



# Federal Register

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**Monday,  
October 31, 2005**

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**Part XV**

**Department of  
Transportation**

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**Semiannual Regulatory Agenda**

## DEPARTMENT OF TRANSPORTATION (DOT)

## DEPARTMENT OF TRANSPORTATION

## Office of the Secretary

## 14 CFR Chs. I-III

## 23 CFR Chs. I-III

## 33 CFR Chs. I and IV

## 46 CFR Chs. I-III

## 48 CFR Ch. 12

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

## OST Docket 99-5129

Department Regulatory Agenda;  
Semiannual Summary

**AGENCY:** Office of the Secretary, DOT.

**ACTION:** Semiannual regulatory agenda.

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

**FOR FURTHER INFORMATION CONTACT:***General*

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

*Specific*

You should direct all comments and inquiries on particular items in the agenda to the individual listed for the regulation or the general rulemaking contact person for the operating administration in Appendix B. Individuals who use a telecommunications device for the deaf (TDD) may call (202) 755-7687.

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**SUPPLEMENTARY INFORMATION:****Background**

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

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

The agendas are based on reports submitted by the offices initiating the rulemaking and are reviewed by the Department Regulations Council. The Department's last agenda was published in the **Federal Register** on May 16, 2005 (70 FR 27218). The next one is scheduled for publication in the **Federal Register** in May 2006.

On August 10, 2005, President Bush signed the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). However, because the agenda was under development before enactment and

because we are still reviewing the specific mandates to clearly identify rulemaking requirements, the Department will not list any rulemaking actions resulting from SAFETEA-LU in this agenda cycle. Any significant rulemaking actions resulting from SAFETEA-LU will be identified on the Department's website (<http://regs.dot.gov>), which provides a report on the status of the Department's significant rulemakings.

**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 spring 2005 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 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

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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. We are continuing a significant review for 2005 of where revisions, improvements, or sunsets are appropriate on DOT rules and invite public comments as to this topic.

#### 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, September 20, 2005.

**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)*

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

#### *Saint Lawrence Seaway Development Corporation (SLSDC)*

(Name of contact person), Saint Lawrence Seaway Development Corporation, 400 7th Street SW., Room 5424, Washington, DC 20590.

## DOT

*Pipeline and Hazardous Materials Safety Administration (PHMSA)*

(Name of contact person), Pipeline and Hazardous Materials Safety Administration (PHMSA), 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.

*The Research and Innovative Technology Administration (RITA)*

(Name of contact person), The Research and Innovative Technology Administration (RITA), 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 — Rebecca MacPherson, 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 — Sue Halladay, Regulatory Ombudsman, Room 8202, 400 7th Street SW., Washington, DC 20590; telephone (202) 366-0596.

FRA — Jerome Melis-Tull, Office of Chief Counsel, 400 7th Street SW., Mail Stop 10, Washington, DC 20590; telephone (202) 493-6058.

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 — Craig Middlebrook, General Counsel's Office, 400 7th Street SW., Room 5424, Washington, DC 20590; telephone (202) 366-0091.

PHMSA — Patricia Burke, 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.

RITA — Robert Monniere, Office of Chief Counsel, Room 3105, 400 Seventh Street SW., 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 considering 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. 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 Plan(s)*

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.

*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

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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 fall 2004 semiannual regulatory agenda, FMCSA has begun 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 coincides with the Department's 10-year schedule for meeting section 610 requirements.

*FTA*

FTA will undertake an analysis and review of its regulations to eliminate duplication and unnecessary requirements, to update and clarify its rules, and to bring them into conformity with the new statute, SAFETEA-LU.

**Part III - List of Pending Section 610 Reviews**

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

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

Year	Regulations To Be Reviewed	Analysis Year	Review Year
1	14 CFR parts 200 through 212 .....	1998	1999
2	14 CFR parts 213 through 232 .....	1999	2000
3	14 CFR parts 234 through 254 .....	2000	2001
4	14 CFR parts 255 through 298 and 49 CFR 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

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

Year	Regulations To Be Reviewed	Analysis Year	Review Year
9	49 CFR parts 29 through 39 and parts 41 through 89 .....	2006	2007
10	49 CFR parts 91 through 99, 48 CFR parts 1201 through 1253, and new parts and subparts .....	2007	2008

**Year 6 (2003) List of rules continuing to be analyzed**

- 14 CFR part 382 — Nondiscrimination on the basis of disability in air travel
- 14 CFR part 383 — Civil penalties
- 14 CFR part 385 — Staff assignments and review of action under assignment

**Year 7 (fall 2004) List of rules continuing to be analyzed**

- 14 CFR part 399 — Statements of general policy
- 49 CFR part 1 — Organization and delegation of powers and duties
- 49 CFR part 3 — Official seal
- 49 CFR part 5 — Rulemaking procedures
- 49 CFR part 6 — Implementation of Equal Access to Justice Act in agency proceedings
- 49 CFR part 7 — Public availability of information
- 49 CFR part 8 — Classified information: Classification/declassification/access
- 49 CFR part 9 — Testimony of employees of the Department and production of records in legal proceedings
- 49 CFR part 10 — Maintenance of and access to records pertaining to individuals
- 49 CFR part 11 — Protection of human subjects

**Year 8 (fall 2005) List of rules to be analyzed during the next year**

- 49 CFR parts 17 — Intergovernmental review of department of transportation programs and activities
- 49 CFR parts 18 — Uniform administrative requirements for grants and cooperative agreements to State and local governments
- 49 CFR parts 19 — Uniform administrative requirements for grants and agreements with institutions of higher education, hospitals, and other non-profit organizations
- 49 CFR parts 20 — New restrictions on lobbying
- 49 CFR parts 21 — Nondiscrimination in federally-assisted programs of the Department of Transportation effectuation of Title VI of the Civil Rights Act of 1964
- 49 CFR parts 23 — Participation of disadvantaged business enterprise in airport concessions
- 49 CFR parts 24 — Uniform relocation assistance and real property acquisition for Federal and federally assisted programs
- 49 CFR parts 25 — Nondiscrimination on the basis of sex in education programs or activities receiving Federal financial assistance
- 49 CFR parts 26 — Participation by disadvantaged business enterprises in Department of Transportation financial assistance programs
- 49 CFR parts 27 — Nondiscrimination on the basis of disability in programs or activities receiving Federal financial assistance
- 49 CFR parts 28 — Enforcement of nondiscrimination on the basis of handicap in programs or activities conducted by the Department of Transportation

FEDERAL AVIATION ADMINISTRATION  
SECTION 610 REVIEW PLAN

Year	Regulations To Be Reviewed	Analysis Year	Review Year
1	14 CFR parts 1 through 21 .....	1998	1999
2	14 CFR parts 23 through 34 .....	1999	2000
3	14 CFR parts 35 through 49 .....	2000	2001
4 *	14 CFR parts 61 through 77 .....	2001	2002
5	14 CFR parts 91 through 105 .....	2002	2003
6	14 CFR parts 107 through 133 .....	2003	2004
7	14 CFR parts 135 through 147 .....	2004	2005
8	14 CFR parts 150 through 169 .....	2005	2006
9	14 CFR parts 170 through 198 .....	2006	2007
10	14 CFR parts 400 through 415 .....	2007	2008

\* FAA will also review all other rules dealing with alcohol and drugs

**Year 6 (fall 2003) List of rules continuing to be delayed (Due to limited resources the analysis of these rules will be delayed)**

- 14 CFR part 91 — General operating and flight rules
- 14 CFR part 93 — Special air traffic rules and airport traffic patterns

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- 14 CFR part 95 — IFR altitudes  
 14 CFR part 99 — Security control of air traffic  
 14 CFR part 101 — Moored balloons, kites, unmanned rockets and unmanned free balloons  
 14 CFR part 103 — Ultra light vehicles  
 14 CFR part 105 — Parachute operations

**Year 7 (fall 2004) List of rules continuing to be delayed (Due to limited resources the analysis of these rules will be delayed)**

- 14 CFR part 141 — Pilot schools  
 14 CFR part 142 — Training centers  
 14 CFR part 145 — Repair stations  
 14 CFR part 147 — Aviation maintenance technician schools

The Agency was unable to perform these analyses during review year 6 and 7 due to the need to perform other high priority safety regulatory actions designed to further reduce the air carrier and general aviation accident rate. Addressing these issues required a level of Agency resources that precluded carrying out the above planned analyses. The FAA recognizes the importance of reviewing the impact of existing rules on small entities and has taken action to assure that reviews will occur in year seven. The Agency will also develop a schedule to assure that all FAA regulations are reviewed within the 10-year plan.

**Year 8 (fall 2005) List of rules scheduled to be analyzed during the next year (Due to limited resources the analysis of these rules will be delayed)**

- 14 CFR part 150 — Airport noise compatibility planning  
 14 CFR part 151 — Federal aid to airports  
 14 CFR part 152 — Airport aid program  
 14 CFR part 155 — Release of airport property from surplus property disposal restrictions  
 14 CFR part 156 — State block grant pilot program  
 14 CFR part 157 — Notice of construction, alteration, activation, and deactivation of airports  
 14 CFR part 158 — Passenger facility charges (PFCs)  
 14 CFR part 161 — Notice and approval of airport noise and access restrictions  
 14 CFR part 169 — Expenditure of Federal funds for nonmilitary airports or air navigation facilities thereon

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

Year	Regulations To Be Reviewed	Analysis Year	Review Year
1	None .....	1998	1999
2	None .....	1999	2000
3	23 CFR parts 450, 657 and 771 .....	2000	2001
4	23 CFR parts 1-260 .....	2001	2002
5	23 CFR parts 420, 460-480 .....	2002	2003
6	23 CFR part 500 .....	2003	2004
7	23 CFR parts 600-656, 658-669 .....	2004	2005
8	23 CFR parts 710-924 .....	2005	2006
9	23 CFR parts 1200-1252 .....	2006	2007
10	New parts and subparts .....	2007	2008

**Year 7 (fall 2004) List of Rules analyzed and summary of the results**

## 23 CFR part 620 — Engineering

- Section 610: No SEIOSNOSE. This section applies primarily to the coordination of airport and highway developments and the relinquishment of highway facilities and does not impact small entities.
- Plain Language: FHWA's plain language review of these rules indicates no need for substantial revision.
- General: No changes are necessary since the benefits of the rule justify its costs and the regulations impose the least burden.

## 23 CFR part 625 — Design Standards for Highways

- Section 610: No SEIOSNOSE. This section applies primarily to State transportation agencies that are not small entities.
- Plain Language: FHWA's plain language review of these rules indicates no need for substantial revision.
- General: These regulations continue to be needed because they support FHWA's goal of providing the highest practical and feasible level of safety and to reduce highway hazards and accidents on the Nation's highways. These regulations are cost effective, and the benefits justify the costs.

## 23 CFR part 626 — Pavement Policy

- Section 610: No SEIOSNOSE. This section applies primarily to State transportation agencies that are not small entities.
- Plain Language: FHWA's plain language review of these rules indicates no need for substantial revision.
- General: No changes are needed because the benefits of the rule justify their costs, and the regulations impose the least burden.

