 49 USC 5101 to 5127

CFR Citation: 49 CFR 107; 49 CFR 172; 49 CFR 173; 49 CFR 177; 49 CFR 397

Legal Deadline: None

Abstract: This final rule will establish certain requirements designed to enhance the security of hazardous materials in transportation.

Timetable:

Action	Date	FR Cite
NPRM	05/02/02	67 FR 22028
Comment Period Extended	05/23/02	67 FR 36138
NPRM Comment Period End	07/03/02	
Final Action	03/25/03	68 FR 14510
Final Action Effective	03/25/03	
Final Rule Information Collection Approval	05/28/03	68 FR 31627
Final Action Effective	06/20/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Docket HM—232; RSPA—02—12064.

Agency Contact: Susan Gorsky, Senior Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366—8553

Email: rules@rspa.dot.gov

RIN: 2137—AD67

2503. HAZARDOUS MATERIALS: MISCELLANEOUS REVISIONS TO THE HAZARDOUS MATERIALS REGULATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 5101 to 5127

CFR Citation: 49 CFR 171 to 173; 49 CFR 177 to 178

Legal Deadline: None

Abstract: This rule proposes to make miscellaneous amendments to the hazardous materials regulations based on petitions for rulemaking and RSPA's initiatives.

Timetable:

Action	Date	FR Cite
NPRM	01/21/03	68 FR 2734
NPRM Comment Period End	03/17/03	
Final Rule	08/14/03	68 FR 48562
Final Action Effective	10/01/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: HM Docket: HM—218B; RSPA—02—13773

Agency Contact: Gigi L. Corbin, Transportation Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366—8553

Fax: 202 366—3012

Email: rules@rspa.dot.gov

RIN: 2137—AD73

2504. PIPELINE SAFETY: NATIONAL PIPELINE MAPPING SYSTEM

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 5103, 60102, 60104, 60108, 60109, 60113, 60118; 49 CFR 1.53

CFR Citation: 49 CFR 192; 49 CFR 195

Legal Deadline: None

Abstract: RSPA aims to implement a requirement that all gas transmission and hazardous liquid operators submit pipeline geospatial data to the National Pipeline Mapping System (NPMS). This rule covers interstate and intrastate pipelines and offshore pipelines under the jurisdiction of the Research and Special Programs Administration. The proposed rule will address the procedures by which pipeline operators create, submit and maintain the data submitted to the NPMS.

This action is withdrawn because necessary action is covered in the Pipeline Safety Act of 2003 signed into law December 17, 2002.

Timetable:

Action	Date	FR Cite
Withdrawn	12/17/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Docket No. RSPA—97—2426.

Agency Contact: Steve Fischer, GIS Manager, Department of Transportation, Research and Special Programs Administration, Room 7128, 400 7Seventh Street SW., Washington, DC 20590

Phone: 202 366—4566

Email: steve.fischer@rspa.dot.gov

RIN: 2137—AD76

Department of Transportation (DOT)
Maritime Administration (MARAD)

Proposed Rule Stage

2505. +CARGO PREFERENCE REGULATIONS—CARRIAGE OF OCEANGOING CARGO GENERATED BY GOVERNMENT PROGRAMS

Priority: Other Significant

Legal Authority: 46 app USC 1101, 1114(b), 1122(d), 1241

CFR Citation: 46 CFR 381; 49 CFR 1.66

Legal Deadline: None

Abstract: This action would clarify the Maritime Administration's cargo preference regulations governing the carriage of oceangoing cargo generated by Government programs. The rulemaking will concern, among other issues: (1) incorporating into part 381 MARAD's existing rules on priority of service of various U.S.—flag services; (2) clarifying how shipper agencies should comply with the existing provisions of the regulations regarding geographic areas and booking cargo on U.S.—flag vessels before foreign—flag vessels; (3) redefining certain terms for clarity to bring them in line with commercial practices; and (4) other related issues. This rule is significant because of public interest.