## 23 CFR part 627 — Value Engineering

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- Section 610: No SEIOSNOSE. This section applies primarily to State transportation agencies that are not small entities.
  - Plain Language: FHWA's plain language review of these rules indicates no need for substantial revision.
  - General: No changes needed. These regulations are cost effective and impose the least burden.
- 23 CFR part 630 — Preconstruction Procedures
- Section 610: No SEIOSNOSE. This section applies primarily to State transportation agencies that are not small entities.
  - Plain Language: FHWA's plain language review of these rules indicates no need for substantial revision; however, we recently issued a final rule prescribing new procedures for traffic safety in highway and street work zones and we used plain language techniques to update the rule.
  - General: These regulations continue to be needed. The benefits of these rules justify their costs, and the regulations are cost effective.
- 23 CFR part 633 — Required Contract Provisions
- Section 610: No SEIOSNOSE. This section applies primarily to State transportation agencies that are not small entities.
  - Plain Language: FHWA's plain language review of these rules indicates no need for substantial revision.
  - General: These regulations continue to be necessary. Their benefits justify their costs and the regulations impose the least burden.
- 23 CFR part 635 — Construction and maintenance
- Section 610: No SEIOSNOSE. This section applies primarily to State transportation agencies that are not small entities.
  - Plain Language: FHWA's plain language review of these rules indicates no need for substantial revision.
  - General: No changes are needed, since the benefits of the regulation justify their costs and the regulations impose the least burden.
- 23 CFR part 636 — Design-build contracting
- Section 610: No SEIOSNOSE. This section applies primarily to State transportation agencies that are not small entities.
  - Plain Language: FHWA's plain language review of these rules indicates no need for substantial revision.
  - General: No changes are needed. These regulations are cost effective and impose the least burden.
- 23 CFR part 637 — Construction Inspection and Approval
- Section 610: No SEIOSNOSE. This section applies primarily to State transportation agencies that are not small entities.
  - Plain Language: FHWA's plain language review of these rules indicates no need for substantial revision.
  - General: No changes are needed. These regulations are cost effective and impose the least burden.
- 23 CFR part 645 — Utilities
- Section 610: No SEIOSNOSE. This section prescribes the policies, procedures and reimbursement provisions for the relocation of utility facilities on Federal-aid highway projects and does not impact not small entities.
  - Plain Language: FHWA's plain language review of these rules indicates no need for substantial revision.
  - General: No changes are needed. These regulations are cost effective and impose the least burden.
- 23 CFR part 646 — Railroads
- Section 610: No SEIOSNOSE. This section applies primarily to State transportation agencies that are not small entities.
  - Plain Language: FHWA's plain language review of these rules indicates no need for substantial revision.
  - General: No changes are needed. These regulations are cost effective and impose the least burden.
- 23 CFR part 650 — Bridges, Structures, and Hydraulics
- Section 610: No SEIOSNOSE. This section applies primarily to State transportation agencies that are not small entities.
  - Plain Language: FHWA's plain language review of these rules indicates no need for substantial revision.
  - General: No changes are needed. These regulations are cost effective and impose the least burden.
- 23 CFR part 652 — Pedestrian and Bicycle Accommodations and Projects
- Section 610: No SEIOSNOSE. This section applies primarily to State transportation agencies that are not small entities.
  - Plain Language: FHWA's plain language review of these rules indicates no need for substantial revision.
  - General: No changes are needed. These regulations are cost effective and impose the least burden.
- 23 CFR part 655 — Traffic Operations
- Section 610: No SEIOSNOSE. This section applies primarily to State transportation agencies that are not small entities.
  - Plain Language: FHWA's plain language review of these rules indicates no need for substantial revision.
  - General: These regulations continue to be needed because they support the FHWA's primary safety goal by obtaining basic uniformity of traffic control devices on all streets and highways. These regulations are cost effective and the benefits justify their costs.
- 23 CFR part 656 — Carpool and Vanpool Projects
- Section 610: No SEIOSNOSE. This section applies primarily to State transportation agencies that are not small entities.
  - Plain Language: FHWA's plain language review of these rules indicates no need for substantial revision.
  - General: No changes are needed. These regulations are cost effective and impose the least burden.
- 23 CFR part 657 — Certification of size and weight enforcement
- Section 610: No SEIOSNOSE. This section applies primarily to State transportation agencies that are not small entities.
  - Plain Language: FHWA's plain language review of these rules indicates no need for substantial revision.
  - General: No changes are needed. These regulations are cost effective and impose the least burden.
- 23 CFR part 658 — Truck size and weight, route designations — length, width and weight limitations
- Section 610: No SEIOSNOSE. This section applies primarily to State transportation agencies that are not small entities.
  - Plain Language: FHWA's plain language review of these rules indicates no need for substantial revision.
  - General: No changes are needed. These regulations are cost effective and impose the least burden.
- 23 CFR part 660 — Special programs (Direct Federal)
- Section 610: No SEIOSNOSE. This section applies primarily to State transportation agencies that are not small entities.



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- Plain Language: FHWA’s plain language review of these rules indicates no need for substantial revision.
  - General: No changes are needed. These regulations are cost effective and impose the least burden.
- 23 CFR part 661 — Indian Reservation Road Bridge Program
- Section 610: No SEIOSNOSE. This section prescribes the policies, project selection and fund allocation for administering the Indian Reservation Roads Program and does not affect not small entities.
  - Plain Language: FHWA’s plain language review of these rules indicates no need for substantial revision.
  - General: No changes are needed. These regulations are cost effective and impose the least burden.
- 23 CFR part 668 — Emergency relief program
- Section 610: No SEIOSNOSE. This section applies primarily to State transportation agencies that are not small entities.
  - Plain Language: FHWA’s plain language review of these rules indicates no need for substantial revision.
  - General: No changes are needed. These regulations are cost effective and impose the least burden.
- 23 CFR part 669 — Enforcement of heavy vehicle use tax
- Section 610: No SEIOSNOSE. This section applies primarily to State transportation agencies that are not small entities.
  - Plain Language: FHWA’s plain language review of these rules indicates no need for substantial revision.
  - General: No changes are needed. These regulations are cost effective and impose the least burden.

**Year 8 (fall 2005) List of Rule(s) that will be analyzed during the next year**

- 23 CFR part 710 — Right-of-Way and real estate
- 23 CFR part 750 — Highway beautification
- 23 CFR part 751 — Junkyard control and acquisition
- 23 CFR part 752 — Landscape and roadside development
- 23 CFR part 771 — Environmental impact and related procedures
- 23 CFR part 772 — Procedures for abatement of highway traffic noise and construction noise
- 23 CFR part 777 — Mitigation of environmental impacts to privately owned wetlands
- 23 CFR part 810 — Mass transit and special use highway projects
- 23 CFR part 924 — Highway Safety improvement program

*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 I of title 23 of the USC. Section 145 of title 23 expressly 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 the 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**

Year	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, 367, 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 7 (fall 2005) List of rules analyzed and a summary of the results**

- 49 CFR part 325 — Compliance With Interstate Motor Carrier Noise Emission Standards
  - Section 610: No SEIOSNOSE. Because these regulations only set inspection procedures and submission of reports completed by inspectors to FMCSA, there is no significant impact on small entities. The substantive noise emission standards are set by the Environmental Protection Agency (EPA).
  - Plain Language: As resources permit, FMCSA will rewrite the regulations using plain language techniques.
  - General: No change needed. These regulations have continued importance to allow EPA to meet its mission of reducing noise pollution. As a result of the collaboration of EPA and FMCSA, this part represents a cost-effective and less burdensome approach to regulation.
- 49 CFR part 350 — Commercial Motor Carrier Safety Assistance Program (MCSAP)
- Section 610: No SEIOSNOSE. This part applies only to States who want to obtain Federal funds from FMCSA.
  - Plain Language: This part has been rewritten using plain language techniques.

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- General: These regulations continue to be needed, as they allow FMCSA to create partnerships with States that increase the benefits of FMCSA's programs in a most cost-effective manner.
- 49 CFR part 355 — Compatibility of State Laws and Regulations Affecting Interstate Motor Carrier Operations
- Section 610: No SEIOSNOSE. This part applies only to States.
  - Plain Language: As resources permit, FMCSA will rewrite the regulations using plain language techniques.
  - General: No changes are needed because these regulations are procedural with respect to the States, regulate in the most cost-effective manner, and their benefits justify the costs.
- 49 CFR part 382 — Controlled Substances and Alcohol Use and Testing
- Section 610: No SEIOSNOSE. These regulations were issued in 2001. As FMCSA gains experience with the real world impact of the regulations, the Agency will perform the appropriate review under sec. 610 beginning no later than 2011.
  - Plain Language: As resources permit, FMCSA will rewrite the regulations using plain language techniques.
  - General: As FMCSA gathers information and experience with the operation of these regulations issued in 2001, it will evaluate their effectiveness and continued need.
- 49 CFR part 383 — Commercial Driver's License Standards; Requirements and Penalties
- Section 610: No SEIOSNOSE. The part establishes basic requirements for States to impose for obtaining a commercial driver's license (CDL).
  - Plain Language: As resources permit, FMCSA will rewrite the regulations using plain language techniques.
  - General: No changes are needed because the requirements support FMCSA's primary mission of reducing highway fatalities and injuries by focusing on the safety of commercial drivers. The benefits of the rule justify their costs, and the regulations impose the least burden on society.
- 49 CFR part 384 — State Compliance With Commercial Driver's License Program
- Section 610: No SEIOSNOSE. This part applies only to States.
  - Plain Language: As resources permit, FMCSA will rewrite the regulations using plain language techniques.
  - General: No changes are needed because these regulations are procedural with respect to the States, regulate in the most cost-effective manner, and support FMCSA's primary mission of reducing highway fatalities and injuries by focusing on the safety of commercial drivers.
- 49 CFR part 385 — Safety Fitness Procedures
- Section 610: Subparts B — E were issued beginning in 2002. As FMCSA gains experience with the real-world impact of the regulations, the Agency will perform the appropriate review under sec. 610 beginning no later than 2011. Subpart A has no SEISNOSE because it imposes costs only for non-compliance with Federal safety standards.
  - Plain Language: As resources permit, FMCSA will rewrite the regulations using plain language techniques.
  - General: As FMCSA gathers information and experience with the operation of subparts B, C, D and E issued since in 2002, it will evaluate their effectiveness and continued need. FMCSA is currently evaluating Subpart A as part of its CSA 2010 project and expects to propose changes for public comment, including impacts on small entities.
- 49 CFR part 390 — Federal Motor Carrier Safety Regulations; General
- Section 610: No SEIOSNOSE. Although this part affects a substantial number of small entities, it does not create a significant economic impact on those entities.
  - Plain Language: As resources permit, FMCSA will rewrite the regulations using plain language techniques.
  - General: No changes are needed, since the benefits of the regulations justify their cost and regulations impose the least burden.
- 49 CFR part 391 — Qualifications of Drivers and Longer Combination Vehicle (LCV) Driver Instructors
- Section 610: No SEIOSNOSE. Although this part affects a substantial number of small entities, it does not impose significant economic impacts on those entities.
  - Plain Language: As resources permit, FMCSA will rewrite the regulations using plain language techniques.
  - General: No changes are needed because the requirements support FMCSA's primary mission of reducing highway fatalities and injuries by focusing on the safety of commercial drivers. The benefits of the rule justify their costs and the regulations impose the least burden on society.
- 49 CFR part 392 — Driving of Commercial Motor Vehicles (CMVs)
- Section 610: There is no SEISNOSE. While section 392.9 imposes significant costs on small entities because it requires drivers, in certain cases, to stop and make en route inspections of cargo, this section was revised in 2002 and the effect was to reduce impact on small entities. As FMCSA gains experience with the real-world impact of this section, the Agency will perform the appropriate review under section 610 beginning no later than 2012.
  - Plain Language: As resources permit, FMCSA will rewrite the regulations using plain language techniques.
  - General: No changes are needed because the requirements support FMCSA's primary mission of reducing highway fatalities and injuries by focusing on the safety of commercial drivers. The benefits of the rule justify their costs and the regulations impose the least burden on society. As FMCSA gains experience with the operation of section 392.9, the Agency will evaluate its effectiveness and continued need.
- 49 CFR part 393 — Parts and Accessories Necessary for Safe Operation
- Section 610: There is a SEISNOSE. Subpart I, Protection Against Shifting and Falling Cargo, imposes a significant economic impact on a substantial number of flatbed operators because additional tiedowns mean more of the driver's time is required for both loading and unloading, thus causing a proportionate reduction in the revenue the tractor can generate. FMCSA is revising this subpart and requested comments in the NPRM, including comments on the small entities. The rest of part 393 affects a significant number of small entities but does not impose a SEISNOSE.
  - Plain Language: Subpart H was rewritten using plain language techniques.