Timetable:

Action	Date	FR Cite
ANPRM	01/28/99	64 FR 4382
ANPRM Comment Period End	03/29/99	
NPRM	03/00/04	

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

2506. APPLICATION FEE FOR ADMINISTRATIVE WAIVERS OF THE COASTWISE TRADE LAWS

Priority: Substantive, Nonsignificant

Legal Authority: 46 app USC 1114(b); 49 USC 322; PL 105—383; 46 USC 12106 note; 49 CFR 1.66(c)

CFR Citation: 46 CFR 388

Legal Deadline: None

Abstract: Part 388 of 46 CFR prescribes regulations to waive the U.S.—build

requirements of the Passenger Vessel Services Act and Section 27 of the Merchant Marine Act, 1920, for eligible vessels to be documented with the appropriate endorsement for employment in the coastwise trade as passenger vessels or uninspected passenger vessels authorized to carry no more than 12 passengers for hire. The Maritime Administration proposes to increase the application fee for administrative waiver of the coastwise trade laws from \$300 to \$500. The increased application fee would closer align the application fee with the actual cost of processing each waiver application.

Timetable:

Action	Date	FR Cite
NPRM	03/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Michael Hokana, Department of Transportation, Maritime Administration, MAR—830 Room 7201, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366—0760

Email: michael.hokana@marad.dot.gov

RIN: 2133—AB50

2507. • +VESSEL DOCUMENTATION: LEASE FINANCING FOR VESSELS ENGAGED IN THE COASTWISE TRADE; SECOND RULEMAKING

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

Legal Authority: 46 app USC 808

CFR Citation: 46 CFR 221

Legal Deadline: None

Abstract: This is a joint notice of proposed rulemaking by the Coast Guard and the Maritime Administration. The Coast Guard proposes to amend its regulations on documentation, under the lease—financing provisions, of vessels engaged in the coastwise trade. One proposal addresses the issue of whether we should prohibit or restrict the chartering back (whether by time charter, voyage charter, space charter, contract of affreightment, or other contract for the use of a vessel) of a lease—financed vessel to the parent of the vessel owner or to a subsidiary or affiliate of the parent. A second

proposal would establish a limit on the length of time that a coastwise endorsement issued before the date of publication of this notice of proposed rulemaking would run. The final subject concerns the question of whether applications for an endorsement under the lease—financing provisions should be reviewed and approved by an independent third party with expertise in vessel chartering. Though these subjects were discussed in many of the comments received to the previous Coast Guard rulemaking on lease financing, we feel that we need additional public input specifically focused on these subjects and on our proposed changes. These proposals would amend the final rule (USCG—2001—8825) on vessel documentation under lease financing found elsewhere in this issue of the Federal Register.

The Maritime Administration (MARAD) proposes to amend its regulations to require MARAD's approval of all transfers of the use of a lease—financed vessel engaged in the coastwise trade back to the vessel's foreign owner, the parent of the owner, a subsidiary or affiliate of the parent, or an officer, director, or shareholder of one of them. In 1992, MARAD amended its regulations to grant general approval for time charters of U.S.—flag vessels to charterers that were not U.S. citizens (noncitizens) and to eliminate MARAD's review of these time charters. The lease—financing provisions potentially allow citizen to exert additional control over a vessel operated in the coastwise trade by becoming the owner of the vessel and time chartering the vessel back to itself or to a related entity through an intermediate U.S. citizen bareboat charterer. MARAD's review of charter arrangements in the limited circumstances where the time charterer is related to the noncitizen vessel owner will ensure that U.S. citizens maintain control over vessels operating in the coastwise trade.

Timetable:

Action	Date	FR Cite
NPRM	12/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: John T. Marquez, Jr., Attorney Advisor, Division of Maritime

DOT—MARAD

Proposed Rule Stage

Assistance Programs, Room 7228,
Department of Transportation, Maritime

Administration, 400 Seventh Street
SW., Washington, DC 20590
Phone: 202 366—5320

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Email: john.marquez@marad.dot.gov
RIN: 2133—AB51

Department of Transportation (DOT)
Maritime Administration (MARAD)

Final Rule Stage

**2508. ADMINISTRATIVE WAIVERS OF
THE COASTWISE TRADE LAWS FOR
ELIGIBLE VESSELS**

Priority: Substantive, Nonsignificant

Legal Authority: 46 app USC 1114(b);
PL 105—383; 46 USC 12106 note; 49
CFR 1.66

CFR Citation: 46 CFR 388

Legal Deadline: None

Abstract: This interim final rule will implement regulations to waive the U.S.—build requirements of the Passenger Vessel 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 passenger vessels or uninspected passenger vessels authorized to carry no more than 12 passengers for hire. The Maritime Administration intends to publish the interim final rule to implement the changes of the Maritime Transportation Security Act of 2002. The legislative changes lift the sunset provision and require the Secretary of Transportation to revoke an endorsement that was obtained by fraud. The Secretary of Transportation has delegated to MARAD the authority to process applications for waivers of the coastwise laws if the waivers do not adversely affect U.S. vessel builders or U.S.—built vessel coastwise trade businesses.