**DOT**

- General: Subpart I was substantially revised in 2002. In response to petitions, FMCSA recently published an NPRM proposing revisions before issuing a final rule and FMCSA will consider comments provided by industry and other interested parties. No other changes are needed because the part supports FMCSA’s mission of reducing highway fatalities and injuries by focusing on use and maintenance of safe equipment.
- 49 CFR part 396 — Inspection, Repair, and Maintenance
  - Section 610: There is a SEIOSNOSE only for section 396.11 because it requires a driver, at the end of each working day, to inspect certain parts and accessories and prepare a written report that identifies any defects that would affect the safety of the vehicle. In the coming year, FMCSA will request public comment on this impact.
  - Plain Language: As resources permit, FMCSA will rewrite the regulations using plain language techniques.
  - General: No other changes are needed because the requirements support FMCSA’s mission of reducing highway fatalities and injuries by focusing on maintenance of equipment. The benefits of the rule justify the costs, and the regulations impose the least cost on society.
- 49 CFR part 397 — Transportation of Hazardous Materials; Driving and Parking Rules
  - Section 610: No SEIOSNOSE. This part does not have a significant economic impact on substantial number of small entities.
  - Plain Language: As resources permit, FMCSA will rewrite the regulations using plain language techniques.
  - General: No changes are needed because the requirements support FMCSA’s mission of reducing highway fatalities and injuries by focusing on maintenance of equipment. The benefits of the rule justify the costs, and the regulations impose the least cost on society.
- 49 CFR part 398 — Transportation of Migrant Workers
  - Section 610: No SEIOSNOSE. This part does not have a significant economic impact on a substantial number of small entities.
  - Plain Language: As resources permit, FMCSA will rewrite the regulations using plain language techniques.
  - General: No change needed. These regulations have continued importance to allow the Department of Labor (DOL) to meet its mission of securing the safety of workers. As a result of a collaborative approach this part represents a cost-effective and less burdensome approach to regulation.
- 49 CFR part 399 — Employee Safety and Health Standards
  - Section 610: No SEIOSNOSE. This part does not have a significant economic impact on a substantial number of small entities because the rules address the safety of commercial motor vehicles.
  - Plain Language: As resources permit, FMCSA will rewrite the regulations using plain language techniques.
  - General: No other changes are needed because the requirements support FMCSA’s mission of reducing highway fatalities and injuries by focusing on maintenance of equipment. The benefits of the rule justify the costs, and the regulations impose the least cost on society.

**Year 8 (fall 2006) List of rules to be analyzed during the next year**

- 49 CFR part 356 — Motor Carrier Routing Regulations
- 49 CFR part 367 — Standards for Registration With States
- 49 CFR part 370 — Principles and Practices for the Investigation and Voluntary Disposition of Loss and Damage Claims and Processing Salvage
- 49 CFR part 371 — Brokers of Property
- 49 CFR part 372 — Subpart B — Commercial Zones
- 49 CFR part 372 — Subpart C — Terminal Areas
- 49 CFR part 373 — Receipts and Bills
- 49 CFR part 374 — Passenger Carrier Regulations
- 49 CFR part 376 — Lease and Interchange of Vehicles
- 49 CFR part 379 — Preservation of Records

**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 571.111 — Rearview mirrors

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- 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 571.112 — [Reserved]
- 49 CFR part 571.113 — Hood latch system
- 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 571.114 — Theft protection
- 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 571.115 — [Reserved]
- 49 CFR part 571.116 — Motor vehicle brake fluids
- 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 571.117 — Retreaded pneumatic 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 571.118 — Power-operated window, partition, and roof panel systems
- 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 571.119 — New pneumatic tires for motor vehicles with a GVWR of more than 4,536 kilograms (10,000 pounds) and motorcycles
- 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 571.120 — Tire selection and rims for motor vehicles with a GVWR of more than 4,536 kilograms (10,000 pounds)
- 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 571.121 — Air brake systems
- 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 571.122 — Motorcycle brake systems
- 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 571.123 — Motorcycle controls and displays
- 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 571.124 — Accelerator control systems
- 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 571.125 — Warning devices
- 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 571.126 — 571.128 — [Reserved]
- 49 CFR part 571.129 — New non-pneumatic tires for passenger cars
- 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 580 — Odometer disclosure requirements
- 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 581 — Bumper standards

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- 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 582 — Insurance cost information regulation
- 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 583 — Automobile parts content labeling
- 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 585 — Advanced air bag phase-in reporting requirements
- 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 586 — Side impact phase-in reporting requirements
- 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 587 — Deformable barriers
- 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 588 — Child restraint systems recordkeeping requirements
- 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.

**Year 6 (fall 2003) List of rules analyzed and a summary of the results**

- 49 CFR part 571.201 — Occupant protection in interior impact
- 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 571.202 — Head restraints
- 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 571.203 — Impact protection for the driver from the steering control system
- 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 571.204 — Steering control rearward displacement
- 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 571.205 — Glazing materials
- 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 571.206 — Door locks and door retention components
- 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 571.207 — Seating systems
- 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 571.208 — Occupant crash protection
- 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 571.209 — Seat belt assemblies

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- 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 571.210 — Seat belt assembly anchorages
- 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 571.211 — [Reserved]
- 49 CFR part 571.212 — Windshield mounting
- 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.

**Year 7 (fall 2004) List of Rules that will be analyzed during the next year**

- 49 CFR parts 571.214 — Side impact protection
- 49 CFR parts 571.215 — [Reserved]
- 49 CFR parts 571.216 — Roof crush resistance
- 49 CFR parts 571.218 — Motorcycle helmets
- 49 CFR parts 571.219 — Windshield zone intrusion

**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 7 (fall 2004) List of Rules analyzed and a summary of the results**

- 49 CFR part 223 — Safety Glazing Standards — Locomotives, Passenger Cars and Cabooses
- Section 610: There is no SEIOSNOSE.
- Plain Language: FRA’s plain language review of this rule indicates no need for substantial revision.
- General: Since the rule is intended to provide minimum requirements for glazing materials and specific requirements for passenger equipment, new or rebuilt equipment, existing locomotives, passenger cars and cabooses as well as identification of equipped locomotives, passenger cars and cabooses, it will protect railroad employees and railroad passengers from objects striking the windows of locomotives, passenger cars and cabooses.
- 49 CFR part 233 — Signal Systems Reporting Requirements
- Section 610: There is no SEIOSNOSE.
- Plain Language: FRA’s plain language review of this rule indicates no need for substantial revision.
- General: The requirement for reporting signal failures, signal-failure related accidents, and signal system configuration information are essential to FRA’s monitoring of railroad performance. The costs of these requirements are minimal, and proportionally less for the smaller railroads that are considered small entities. The 1997 change from a “Signal System Annual Report” to a “Signal System Five-year Report” further reduced these costs industry-wide and for small entities.

**Year 8 (fall 2005) List of Rules that will be analyzed during the next year**

- 49 CFR 225 - Railroad Accidents/Incidents: Reports Classification, and Investigations
- 49 CFR 231 - Railroad Safety Appliance Standards
- 49 CFR 234 - Grade Crossing Signal Safety System

**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

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FEDERAL TRANSIT ADMINISTRATION (Continued)  
SECTION 610 AND OTHER REVIEWS

Year	Regulations To Be Reviewed	Analysis Year	Review Year
4	49 CFR parts 661 and 665 .....	2001	2002
5	None .....	2002	2003
6	None .....	2003	2004
7	49 CFR parts 601 and 659 .....	2004	2005
8	49 CFR parts 604 and 605 .....	2005	2006
9	49 CFR parts 661 and 665 .....	2006	2007
10	49 CFR parts 624 and 633 .....	2007	2008

**Year 7 (fall 2004) List of rules analyzed and a summary of results**

49 CFR part 659 — Rail Fixed Guideway Systems; State Safety Oversight

- Section 610: No SEISNOSE. The economic impact of this rulemaking is not anticipated to be significant.
- Plain Language: This rulemaking revises the State Safety Oversight rule, adds clarifying sections, and is written in plain language.
- General: This revised part will ensure greater compliance of the State oversight agencies and enhance the safety and security of the rail systems governed by this part.

**Year 7 (fall 2004) List of rules continuing to be analyzed during the next year**

49 CFR part 601 — Organization, Function, and Procedures

**Year 8 (fall 2005) List of rules that will be analyzed during the next year**

49 CFR part 604 — Charter Service

49 CFR part 605 — School Bus Operations

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 7 (fall 2004) List of rules analyzed and a summary of the results.**

46 CFR part 340 — Priority use and allocation of shipping services, containers and chassis, and port facilities and services for national security and national defense related operations

- Section 610: No SEISNOSE. 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.
- General: We will continue to review these regulations and make changes when necessary.

46 CFR part 345 — Restrictions upon the transfer or change in use or in terms governing utilization of port facilities

- Section 610: No SEISNOSE. 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.
- General: We will continue to review these regulations and make changes when necessary.

46 CFR part 346 — Federal port controllers

- Section 610: No SEISNOSE. 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.
- General: We will continue to review these regulations and make changes when necessary.

46 CFR part 347 — Operating contract

- Section 610: No SEISNOSE. 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.
- General: We will continue to review these regulations and make changes when necessary.

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**Year 8 (fall 2005) List of rules that will be analyzed during the next year**

- 46 CFR part 349 — Reemployment Rights of Certain Merchant Seamen
- 46 CFR part 350 — Seamen’s Service Awards
- 46 CFR part 351 — Depositories
- 46 CFR part 355 — Requirements for Establishing United States Citizenship
- 46 CFR part 356 — Requirements for Vessels of 100 Feet or Greater in Registered Length to Obtain a Fishery Endorsement to the Vessel’s Documentation
- 46 CFR part 370 — Claims
- 46 CFR part 380 — Procedures

**PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION (PHMSA)  
SECTION 610 AND OTHER REVIEWS**

Year	Regulations To Be Reviewed	Analysis Year	Review Year
1	49 CFR sections 171.15, 171.16 (incident reports) .....	1998	1999
2	49 CFR parts 106 and 107 (hazardous materials safety procedures), 171 (general hazmat requirements), 190 (pipeline safety procedures), and 195 (hazardous liquid pipeline corrosion control) .....	1999	2000
3	49 CFR parts 174, 177 (rail and highway carriage), 191 (gas pipeline transportation reports), and 192 (gas pipeline corrosion control) .....	2000	2001
4	49 CFR parts 176 (vessel carriage) and 199 (pipeline employee drug and alcohol testing) .....	2001	2002
5	49 CFR parts 172, 173, 174, 175, 176, 177, and 178 (radioactive material) .....	2002	2003
6	49 CFR parts 172, 173, 174, 176, and 178 (explosives), and 193 (liquefied natural gas facilities), and parts 172, 173, 178, and 180 (cylinders) .....	2003	2004
7	49 CFR 173 (shipper requirements) and 194 (onshore oil pipeline response plans) .....	2004	2005
8	49 CFR parts 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 7 (fall 2004) List of rules analyzed and a summary of results**

- 49 CFR part 173 — Shipper Requirements
- Section 610: No SEIOSNOSE. The requirements apply to persons who offer for transportation or transport hazardous materials in commerce and cover materials classification and packaging. While the regulations apply to a substantial number of small entities, they do not have a significant impact on those entities. The requirements have little or no impact on entry to or exit from the industry. Further, the requirements are consistent with international transportation standards, thereby facilitating international transportation and trade. The regulations also include a number of exceptions with particular applicability to small entities, including exceptions for agricultural operations, materials of trade, small quantities, limited quantities, and consumer commodities. Moreover, the regulations provide a number of packaging options for the transportation of hazardous materials that permit shippers the flexibility to choose the most cost-effective shipping option. The regulations also incorporate by reference a number of industry consensus standards. Incorporation of material by reference reduces the regulatory burden on persons who offer hazardous material for transportation and persons who transport hazardous materials in commerce. Industry standards developed and adopted by consensus are accepted and followed by the industry; thus, their inclusion in the regulations assures that the industry is not forced to comply with a different set of standards to accomplish the same safety goal.
- Plain language: As resources permit, PHMSA will rewrite regulations using plain language techniques.
- General: PHMSA will consider comments provided by industry.

**Year 6 (fall 2003) List of rules continuing to be analyzed**

- 49 CFR part 193 — Liquefied natural gas facilities: Federal safety standards

**Year 8 (fall 2005) List of rules that will be analyzed during the next year**

- 49 CFR part 110 — Hazardous Materials Public Sector Training and Planning Grants
- 49 CFR part 178 — Specifications for Packagings (Non-Bulk)
- 49 CFR part 194 — Response plans for onshore oil pipelines

**RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION (RITA)  
SECTION 610 AND OTHER REVIEWS**

Year	Regulations To Be Reviewed	Analysis Year	Review Year
1	14 CFR part 241, form 41 .....	1998	1999
2	14 CFR part 241, schedule T-100, and part 217 .....	1999	2000
3	14 CFR part 298, 49 CFR 1420 .....	2000	2001
4	14 CFR part 241, section 19-7 .....	2001	2002



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RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION (RITA) (Continued)  
SECTION 610 AND OTHER REVIEWS

Year	Regulations To Be Reviewed	Analysis Year	Review Year
5	14 CFR part 291 .....	2002	2003
6	14 CFR part 234 .....	2003	2004
7	14 CFR part 249 .....	2004	2005
8	14 CFR part 248 .....	2005	2006
9	14 CFR part 250 .....	2006	2007
10	14 CFR part 374a, ICAO .....	2007	2008

**Year 6 (fall 2003) List of Rules continuing to be analyzed**

14 CFR part 234 — Airline service quality performance reports

**Year 7 (fall 2004) List of Rules continuing to be analyzed**

14 CFR part 249 — Preservation of air carrier records

**Year 8 (fall 2006) List of rules to be analyzed during the next year**

14 CFR part 248 — Submission of audit 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

## Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2163	Use of Oxygen by Air Carrier Passengers .....	2105-AC29
2164	+Fees and Charges for Special Services .....	2105-AC47
2165	+Review of Data Filed by Certificated or Commuter Air Carriers To Support Continuing Fitness Determinations Involving Citizenship Issues .....	2105-AD25
2166	+Accommodations in Air Travel for Deaf and Hard of Hearing Individuals .....	2105-AD41
2167	Debarment and Suspension (Nonprocurement) Requirements .....	2105-AD46
2168	Short-Term Lending Program (STLP) .....	2105-AD50
2169	Management and Technical Assistance Program (M&TA) .....	2105-AD52
2170	Time Zone Boundaries in the State of Indiana .....	2105-AD53
2171	Transportation for Individuals With Disabilities; Miscellaneous Amendments .....	2105-AD54
2172	Procedures for Transportation Workplace Drug and Alcohol Testing Programs .....	2105-AD55

## Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2173	Americans With Disabilities Act Accessibility Standards .....	2105-AC86
2174	Procedures for Transportation Workplace Drug and Alcohol Testing Programs .....	2105-AD26
2175	+Petition of the National Air Carrier Association for Rulemaking .....	2105-AD38
2176	+Navigation of Foreign Civil Aircraft Within the United States .....	2105-AD39
2177	+Display of Joint Operations in Carrier-Owned Computer Reservations Systems Regulations .....	2105-AD44
2178	Participation by Disadvantaged Business Enterprises in Airport Concessions .....	2105-AD51

## Office of the Secretary—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
2179	+Accessibility of Passenger Vessels to Individuals With Disabilities .....	2105-AB87

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

Sequence Number	Title	Regulation Identifier Number
2180	+Aviation Data Requirements Review and Modernization Program .....	2105-AC71
2181	+Nondiscrimination on the Basis of Disability in Air Travel .....	2105-AC97
2182	Mentor/Protege Program .....	2105-AD20
2183	Transportation Acquisition Regulation .....	2105-AD28
2184	Protection of Sensitive Security Information (SSI) .....	2105-AD33
2185	Procedures for Transportation Workplace Drug and Alcohol Testing Programs .....	2105-AD47
2186	Disclosure of Code Sharing and Long-Term Wet Lease Arrangements .....	2105-AD49

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2187	Elimination of Commuter Air Carrier Registrations .....	2105-AD43

Federal Aviation Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2188	+Certification Procedures for Products and Parts ( <b>Section 610 Review</b> ) .....	2120-AG93

Federal Aviation Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2189	Air Traffic Control Radar Beacon System and Mode S Transponder Requirements in the National Airspace System .....	2120-AE81
2190	+Revisions to Digital Flight Data Recorder Regulations for B-737 Airplanes and for Part 125 Operators .....	2120-AG87
2191	Safe, Efficient Use and Preservation of the Navigable Airspace .....	2120-AH31
2192	Performance and Handling Qualities Requirements for Rotorcraft .....	2120-AH87
2193	Issuance of Standard Airworthiness Certificates for Aircraft Manufactured From Spare and Surplus Parts .....	2120-AH90
2194	+Aging Aircraft Program (Widespread Fatigue Damage) ( <b>Reg Plan Seq No. 88</b> ) .....	2120-AI05
2195	High-Intensity Radiated Fields .....	2120-AI06
2196	Service Difficulty Reports .....	2120-AI08
2197	Airplane Performance and Handling Qualities in Icing Conditions .....	2120-AI14
2198	+Flightdeck Door Monitoring and Crew Discreet Alerting System .....	2120-AI16
2199	+Washington, DC, Metropolitan Area Special Flight Rules Area .....	2120-AI17
2200	+Transport Airplane Fuel Tank Flammability Reduction ( <b>Reg Plan Seq No. 89</b> ) .....	2120-AI23
2201	+Enhanced Airworthiness Program for Airplane Systems (EAPAS) and SFAR 88 ( <b>Reg Plan Seq No. 90</b> ) .....	2120-AI31
2202	+Aging Aircraft Safety—Development of TC and STC Holder Data ( <b>Reg Plan Seq No. 91</b> ) .....	2120-AI32
2203	+Repair Stations—Ratings and Quality System .....	2120-AI53
2204	+Experimental Permit for Suborbital Reusable Launch Vehicles .....	2120-AI56
2205	+Human Space Flight Requirements for Crew and Space Flight Participants .....	2120-AI57
2206	Special Requirements for Special Use Transport Category Airplanes .....	2120-AI61

+ DOT-designated significant regulation

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

Federal Aviation Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2207	Airspace Actions .....	2120-AA66

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## Federal Aviation Administration—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
2208	+National Air Tour Safety Standards .....	2120-AF07
2209	+Licensing and Safety Requirements for Launch .....	2120-AG37
2210	Flight Simulation Device Qualification .....	2120-AH07
2211	Revisions to the Industry Drug and Alcohol Testing Regulations .....	2120-AH14
2212	Noise Stringency Increase for Single-Engine, Propeller-Driven Small Airplanes .....	2120-AH44
2213	+Transponder Continuous Operation .....	2120-AH67
2214	Area Navigation (RNAV) and Miscellaneous Amendments .....	2120-AH77
2215	Airman and Medical Certificate Disqualification Based on Alcohol Violations and Refusals To Submit to Drug or Alcohol Testing .....	2120-AH82
2216	+Extended Operations (ETOPS) of Multi-Engine Airplanes .....	2120-AI03
2217	+Process for Requesting Waiver of Mandatory Separation Age for Certain Federal Aviation Administration (FAA) Air Traffic Controllers .....	2120-AI18
2218	Safety Standards for Flight Guidance Systems .....	2120-AI41
2219	Miscellaneous Changes to Commercial Space Transportation Regulations .....	2120-AI45
2220	+Congestion and Delay Reduction at Chicago O'Hare International Airport .....	2120-AI51
2221	Civil Penalty Inflation Adjustment Revisions .....	2120-AI52
2222	+Special Awareness Training for the Washington, DC, Metropolitan Area .....	2120-AI63

## Federal Aviation Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
2223	Instrument Flight Rules .....	2120-AA63
2224	Airworthiness Directives .....	2120-AA64
2225	Standard Instrument Approach Procedures .....	2120-AA65
2226	+Drug Enforcement Assistance .....	2120-AD16
2227	+Revisions to Cockpit Voice Recorder and Digital Flight Data Recorder Regulations .....	2120-AH88
2228	+Drug Enforcement Assistance .....	2120-AI43
2229	Safety Approvals .....	2120-AI50

## Federal Aviation Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2230	+Retrofit of Improved Seats in Air Carrier Transport Category Airplanes .....	2120-AC84
2231	+Flight Crewmember Duty Limitations and Rest Requirements .....	2120-AF63
2232	+False and Misleading Statements Regarding Aircraft Parts .....	2120-AG08
2233	+Child Restraint Systems .....	2120-AG43
2234	+Training in the Recognition of Hazardous Material .....	2120-AG75
2235	Airworthiness Standards for Classes B and F Cargo Compartment for Transport Category Airplanes .....	2120-AH47
2236	Establishment of Organization Designation Authorization (ODA) Procedures .....	2120-AH79
2237	+Ineligibility for an Airman Certificate Based on Security Grounds .....	2120-AH84
2238	+Stage 4 Aircraft Noise Standards .....	2120-AH99
2239	Implementing the Maintenance Provisions of Bilateral Agreements .....	2120-AI19
2240	+Fuel Tank Safety Compliance Extension (Final Rule) and Aging Airplane Program Update (Notice) .....	2120-AI20
2241	Harmonization of Noise Certification Standards for Propeller-Driven Small Airplanes .....	2120-AI25
2242	Use of Certain Portable Oxygen Concentrator Devices Onboard Air Carrier Aircraft (SFAR 106) .....	2120-AI30
2243	FAA-Approved Child Restraint Systems .....	2120-AI36
2244	Airport Noise Compatibility Planning .....	2120-AI37
2245	Second-in-Command Type Rating .....	2120-AI38
2246	Incorporation by Reference (IBR) Revision .....	2120-AI39
2247	Proposed Operating Limitations For Unscheduled Operations at Chicago's O'Hare International Airport .....	2120-AI47
2248	Definition of Commuter Aircraft at Ronald Reagan Washington National Airport .....	2120-AI58
2249	Advanced Qualification Program .....	2120-AI59

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Federal Aviation Administration—Completed Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
2250	Relief for U.S. Military and Civilian Personnel Who Are Assigned Outside the United States in Support of U.S. Armed Forces Operations .....	2120-A162

Federal Highway Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2251	+National Standards for Traffic Control Devices; the Manual on Uniform Traffic Control Devices for Streets and Highways; Maintaining Traffic Sign Retroreflectivity .....	2125-AE98

Federal Highway Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2252	Project Authorization and Agreements .....	2125-AF05

Federal Highway Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2253	Environmental Impact and Related Procedures .....	2125-AF04

Federal Motor Carrier Safety Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2254	Safety Fitness Procedures; Safety Ratings .....	2126-AA37

Federal Motor Carrier Safety Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2255	+Commercial Learner Permits .....	2126-AA03
2256	+Medical Certification Requirements as Part of the CDL ( <b>Reg Plan Seq No. 92</b> ) .....	2126-AA10
2257	+New Entrant Safety Assurance Process .....	2126-AA59
2258	+Penalties, Inspection, and Decal Display Requirements for Mexico-Domiciled Motor Carriers .....	2126-AA72
2259	+Inspection, Repair, and Maintenance of Intermodal Container Chassis .....	2126-AA86
2260	+Electronic On-Board Recorders for Hours-of-Service Compliance .....	2126-AA89
2261	+Parts and Accessories Necessary for Safe Operations; Surge Brake Requirements .....	2126-AA91
2262	+Motor Carriers of Property; Exemption From Filing Financial and Operating Statistics .....	2126-AA93

+ 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 Motor Carrier Safety Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2263	+Unified Registration System ( <b>Reg Plan Seq No. 93</b> ) .....	2126-AA22
2264	+Hours of Service of Drivers; Supporting Documents .....	2126-AA76
2265	+Qualifications of Motor Carriers To Self-Insure Their Operations and Fees To Support the Approval and Compliance Process; Withdrawal .....	2126-AA82
2266	Cargo Securement Standards .....	2126-AA88
2267	Motor Carrier Reports .....	2126-AA92

+ DOT-designated significant regulation

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

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

Sequence Number	Title	Regulation Identifier Number
2268	+Railroad-Highway Grade Crossing Safety .....	2126-AA18
2269	General Jurisdiction Over Freight Forwarder Service .....	2126-AA25
2270	+Application by Certain Mexico-Domiciled Motor Carriers To Operate Beyond U.S. Municipalities and Commercial Zones on the U.S.-Mexico Border .....	2126-AA34
2271	+Safety Monitoring System and Compliance Initiative for Mexico-Domiciled Motor Carriers Operating in the United States .....	2126-AA35
2272	+Certification of Safety Auditors, Safety Investigators, and Safety Inspectors .....	2126-AA64
2273	+Limitations on the Issuance of Commercial Driver Licenses With a Hazardous Materials Endorsement .....	2126-AA70
2274	+Enforcement of Operating Authority Requirements .....	2126-AA78
2275	+Brokers of Household Goods Transportation by Motor Vehicle .....	2126-AA84

## Federal Motor Carrier Safety Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2276	+Commercial Driver's License Standards; Biometric Identifier .....	2126-AA01
2277	+Qualification of Drivers; Field of Vision .....	2126-AA05
2278	Rules of Practice for Motor Carrier Proceedings; Investigations; Disqualifications and Penalties .....	2126-AA15
2279	+Transportation of Household Goods; Consumer Protection Regulations ( <b>Completion of a Section 610 Review</b> ) .....	2126-AA32
2280	Parts and Accessories Necessary for Safe Operation; General Amendments .....	2126-AA61
2281	+Certification of Compliance With Federal Motor Vehicle Safety Standards (FMVSS) .....	2126-AA69
2282	Acute and Critical Violations .....	2126-AA77
2283	Title VI Regulations for FMCSA Financial Assistance Recipients .....	2126-AA79
2284	+Hours of Service of Drivers .....	2126-AA90

## National Highway Traffic Safety Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2285	+Review: Side Impact Protection .....	2127-AF54