This interim final rule also brings the application procedure into compliance with the Government Paperwork Elimination Act (GPEA). GPEA requires that by October 21, 2003, the government must provide “the option of electronic maintenance, submission,

or disclosure of information when practicable as a substitute for paper.” Therefore, we will provide the option of electronic filing of the application.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/30/03	68 FR 23084
Final Action	03/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

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Administration, MAR—830 Room 7201,
400 Seventh Street SW., Washington,
DC 20590

Phone: 202 366—0760

Email: michael.hokana@marad.dot.gov

RIN: 2133—AB49

**2509. • TRADING RESTRICTIONS ON
VESSELS TRANSFERRED TO A
FOREIGN REGISTRY: AMENDMENT
OF LIST OF PROHIBITED COUNTRIES**

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

Legal Authority: 46 app USC 808, 839

CFR Citation: 46 CFR 221.15(c)(3); 46
CFR 221.13(a)(4)

Legal Deadline: None

Abstract: 46 CFR 221.15 requires the prior written approval of the Maritime Administrator to transfer a U.S.—flag vessel over 1,000 tons to a foreign registry. Without further approval, 46 CFR 221.15(c)(3) prohibits the operation of any such vessel from trading with

the following countries set forth in 46 CFR 221.13(a)(4): an entity within the geographic area formerly known as the Union of Soviet Socialist Republics, Latvia, Lithuania, Estonia, Libya, Iraq, Bulgaria, Albania, Northern Korea, Laos, Cambodia, Mongolian Peoples Republic, Vietnam, and Cuba. Under the authority provided by 46 CFR 221.15(b)(1)(iii), the Maritime Administration (MARAD) incorporates the countries listed in 15 CFR part 740, Supplement 1, Country Group E. Country Group E has been changed to the following countries: Cuba, Iran, Iraq, North Korea, Libya, Sudan and Syria. The rule would implement 46 CFR 221.13(a)(4) to substitute the countries currently listed in Country Group E.

Timetable:

Action	Date	FR Cite
Final Action	01/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Mr. Len Sutter,
Attorney—Advisor, Department of
Transportation, Maritime
Administration, 400 Seventh St., SW,
Room 7228, Washington, DC 20590
Phone: 202 366—5177

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Email: len.sutter@marad.dot.gov

RIN: 2133—AB55

**2510. • Sequence Number
Intentionally Skipped**

**Department of Transportation (DOT)
Maritime Administration (MARAD)**
Completed Actions
2511. REGULATED TRANSACTIONS INVOLVING DOCUMENTED VESSELS AND OTHER MARITIME INTERESTS: INFLATION ADJUSTMENT OF CIVIL MONETARY PENALTY

Priority: Substantive, Nonsignificant

Legal Authority: 46 app USC 802, 803, 808, 835, 839, 841a, 114(b), 1195; 46 USC 301, 313; 49 CFR 1.66

CFR Citation: 46 CFR 221

Legal Deadline: None

Abstract: The Maritime Administration (MARAD, we, us, or our) will propose regulations amending regulations at 46 CFR Part 221 to adjust our maximum civil monetary penalties or range of minimum and maximum civil penalties. We will do so pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996.

Timetable:

Action	Date	FR Cite
Final Action	06/04/03	68 FR 33405

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

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RIN: 2133-AB48

2512. • ELECTRONIC OPTIONS FOR TRANSMITTING CERTAIN INFORMATION COLLECTION RESPONSES TO MARAD

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

Legal Authority: 44 USC 3504; 49 CFR 1.66

CFR Citation: 46 CFR 232; 46 CFR 281; 46 CFR 287; 46 CFR 295; 46 CFR 298; 46 CFR 310; 46 CFR 340; 46 CFR 349; 46 CFR 355; 46 CFR 380; 46 CFR 382; 46 CFR 387; 46 CFR 390; ...

Legal Deadline: None

Abstract: The Maritime Administration (MARAD, we, us, or our) is publishing this final rule to offer electronic

submission options. MARAD will now accept electronic submissions of certain required information that we previously accepted only in paper form. This action is part of MARAD's implementation of the Government Paperwork Elimination Act (GPEA).

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/05/03	68 FR 62535
Interim Final Rule Effective	11/05/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

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