## National Highway Traffic Safety Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2286	+Rear Convex Cross-View Mirrors .....	2127-AG41
2287	+Roof Crush Resistance .....	2127-AG51
2288	Vehicles Built in Two or More Stages—Standard 201 .....	2127-AI93

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

Sequence Number	Title	Regulation Identifier Number
2289	Modernize FMVSS 114, "Theft Protection" .....	2127-AJ31
2290	+Reduced Stopping Distance Requirements for Truck Tractors ( <b>Reg Plan Seq No. 94</b> ) .....	2127-AJ37
2291	FMVSS 213, Addition of 10-year Old Test Dummy .....	2127-AJ44
2292	Buses Manufactured in Two or More Stages; Certification of Buses Manufactured in More Than One Stage .....	2127-AJ56
2293	Cargo Carrying Capacity of Motor Home and Travel Trailers .....	2127-AJ57
2294	+Light Truck Average Fuel Economy Standards, Model Year 2008 and Possibly Beyond ( <b>Reg Plan Seq No. 95</b> ) ..	2127-AJ61

+ 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 Identifier Number
2295	+Upgrade Door Retention Performance .....	2127-AH34
2296	Child Restraint System Webbing Strength .....	2127-AI66
2297	+Event Data Recorders .....	2127-AI72
2298	Incorporation of EuroSID II Dummy Into 49 CFR Part 572 .....	2127-AI89
2299	Definitions, Designated Seating Position .....	2127-AI94
2300	+5th Percentile Dummy Belted Barrier Crash Test Requirements — Standard 208 ( <b>Reg Plan Seq No. 96</b> ) .....	2127-AI98
2301	+Side Impact Protection Upgrade - FMVSS No. 214 ( <b>Reg Plan Seq No. 97</b> ) .....	2127-AJ10
2302	Incorporation of SID-II's Side Impact Crash Test Dummy Into Part 572 .....	2127-AJ16
2303	Subpart T Hybrid III-10C Dummy, 10-Year-Old Child .....	2127-AJ49
2304	FMVSS No. 208, CRS Installation Procedure for LATCH-Equipped Seats .....	2127-AJ59
2305	+Tire Safety .....	2127-AJ65
2306	Procedures for Participating In and Receiving Data From the National Driver Register Problem Driver Pointer System Pursuant to a Personnel Security Investigation and Determination .....	2127-AJ66

+ 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—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
2307	Review: Redesigned Air Bags .....	2127-AH13

National Highway Traffic Safety Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2308	+Frontal Offset Protection .....	2127-AH73
2309	Modernize Controls and Displays .....	2127-AI09
2310	Seat Belt Emergency Locking Retractor .....	2127-AI38
2311	Adaptation of Instrumented Lower Legs for Hybrid III Male and Female Adult Dummies .....	2127-AI39
2312	Idle Stop Technology Used in Some Hybrid Electric Vehicles .....	2127-AI43
2313	Procedures for Participating In and Receiving Data From the National Driver Registration Problem Driver Pointer System .....	2127-AI45
2314	Parking Brakes for Non-School Bus Vehicles .....	2127-AI47
2315	Convex Mirrors for Commercial Trucks .....	2127-AI52
2316	Enhanced Passenger-Side Mirror System .....	2127-AI53
2317	Retroactive Certification of Commercial Vehicles by Motor Vehicle Manufacturers; Recordkeeping and Record Retention .....	2127-AI59
2318	Record Retention of Retroactively Certified Vehicles: National Driver Registration .....	2127-AI60
2319	Importation of Commercial Motor Vehicles .....	2127-AI64
2320	Motorcycle Brake Controls .....	2127-AI67

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

Sequence Number	Title	Regulation Identifier Number
2321	CRS Registration Rulemaking, FMVSS No. 213 .....	2127-AI95
2322	Adaptive Frontal Lighting .....	2127-AI97
2323	Vehicle Modifications To Accommodate People With Disabilities .....	2127-AJ07
2324	Federal Motor Vehicle Safety Standards Definition of Low Speed Vehicles .....	2127-AJ12
2325	+Reforming the Automobile Fuel Economy Standards Program .....	2127-AJ17
2326	Response to Petitions for Reconsideration of FMVSS No. 205 .....	2127-AJ43
2327	FMVSS No. 217; Bus Emergency Exits and Window Retention and Release, Response to Petitions for Reconsideration .....	2127-AJ47
2328	Defect and Noncompliance Responsibility and Reports, Defect and Noncompliance Notification .....	2127-AJ48
2329	Extension of Parts Marking—Response to Petitions for Reconsideration .....	2127-AJ51
2330	Theft Data for Calendar Year 2003 .....	2127-AJ53
2331	Insurer Reporting Requirements for October 2005 .....	2127-AJ54
2332	Platform Lifts: Second Response to Petitions for Reconsideration .....	2127-AJ55
2333	Petitions for Reconsideration, FMVSS No. 201 Seat Belt Mounting Structure Definition .....	2127-AJ60
2334	Civil and Criminal Penalties .....	2127-AJ62
2335	Petition for Reconsideration of Amendments to Regulations Governing the Importation by Registered Importers of Motor Vehicles .....	2127-AJ63
2336	Petition for Reconsideration, FMVSS No. 301 Fuel System Integrity Rulemaking .....	2127-AJ64
2337	Replacement Lamps .....	2127-AJ67
2338	Safety Recalls .....	2127-AJ68
2339	Designation of Agent for Service of Process on Foreign Manufacturers .....	2127-AJ69
2340	Tire Pressure Monitoring Systems (TPMS), Response to Petitions for Reconsideration .....	2127-AJ70
2341	Light Truck Average Fuel Economy Standards—Model Years 2008 to 2011; Request for Product Plan Information .....	2127-AJ71

## Federal Railroad Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2342	Passenger Equipment Safety Standards; Miscellaneous Amendments and Application of Safety Appliances on Existing Passenger Equipment .....	2130-AB67
2343	Amendments to Design Standards for Pressurized Railroad Tank Cars .....	2130-AB69

## Federal Railroad Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2344	+Standards for Development and Use of Processor-Based Signal and Train Control Systems .....	2130-AA94
2345	+Locomotive Crashworthiness .....	2130-AB23
2346	+Occupational Noise Exposure for Railroad Operating Employees .....	2130-AB56
2347	Retention of Current Monetary Threshold for Reporting Rail Equipment Accidents/Incidents During Calendar Year 2003 and Until Further Amended .....	2130-AB57
2348	Revision of Method for Calculating Monetary Threshold for Reporting Rail Equipment Accidents/Incidents .....	2130-AB65
2349	Reflectorization of Rail Freight Rolling Stock .....	2130-AB68

## Federal Railroad Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2350	+Locomotive Event Recorders .....	2130-AB34
2351	Railroad Workplace Safety .....	2130-AB63
2352	Inspection and Maintenance Standards for Steam Locomotives .....	2130-AB64
2353	Civil Monetary Penalty Inflation Adjustment .....	2130-AB66

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## Federal Transit Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2354	Organizations, Functions, and Procedures ( <b>Section 610 Review</b> ) .....	2132-AA79

## Federal Transit Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2355	Environmental Impact and Related Procedures .....	2132-AA78

## Saint Lawrence Seaway Development Corporation—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2356	Tariff of Tolls .....	2135-AA21

## Pipeline and Hazardous Materials Safety Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2357	+Hazardous Materials: Requirements for Storage of Explosives During Transportation .....	2137-AE06

## Pipeline and Hazardous Materials Safety Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2358	+Gas Gathering Line Definition and Safety Rules .....	2137-AB15
2359	Hazardous Materials Regulations: Aluminum Cylinders—Revised Requalification and Use Criteria for the DOT 3 AL Cylinder Made of Aluminum Alloy 6351-TG .....	2137-AD78
2360	Hazardous Materials: Miscellaneous Packaging Amendments .....	2137-AD89
2361	Pipeline Safety: Protecting High Consequence Areas From Rural Petroleum Gathering Lines .....	2137-AD98
2362	Hazardous Materials: Revision of Requirements for Authorization of Use of International Standards .....	2137-AE01
2363	Integrity Management: Program Modifications and Clarifications .....	2137-AE07
2364	Pipeline Safety: Design and Construction Requirements To Reduce Internal Corrosion in Gas Transmission Pipelines .....	2137-AE09
2365	Hazardous Materials; Miscellaneous Amendments .....	2137-AE10

## Pipeline and Hazardous Materials Safety Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2366	+Safeguarding Food From Contamination During Transportation .....	2137-AC00
2367	Hazardous Materials: Revision of Requirements for Carriage by Aircraft .....	2137-AD18
2368	+Hazardous Materials: Safety Requirements for External Product Piping on Cargo Tanks Transporting Flammable Liquids .....	2137-AD36
2369	Pipeline Safety: Annual Update of Standards Incorporated by Reference .....	2137-AD68
2370	+Hazardous Materials: Requirements for Lighters and Lighter Refills .....	2137-AD88
2371	Hazardous Materials: Requirements for UN Standard Cylinders ( <b>Rulemaking Resulting From a Section 610 Review</b> ) .....	2137-AD91
2372	+Hazardous Materials: Infectious Substances; Harmonization With the United Nations .....	2137-AD93
2373	Pipeline Safety: Criteria For Direct Assessment of Gas and Hazardous Liquid Pipelines .....	2137-AD97



## DOT

## Pipeline and Hazardous Materials Safety Administration—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
2374	+Prohibition on the Transportation of Primary Lithium Batteries Aboard Passenger Aircraft .....	2137-AE05

## Pipeline and Hazardous Materials Safety Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
2375	+Hazardous Materials: Transportation of Oxygen Cylinders and Oxygen Generators Aboard Aircraft .....	2137-AD33
2376	+Hazardous Materials; Transportation of Lithium Batteries .....	2137-AD48
2377	Hazardous Materials: Security Requirements for Motor Carriers Transporting Hazardous Materials .....	2137-AD70
2378	+Hazardous Materials: Enhancing Rail Transportation Security of Toxic by Inhalation Materials .....	2137-AE02

## Pipeline and Hazardous Materials Safety Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2379	Hazardous Materials: Miscellaneous Amendments .....	2137-AD87
2380	Harmonization With the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization's Technical Instructions .....	2137-AD92
2381	Pipeline Safety: Implementation of Effective Public Information Programs .....	2137-AD96
2382	+Applicability of the Hazardous Materials Regulations to a "Person Who Offers" a Hazardous Material for Transportation in Commerce .....	2137-AE04
2383	Hazardous Materials: Editorial Corrections and Miscellaneous Clarifications .....	2137-AE08

## Maritime Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2384	Launch Barge Waiver Program .....	2133-AB67

## Maritime Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2385	Application Fee for Administrative Waivers of the Coastwise Trade Laws .....	2133-AB50

## Maritime Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2386	Maritime Education and Training .....	2133-AB60
2387	Amended Service Obligation Reporting Requirements for State Maritime Academy Graduates .....	2133-AB61
2388	+Maritime Security Program .....	2133-AB62
2389	Maritime Education and Training Amendments .....	2133-AB63

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

## Proposed Rule Stage

**2163. USE OF OXYGEN BY AIR CARRIER PASSENGERS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 41705

**CFR Citation:** 14 CFR 382

**Legal Deadline:** None

**Abstract:** This rule will address the carriage and use of medical oxygen devices by passengers aboard commercial aircraft. The rule will address the carriage and use of electronic medical oxygen equipment that does not contain hazardous material and it will cover other types of passenger owned oxygen delivery systems in accordance with FAA standards.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Ann G. Gawalt, Department of Transportation, Office of the Secretary, C-70, 400 7th Street SW., Washington, DC 20590  
Phone: 202 366-1677  
Email: ann.gawalt@dot.gov

**RIN:** 2105-AC29

**2164. +FEES AND CHARGES FOR SPECIAL SERVICES**

**Priority:** Other Significant

**Legal Authority:** 49 USC 40101; 49 USC 46101; 31 USC 9701

**CFR Citation:** 14 CFR 389

**Legal Deadline:** None

**Abstract:** This rulemaking would have revised 14 CFR Part 389 to bring the fees we charge to beneficiaries of certain economic, aviation-related licensing services in line with the costs incurred to provide those services. It also would have removed or updated obsolete provisions and organizational references included in the existing regulations. This rulemaking is now being withdrawn because the Department believes the cost studies

used to develop its proposed fees are no longer timely.

**Timetable:**

Action	Date	FR Cite
NPRM	01/21/99	64 FR 3229
NPRM Comment	03/22/99	
Period End		
To Be Withdrawn	10/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** John Miller, Analyst, Completion and Policy Analysis Division, Office of Aviation Analysis, Department of Transportation, Office of the Secretary, X-60, X-55, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-4834

**RIN:** 2105-AC47

**2165. +REVIEW OF DATA FILED BY CERTIFICATED OR COMMUTER AIR CARRIERS TO SUPPORT CONTINUING FITNESS DETERMINATIONS INVOLVING CITIZENSHIP ISSUES**

**Priority:** Other Significant

**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 rulemaking would clarify and codify procedures that may be used during continuing fitness reviews of U.S. carriers when citizenship is at issue. It would add a new paragraph to 14 CFR 204.5 that explains that, if the Department determines that more public procedures are needed during the course of a continuing fitness review to resolve issues relating to the carrier's citizenship, it will be done on a case-by-case basis. The rulemaking would also provide examples of what these procedures may be.

**Timetable:**

Action	Date	FR Cite
ANPRM	07/30/03	68 FR 44675

Action	Date	FR Cite
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ANPRM Comment 09/29/03

Period End

NPRM 11/00/05

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** William M. Bertram, Chief, Air Carrier Fitness Division, Office of Aviation Analysis, Department of Transportation, Office of the Secretary, X-56, 400 7th Street SW., Washington, DC 20590  
Phone: 202 366-9721  
Email: bill.bertram@dot.gov

**RIN:** 2105-AD25

**2166. +ACCOMMODATIONS IN AIR TRAVEL FOR DEAF AND HARD OF HEARING INDIVIDUALS**

**Priority:** Other Significant

**Legal Authority:** 49 USC 41705; 49 USC 41310; 49 USC 41702; 49 USC 41712

**CFR Citation:** 14 CFR 382

**Legal Deadline:** None

**Abstract:** This rulemaking would expand accommodations provided to deaf, hard of hearing, and deaf-blind air travelers under the Air Carrier Access Act. The purpose of this rulemaking would be to improve access for air travelers who are deaf, hard of hearing and deaf-blind during all phases of air travel, from the airport to the flight itself. This rule would apply to certain foreign and domestic air carriers. It responds to a petition for rulemaking and was upgraded to significant on March 24, 2005.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

## DOT—OST

## Proposed Rule Stage

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Ann G. Gawalt,  
Department of Transportation, Office of  
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Washington, DC 20590

Phone: 202 366-1677

Email: ann.gawalt@dot.gov

RIN: 2105-AD41

**2167. DEBARMENT AND SUSPENSION (NONPROCUREMENT) REQUIREMENTS****Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 103-355, sec 2455; 108 Stat. 3327; 31 USC 6101 note; EO 11738 (3 CFR 1973 Comp., p.799); EO 12549 (3 CFR, 1986 Comp., p. 189)

**CFR Citation:** 49 CFR 29**Legal Deadline:** None

**Abstract:** The nonsignificant NPRM would amend the Department's suspension and debarment rule by adopting optional lower tier coverage prohibiting excluded persons from participating in subcontracts at lower tiers below the first tier below a covered contract.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Laura Aguilar,  
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Email: laura.aguilar@ost.dot.gov

RIN: 2105-AD46

**2168. SHORT-TERM LENDING PROGRAM (STLP)****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 332**CFR Citation:** 49 CFR 22**Legal Deadline:** None

**Abstract:** This rule would provide guidelines for the Short-Term Lending Program (STLP) designed for disadvantaged business enterprises (DBEs) involved in transportation related contracts. In response to the developmental needs of DBEs, the Office of Small and Disadvantaged Business Utilization and Minority Resource Center developed the STLP to guarantee short-term revolving lines of credit for certified DBEs.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/05	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Tanika Davis,  
Program Analyst, Department of  
Transportation, Office of the Secretary,  
400 7th Street SW., Washington, DC  
20590

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Email: tanika.davis@ost.dot.gov

RIN: 2105-AD50

**2169. • MANAGEMENT AND TECHNICAL ASSISTANCE PROGRAM (M&TA)****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 332**CFR Citation:** 49 CFR 35**Legal Deadline:** None

**Abstract:** In accordance with the Office of Small and Disadvantaged Business Utilization and Minority Resource Center (OSDBU/MRC), the Department will propose a Management and Technical Assistance Program (M&TA) to assist disadvantaged business enterprises (DBEs). This program would aide DBEs by encouraging, promoting, and assisting them in obtaining contracts, subcontracts, and projects.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Vernon Alvin  
Williams, Attorney/Advisor,  
Department of Transportation, Office of  
the Secretary, Room 9414, 400 7th  
Street SW., Washington, DC 20590

Phone: 202 366-5577

Fax: 202-366-7538

Email: vernon.williams@dot.gov

RIN: 2105-AD52

**2170. • TIME ZONE BOUNDARIES IN THE STATE OF INDIANA****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 261**CFR Citation:** 49 CFR 71**Legal Deadline:** None

**Abstract:** Indiana Senate Enrolled Act 127 requires the Governor of Indiana to petition the Department to conduct hearings on the proper location of the boundary between the Eastern and Central time zones in that State. This subject has generated substantial public interest in the area, and DOT has received many calls, emails, and letters sharing views on where the boundary should be. DOT plans a Federal Register notice that advises the appropriate local officials in Indiana that, if they wish their county to change its current time zone, they should notify DOT of that intent and make a formal request supported by specific data and information by a specified date. After reviewing the request and supporting data, DOT will determine which requests, if any, justify the issuance of a NPRM.

**Timetable:**

Action	Date	FR Cite
Notice	08/17/05	70 FR 48460
NPRM	12/00/05	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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

DOT—OST

Proposed Rule Stage

Transportation, Office of the Secretary,  
400 Seventh Street SW., Washington,  
DC 20590  
Phone: 202 366-4723  
**RIN:** 2105-AD53

**2171. • TRANSPORTATION FOR INDIVIDUALS WITH DISABILITIES; MISCELLANEOUS AMENDMENTS**

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 49 USC 322; 42 USC 12101 to 12213

**CFR Citation:** 49 CFR 37

**Legal Deadline:** None

**Abstract:** This NPRM would propose amendments to 49 CFR part 37 in several areas: Rail station platform standards, reasonable modifications of policies and procedures, pedestrian access, and codifying existing DOT procedures for issuing interpretations and guidance.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

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

**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-AD54

**2172. • PROCEDURES FOR TRANSPORTATION WORKPLACE DRUG AND ALCOHOL TESTING PROGRAMS**

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

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

**CFR Citation:** 49 CFR 40

**Legal Deadline:** None

**Abstract:** The Department of Transportation is proposing to amend certain provisions of its drug and alcohol testing procedures to change instructions to laboratories, medical review officers, and employers with respect to adulterated, substituted, diluted, and invalid specimen results. These proposed changes are intended

to create consistency with specimen validity requirements established by the U.S. Department of Health and Human Services and to modify some measures taken in two of our own interim final rules. This NPRM also proposes to make specimen validity testing mandatory within the regulated transportation industries

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/05	

**Regulatory Flexibility Analysis Required:** Undetermined

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

**Government Levels Affected:** Local

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

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

**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-AD55

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

Final Rule Stage

**2173. AMERICANS WITH DISABILITIES ACT ACCESSIBILITY STANDARDS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 552a

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

**Legal Deadline:** None

**Abstract:** The Department of Transportation is proposing to amend its rules implementing the Americans with Disabilities (ADA) by adopting as its standards revised accessibility guidelines proposed by the Access Board. The Access Board published an NPRM to revise and update the accessibility guidelines for the ADA and Architectural Barriers Act (ABA) in the November 16, 1999 issue of the Federal Register, and published final rules in July 2004. The Department's final rules will incorporate the new

ADAAG as well as technical amendments the Access Board plans to make in spring 2005.

**Timetable:**

Action	Date	FR Cite
NPRM	08/08/00	65 FR 48444
NPRM Comment Period End	09/07/00	
Final Action	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

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

**Agency Contact:** Robert C Ashby,  
Deputy Assistant General Counsel for

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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-AC86

**2174. 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

## DOT—OST

## Final Rule Stage

**Abstract:** The Department of Transportation (DOT) is amending a provision of its drug and alcohol testing procedures to change one of the criteria for determining whether a urine specimen should be regarded as substituted. The amendment changes the creatinine criterion for substitution. The change is based on the Department's experience since the adoption of its current rule and new scientific information on the subject.

**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	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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-AD26

### 2175. +PETITION OF THE NATIONAL AIR CARRIER ASSOCIATION FOR RULEMAKING

**Priority:** Other Significant

**Legal Authority:** 49 USC 40101; 49 USC 40102; 49 USC 40109; 49 USC 40113; ...

**CFR Citation:** 14 CFR 212

**Legal Deadline:** None

**Abstract:** The Department sought comment on a proposal to revise its rules on charter operations. This proposal arose from a petition filed by the National Air Carrier Association (NACA). NACA sought to make changes to the definitions and standards the Department uses to determine whether to grant or deny foreign air carrier

requests to conduct certain types of international charter flights in 14 CFR part 212. The Department granted NACA's petition, and made some, but not all of the changes sought by NACA. The Department made revisions to definitions in part 212 relating to charter types, and modified the Department's current charter application form so as to require updated reciprocity information as well as numbers of U.S.-homeland services vs. U.S.-non-homeland services. The Department did not adopt NACA's requests to impose a reciprocity standard that would have ensured substantially equivalent opportunities for U.S. carriers in the homeland of the applicant, or would have accorded U.S. carriers a right of first refusal over foreign carrier requests to conduct certain U.S.-originating charter operations. At the request of OMB, this rulemaking was reclassified as significant.

**Timetable:**

Action	Date	FR Cite
NPRM	01/21/05	70 FR 3158
NPRM Comment Period End	03/22/05	
Final Rule	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** George L. Wellington, Chief, Foreign Air Carrier Licensing Division, Office of International Aviation, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-2391

**RIN:** 2105-AD38

### 2176. +NAVIGATION OF FOREIGN CIVIL AIRCRAFT WITHIN THE UNITED STATES

**Priority:** Other Significant

**Legal Authority:** 49 USC 40102; 49 USC 40103; 49 USC 41703

**CFR Citation:** 14 CFR 375

**Legal Deadline:** None

**Abstract:** Part 375 of the Department's regulations, 14 CFR part 375, provides

for the operation in the United States of foreign civil aircraft that are not engaged in common carriage. Persons or entities seeking to operate foreign civil aircraft within the United States involving the carriage of persons, property, and mail for remuneration or hire must obtain a foreign aircraft permit from the Department under that part. On May 16, 2003, the National Business Aircraft Association (NBAA), a trade association that represents many business aircraft operators throughout the United States, wrote to the Department requesting a policy determination that certain types of operations that its representative companies might perform using U.S.-registered foreign civil aircraft (such as carriage of a company's own officials and guests, or aircraft time-sharing, interchange, or joint ownership arrangements between companies) do not, in fact, constitute operations for remuneration or hire within the meaning of part 375. The NBAA noted that a favorable response would eliminate the need for the companies involved to secure a permit for such operations. This rulemaking amends 14 CFR part 375 to clarify those circumstances under which companies operating U.S.-registered foreign civil aircraft are not deemed to be involved in air commerce for remuneration or hire and, therefore, are not required under part 375 to obtain a foreign aircraft permit. At the request of OMB, this rulemaking has been reclassified as significant.

**Timetable:**

Action	Date	FR Cite
NPRM	02/07/05	70 FR 6382
NPRM Comment Period End	04/08/05	
Final Action	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** David Modesitt, Chief, Europe Division, Office of International Aviation, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-2384

DOT—OST

Final Rule Stage

Fax: 202 366-3694

RIN: 2105-AD39

**2177. +DISPLAY OF JOINT OPERATIONS IN CARRIER-OWNED COMPUTER RESERVATIONS SYSTEMS REGULATIONS****Priority:** Other Significant**Legal Authority:** 49 USC 41712**CFR Citation:** 14 CFR 256**Legal Deadline:** None

**Abstract:** This rulemaking would terminate rules prohibiting airlines that own, control, or operate a computer reservations system from denying access to the system to two or more airlines whose flights share a single designator code and from discriminating against any airline because the airline uses the same designator code as another airline. This action would be consistent with the Department's determination that its comprehensive rules governing the operation of airline computer reservations systems should be terminated (see 69 FR 976; January 7, 2004).

**Timetable:**

Action	Date	FR Cite
NPRM	04/04/05	70 FR 16990
NPRM Comment Period End	05/19/05	
Final Rule	12/00/05	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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  
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**Related RIN:** Related to 2105-AC65**RIN:** 2105-AD44**2178. PARTICIPATION BY DISADVANTAGED BUSINESS ENTERPRISES IN AIRPORT CONCESSIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 47107; 42 USC 2000d; 49 USC 322; EO 12138**CFR Citation:** 49 CFR 26; 49 CFR 23**Legal Deadline:** None

**Abstract:** This action seeks further comment on the issue of business size standards for the Department of Transportation's airport concession disadvantaged business enterprise

(ACDBE) program. It also requests comment on issues such as additional measures to combat fraud and abuse in the program and to provide additional flexibility for airports in implementing the program.

**Timetable:**

Action	Date	FR Cite
NPRM	03/22/05	70 FR 14520
NPRM Comment Period End	06/20/05	
Supplemental NPRM	07/15/05	70 FR 40973
SNPRM End of Comment Period	08/19/05	
Final Rule	12/00/05	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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-AD51**Department of Transportation (DOT)  
Office of the Secretary (OST)****Long-Term Actions****2179. +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, 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 rulemaking would address these issues

and propose feasible requirements to make passenger vessels accessible to, and usable by, individuals with disabilities. Timing of this rulemaking is dependent on action by the Architectural and Transportation Barriers Compliance Board (Access Board) to adopt accessibility guidelines for passenger vessels.

**Timetable:**

Action	Date	FR Cite
ANPRM	11/26/04	69 FR 69246
ANPRM Comment Period End	03/28/05	
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Undetermined**Federalism:** Undetermined**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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

**RIN:** 2105-AB87

## DOT—OST

## Long-Term Actions

**2180. +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:** This rulemaking requested public comments from reporting carriers and aviation data users on the nature, scope, source, and means for collecting, processing, and distributing airline traffic, fare, and financial data. Specifically, it invited comments on whether existing airline traffic, fare, and financial data should be amended, supplemented, or replaced; whether selected forms and reports should be retained, modified, or eliminated; whether the Department should require all aviation data to be filed electronically; and how the aviation data system should be reengineered to enhance efficiency and to reduce costs for both the Department and the airline industry.

**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	02/17/05	70 FR 8139
NPRM Comment Period End	04/18/05	
NPRM Comment Period Extended	04/18/05	70 FR 20098
Extended NPRM Comment Period End	07/18/05	

Next Action Undetermined

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:** Undetermined**URL For More Information:** dms.dot.gov**URL For Public Comments:** dms.dot.gov**Agency Contact:** Todd Homan, Acting Director, Office of Aviation Analysis, Department of Transportation, Office ofthe Secretary, X-55, X-50, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-9605**RIN:** 2105-AC71**2181. +NONDISCRIMINATION ON THE BASIS OF DISABILITY IN AIR TRAVEL****Priority:** Other Significant**Legal Authority:** 14 USC 41702; 14 USC 41705; 14 USC 41712**CFR Citation:** 14 CFR 382**Legal Deadline:** None

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

**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For More Information:** dms.dot.gov**URL For Public Comments:** dms.dot.gov

**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**2182. 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**URL For More Information:** dms.dot.gov**URL For Public Comments:** dms.dot.gov

**Agency Contact:** Ferguise L Mayronne, Senior Program Analyst, Department of Transportation, Office of the Secretary, Nassif Building, Room 9412, 400 7th Street SW., Washington, DC 20590  
Phone: 202 366-5341  
Email: ferguise.mayronne@ost.dot.gov

**RIN:** 2105-AD20**2183. TRANSPORTATION ACQUISITION REGULATION****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 301**CFR Citation:** 12 CFR 1201 to 1253**Legal Deadline:** None

**Abstract:** This rule will update the Transportation Acquisition Regulation (TAR) to reflect changes to the TAR, to reflect organizational changes in the Department, to incorporate recent statutory changes and government mandates, and to accomplish editorial changes for clarification. This rule is considered nonsignificant because it is an administrative action.

**Timetable:**

Action	Date	FR Cite
IFR	02/07/05	70 FR 6506
Interim Final Rule Comment Period End	03/09/05	
Interim Final Rule Effective	04/08/05	
Next Action Undetermined		

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

## DOT—OST

## Long-Term Actions

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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

**2184. PROTECTION OF SENSITIVE SECURITY INFORMATION (SSI)**

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

**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 is a nonsignificant technical amendment to the existing DOT/TSA SSI rule that would correct an unintended limitation in parties that have a need to know SSI. The amendment authorizes the sharing of vulnerability assessments and certain other SSI with covered persons who meet the need to know requirements regardless of mode of transportation.

**Timetable:**

Action	Date	FR Cite
Technical Amendment	01/07/05	70 FR 1379
Technical Amendment Effective	01/07/05	
Next Action Undetermined		

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Local, State

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Mr. Michael Bates, Senior Attorney, Office of General Counsel, DOT, Department of Transportation, Office of the Secretary, 400 7th Street SW., C-10, Rm 10102, Washington, DC 20590

Phone: 202 366-4710

Email: mike.bates@ost.dot.gov

**RIN:** 2105-AD33

**2185. PROCEDURES FOR TRANSPORTATION WORKPLACE DRUG AND ALCOHOL TESTING PROGRAMS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 40 USC 102, 301, 322, 5331, 20140, 31306, 54101

**CFR Citation:** 49 CFR 40

**Legal Deadline:** None

**Abstract:** This interim final rule amends DOT specimen validity testing (SVT) procedures to avoid inconsistencies with a Department of Health and Human Services rule that goes into effect November 1, 2004.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/09/04	69 FR 64865
Interim Final Rule Effective	11/09/04	
Interim Final Rule Comment Period End	12/09/04	
Next Action Undetermined		

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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-AD47

**2186. DISCLOSURE OF CODE SHARING AND LONG-TERM WET LEASE ARRANGEMENTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 41712

**CFR Citation:** 14 CFR 257

**Legal Deadline:** None

**Abstract:** The Department of Transportation (Department or DOT) is amending its rule governing the disclosure of code-share and long-term wet lease arrangements in print advertisements, including those published through the Internet, of scheduled passenger services to permit carriers to disclose generically that some of the advertised service may involve travel on another carrier, so long as they also identify a list of all potential carriers involved in serving the markets being advertised. This action is taken in response to a petition for rulemaking filed by United Airlines, Inc.

**Timetable:**

Action	Date	FR Cite
NPRM	01/13/05	70 FR 2372
NPRM Comment Period End	03/14/05	
Final Rule	To Be Determined	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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

Phone: 202 366-9342

TDD Phone: 202 755-7687

Fax: 202 366-7152

Email: blane.workie@ost.dot.gov

**RIN:** 2105-AD49



**Department of Transportation (DOT)**  
**Office of the Secretary (OST)**
**Completed Actions**
**2187. ELIMINATION OF COMMUTER AIR CARRIER REGISTRATIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 108; 49 USC 401, 411, 413, 415, 417

**CFR Citation:** 14 CFR 201, 203; 14 CFR 205, 215; 14 CFR 298, 380; 14 CFR 385, 389

**Legal Deadline:** None

**Abstract:** The Department proposes to amend the regulations governing air taxi operators and commuter air carriers to eliminate the requirement that commuter air carriers file initial and amended registration forms. The information provided on such forms is duplicative of information that commuter air carriers are separately

required to file under other regulations. Accordingly, the proposed amendment will simplify the process of applying for and maintaining commuter air carrier authority. The Department also proposes to make conforming amendments to other rules affected by the proposed amendment, as well as to make other minor administrative, editorial, clarifying, and organizational changes to rules applicable to air taxi operators and commuter air carriers.

**Timetable:**

Action	Date	FR Cite
NPRM	10/28/04	69 FR 62833
NPRM Comment Period End	12/13/04	
Final Rule	05/16/05	70 FR 25765
Final Rule Effective	06/15/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

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

**Agency Contact:** William M. Bertram, Chief, Air Carrier Fitness Division, Office of Aviation Analysis, Department of Transportation, Office of the Secretary, X-56, 400 7th Street SW., Washington, DC 20590  
Phone: 202 366-9721  
Email: bill.bertram@dot.gov

**RIN:** 2105-AD43

**BILLING CODE** 4910-62-S

**Department of Transportation (DOT)**  
**Federal Aviation Administration (FAA)**
**Prerule Stage**
**2188. +CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS (SECTION 610 REVIEW)**

**Priority:** Other Significant

**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 this part, and RIN 2120-AG93 has been added to the Agenda to reflect this review. The FAA carries out its responsibility to promote safety of flight of civil aircraft in air commerce by prescribing minimum standards governing the design and construction of aircraft, aircraft engines, and propellers and appliances as may be required in the interest of safety. The

FAA has established procedural requirements in 14 CFR part 21 for the issuance of the following certificates and approvals: (1) Type certificates and changes to type certificates; (2) production certificates; (3) airworthiness certificates; (4) export airworthiness certificates and approvals; and (5) approvals of certain materials, parts processes, and appliances produced for sale or installation on a type certificate product. Also contained in this part are the rules governing the holders of certificates. In order to be issued a type certificate the applicant must show that the product complies with the airworthiness standards for the product (aircraft, aircraft engine, or propeller). The airworthiness standards are amended as needed to reflect continually changing technology, correct design deficiencies, and provide safety enhancements.

**Timetable:**

Action	Date	FR Cite
Review To Be Completed	06/00/06	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

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

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

**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

**Department of Transportation (DOT)**  
**Federal Aviation Administration (FAA)**
**Proposed Rule Stage**
**2189. 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:** The FAA is considering withdrawing the NPRM based on comments and the availability of ground sensors, which now are largely in place. In addition, improvements in communication technology have expanded the need for Mode S in an increasingly congested airspace

## DOT—FAA

## Proposed Rule Stage

environment. If we withdraw the NPRM, the FAA would consider exemptions from the regulatory requirement and would publish a policy statement directed to holders of such exemptions.

**Timetable:**

Action	Date	FR Cite
NPRM	05/23/96	61 FR 26036
NPRM Correction	06/17/96	61 FR 30551
NPRM Comment	07/22/96	
Period End		
To Be Withdrawn	10/00/05	

**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

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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

### 2190. +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; 49 USC 1155; 49 USC 40103; 49 USC 40120; 49 USC 44111; 49 USC 44711; 49 USC 44712; 49 USC 44715; 49 USC 46306; 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 121; 14 CFR 125; 14 CFR 91

**Legal Deadline:** None

**Abstract:** This rulemaking would amend the digital flight data recorder

(DFDR) regulations for transport category airplanes to add a requirement for all Boeing 737 (B-737) series airplanes to record additional flight data parameters. It is based on safety recommendations issued by the National Transportation Safety Board (NTSB) following the investigation of the 1994 USAir Flight 427 accident. This rulemaking is significant because of substantial public interest. A final rule had been scheduled for August 11, 2000.

**Timetable:**

Action	Date	FR Cite
NPRM	11/18/99	64 FR 63139
NPRM Comment	12/22/99	
Period End		
Final Action	12/00/05	

**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

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Timothy Shaver, Avionic Systems Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202-385-4686  
Email: timothy.shaver@faa.gov

**RIN:** 2120-AG87

### 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 proposed rule would amend the regulations governing objects that may affect the navigable airspace. Specifically, the FAA is proposing to add notification requirements and obstruction standards for electromagnetic interference and

amend the obstruction standards for civil airport imaginary surfaces to more closely align these standards with FAA airport design and instrument approach procedure criteria. In addition, the FAA is proposing to increase the number of days in which notice must be filed with the FAA before beginning construction or alteration; add and amend definitions for terms commonly used during the aeronautical evaluation process; and remove the provisions for public hearings and antenna farms. The FAA is also proposing to retitle the rule and reformat it into sections that closely reflect the aeronautical study process. These proposals incorporate case law and legislative action, and simplify the rule language. The intended effect of these proposed changes is to improve safety and promote the efficient use of the National Airspace System.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Project Number: ATA-00-490.

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Ellen Crum, Air Traffic Rules Procedures Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202-267-8783  
Email: ellen.crum@faa.gov

**RIN:** 2120-AH31

### 2192. 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

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## Proposed Rule Stage

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	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Jeff Trang, Air Certification Service, Department of Transportation, Federal Aviation Administration, 2601 Meachum Blvd., Fort Worth, TX 76193-0110  
Phone: 817 222-5135

**RIN:** 2120-AH87

**2193. 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:** This rulemaking would amend the regulations for issuing a standard airworthiness certificate to certain new aircraft manufactured in the United States. The proposal addresses a concern that under the current regulations, certain new aircraft are eligible for a standard airworthiness certificate without meeting the requirements of a type certificate and without having been manufactured under a FAA production approval. The intended effect is to ensure that all new aircraft manufactured in the United States received a standard airworthiness certificate only after the aircraft have been type certificated and manufactured under an FAA production approval.

The FAA also proposes to incorporate requirements contained in laws recently passed by Congress. A holder of a type certificate or supplemental type certificate who allows another person to use the certificate would have to provide written permission to that person. In addition, anyone who manufactures or alters an aircraft, aircraft engine, or propeller based on a type certificate or supplemental type certificate would have to be the certificate holder or have written permission for the certificate holder.

**Timetable:**

Action	Date	FR Cite
ANPRM	04/03/03	68 FR 16217
NPRM	02/15/05	70 FR 7830
NPRM Comment Period End	04/18/05	
Supplemental NPRM	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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

**2194. +AGING AIRCRAFT PROGRAM (WIDESPREAD FATIGUE DAMAGE)**

**Regulatory Plan:** This entry is Seq. No. 88 in part II of this issue of the **Federal Register**.

**RIN:** 2120-AI05

**2195. 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	12/00/05	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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

**RIN:** 2120-AI06

**2196. SERVICE DIFFICULTY REPORTS**

**Priority:** Substantive, Nonsignificant. 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 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

**Legal Deadline:** None

**Abstract:** This rulemaking will withdraw a previously published final rule that amended 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

## DOT—FAA

## Proposed Rule Stage

withdrawal of this document because of commenters' overwhelming opposition to the rule and for further internal study.

**Timetable:**

Action	Date	FR Cite
NPRM	09/14/05	70 FR 54454
NPRM Comment Period End	10/14/05	
Final Action	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Emilio Estrada, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-5571  
Fax: 202 267-5115

**RIN:** 2120-AI08

**2197. AIRPLANE PERFORMANCE AND HANDLING QUALITIES IN ICING CONDITIONS**

**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:** The FAA proposes to amend the airworthiness standards for transport category airplanes to introduce new requirements to evaluate airplane performance and handling characteristics in icing conditions. The proposal will revise the requirements related to ice protection systems on these airplanes, and will harmonize the U.S. airworthiness standards with the European Joint Aviation Requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Don Stimson, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region 1601 Lind Avenue SW., Renton, WA 98055-4056  
Phone: 425 227-1129  
Fax: 425-227-1320  
Email: don.stimson@faa.gov

**RIN:** 2120-AI14

**2198. +FLIGHTDECK DOOR MONITORING AND CREW DISCREET ALERTING SYSTEM**

**Priority:** Other Significant

**Legal Authority:** 49 USC 106(g); 49 USC 40113; 49 USC 40119; 49 USC 41706; 49 USC 44101; 49 USC 44701-44702; 49 USC 44705; ...

**CFR Citation:** 14 CFR 121

**Legal Deadline:** None

**Abstract:** This rulemaking would require passenger-carrying transport category airplanes used in domestic, flag, and supplemental operations to have a means to allow the flightcrew to visually monitor the door area outside the flightdeck. This would allow the flightcrew to identify persons requesting entry into the flightdeck, and to detect suspicious behavior or potential threats. In addition, operations requiring the presence of flight attendants, the rulemaking would require that the flight attendants have a means to discreetly notify the flightcrew of suspicious activity or security breaches in the cabin. The rulemaking would address standards adopted by the International Civil Aviation Organization following the September 11, 2001, terrorist attacks.

**Timetable:**

Action	Date	FR Cite
NPRM	09/21/05	70 FR 55491
NPRM Comment Period End	11/21/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Joe Keenan, Air Carrier Operations Branch, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-8166  
Fax: 202-267-9579  
Email: joe.keenan@faa.gov

**RIN:** 2120-AI16

**2199. +WASHINGTON, DC, METROPOLITAN AREA SPECIAL FLIGHT RULES AREA**

**Priority:** Other Significant

**Legal Authority:** 49 USC 106(g); 49 USC 40103; 49 USC 40106; 49 USC 40109; 49 USC 40113; 49 USC 44502; ...

**CFR Citation:** 14 CFR 93

**Legal Deadline:** None

**Abstract:** This rulemaking will codify restrictions for certain aircraft operations in the Washington, DC, Metropolitan Area. This action is necessary because of the ongoing threat of terrorist attacks. The FAA intends by this action to help the Department of Homeland Security and the Department of Defense protect national assets in the National Capital region.

**Timetable:**

Action	Date	FR Cite
NPRM	08/04/05	70 FR 45249
NPRM Comment Period End	11/02/05	
Final Rule	03/00/06	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Ellen Crum, Air Traffic Rules Procedures Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202-267-8783  
Email: ellen.crum@faa.gov

**RIN:** 2120-AI17

## DOT—FAA

## Proposed Rule Stage

**2200. +TRANSPORT AIRPLANE FUEL TANK FLAMMABILITY REDUCTION**

**Regulatory Plan:** This entry is Seq. No. 89 in part II of this issue of the **Federal Register**.

**RIN:** 2120—AI23

**2201. +ENHANCED AIRWORTHINESS PROGRAM FOR AIRPLANE SYSTEMS (EAPAS) AND SFAR 88**

**Regulatory Plan:** This entry is Seq. No. 90 in part II of this issue of the **Federal Register**.

**RIN:** 2120—AI31

**2202. +AGING AIRCRAFT SAFETY—DEVELOPMENT OF TC AND STC HOLDER DATA**

**Regulatory Plan:** This entry is Seq. No. 91 in part II of this issue of the **Federal Register**.

**RIN:** 2120—AI32

**2203. +REPAIR STATIONS—RATINGS AND QUALITY SYSTEM**

**Priority:** Other Significant

**Legal Authority:** 49 USC 106(g); 49 USC 40113; 49 USC 44701 to 44702; 49 USC 44707; 49 USC 44709; 49 USC 4717

**CFR Citation:** 14 CFR 145

**Legal Deadline:** None

**Abstract:** This rulemaking will amend the regulations for repair stations by revising the system of ratings and requiring repair stations to establish a quality program. This rulemaking will add changes critical to maintaining safety. These include: requiring a repair station to maintain a capability list; requiring a repair station to designate a chief inspector; requiring permanent housing for all repair stations for their facilities, equipment, materials, and personnel; and identifying reasons for denying a repair station certificate, especially when a previously held certificate has been revoked. In addition, the rulemaking will clarify recent revisions to the repair station regulations. This action is necessary to reflect changes in aviation technology and repair station business practices.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

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

**Agency Contact:** Herbert E. Daniel, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267—3109  
Email: herbert.e.daniel@faa.gov

**RIN:** 2120—AI53

**2204. +EXPERIMENTAL PERMIT FOR SUBORBITAL REUSABLE LAUNCH VEHICLES**

**Priority:** Other Significant

**Legal Authority:** 49 USC 70101; 49 USC 70103 to 70105; 49 USC 70121

**CFR Citation:** 14 CFR 461

**Legal Deadline:** None

**Abstract:** This rulemaking will define the process and standards for the issuance and maintenance of an Experimental Permit. An experimental permit will authorize the launch of developmental reusable suborbital rockets. The purpose of an experimental permit is to allow launches of developmental reusable suborbital rockets with less regulatory burden on the launch operator than would otherwise be the case with a traditional license.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

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

**Agency Contact:** Randy Repcheck, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267—8760  
Email: randy.repcheck@faa.gov

**RIN:** 2120—AI56

**2205. +HUMAN SPACE FLIGHT REQUIREMENTS FOR CREW AND SPACE FLIGHT PARTICIPANTS**

**Priority:** Other Significant

**Legal Authority:** 49 USC 70101 to 70121

**CFR Citation:** 14 CFR 401; 14 CFR 431; 14 CFR 432; 14 CFR 440; 14 CFR 450; 14 CFR 415; 14 CFR 435; 14 CFR 460

**Legal Deadline:** NPRM, Statutory, December 23, 2005.

**Abstract:** This rulemaking will develop regulations that will govern the design or operation of a launch vehicle to protect the health and safety of crew in vehicles carrying space flight participants for compensation or hire.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

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

**Agency Contact:** Ken Wong, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267—8465  
Email: ken.wong@faa.gov

**RIN:** 2120—AI57

**2206. SPECIAL REQUIREMENTS FOR SPECIAL USE 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 rule will amend the airworthiness standards for transport category airplanes by adding new cabin interior criteria for operators of private use airplanes. These standards may be used instead of the specific requirements that affect transport category airplanes operated by air carriers. These standards will supplement the requirements for

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operation under the air traffic and general operating rules. This rule is intended to provide alternative criteria for transport category airplanes that are operated for private use, while continuing to provide an acceptable level of safety for those operations.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/05	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Alan Sinclair, Airframe and Cabin Safety Branch, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, WA 98055  
Phone: 425 227-1320  
Fax: 425 227-1320  
Email: alan.sinclair@faa.gov

**RIN:** 2120-AI61
**Department of Transportation (DOT)  
Federal Aviation Administration (FAA)**

## Final Rule Stage

**2207. 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:** Rulemaking airspace actions are used to designate, modify, or revoke airways, routes, terminal airspace, and special use airspace (SUA) within the United States and its territories. These actions require routine and frequent rulemaking to designate or modify controlled airspace of SUA, as needed, to ensure the safe and efficient use of the National Airspace System and to accommodate Department of Defense operations. The vast majority of airspace actions are nonsignificant.

**Timetable:**

Action	Date	FR Cite
NPRM	01/22/02	67 FR 57943
NPRM Revision	10/28/04	69 FR 62832
Actions Will Continue Through	10/00/05	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Edith V. Parish, Manager of Airspace and Rules, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20951  
Phone: 202 267-8783

Email: edith.parish@faa.gov

**RIN:** 2120-AA66**2208. +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; 14 CFR 61; 14 CFR 119; 14 CFR 121; 14 CFR 136; 14 CFR 119; 14 CFR 121; 14 CFR 136; 14 CFR 61**Legal Deadline:** None

**Abstract:** This rulemaking will consider 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. Hot air balloons and gliders would not be included in this amendment.

**Timetable:**

Action	Date	FR Cite
NPRM	10/23/03	68 FR 60571
NPRM Comment Period End	04/19/04	69 FR 2529
Final Action	06/00/06	

**Regulatory Flexibility Analysis Required:** Yes**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

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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**2209. +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 from a 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. FAA originally planned to publish a SNPRM/2 by December 2003.

**Timetable:**

Action	Date	FR Cite
NPRM	10/25/00	65 FR 63922

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Action	Date	FR Cite
NPRM Comment Period End	02/22/01	
SNPRM	07/30/02	67 FR 49456
NPRM: Additional Information	08/27/02	67 FR 54978
Comment Period Extended	04/14/05	70 FR 19720
Final Action	02/00/06	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Undetermined**Additional Information:** Project Number: AST-97-088R.

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

**URL For More Information:** dms.dot.gov**URL For Public Comments:** dms.dot.gov**Agency Contact:** Rene Rey, Licensing and Safety Division, Office of Commercial Space, Department of Transportation, Federal Aviation Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 385-4805**RIN:** 2120-AG37**2210. FLIGHT SIMULATION DEVICE QUALIFICATION****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 106(g); 49 USC 40113; 49 USC 44701 to 44703; 49 USC 44707; 49 USC 44709; 49 USC 44711; 49 USC 45102 to 45103; 49 USC 45301 to 45302; 49 USC 44701**CFR Citation:** 14 CFR 1; 14 CFR 11; 14 CFR 60; 14 CFR 61; 14 CFR 63; 14 CFR 141; 14 CFR 142; 14 CFR 121**Legal Deadline:** None**Abstract:** This rulemaking would amend the regulations to establish a new part about qualification requirements for flight simulation training devices (FSTD). The new part would consolidate and update FSTD requirements that currently exist in different parts of the FAA's regulations and in advisory circulars. In addition, the FAA would require that sponsors of FSTDs have a Quality Management System. The intended effect of the new part is to ensure that users of FSTDs receive training in devices that closely match the performance and handling

characteristics of the aircraft being simulated. On August 2, 2005, OMB approved downgrading this rulemaking to non-significant.

**Timetable:**

Action	Date	FR Cite
NPRM	09/25/02	67 FR 20284
NPRM Comment Period End	12/24/02	
Notice of On-Line Public Forum	11/21/02	67 FR 70184
NPRM Comment Period Extended	11/15/02	67 FR 69149
Extended Comment Period End	02/24/03	
Final Action	12/00/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For More Information:** dms.dot.gov**URL For Public Comments:** dms.dot.gov**Agency Contact:** Edward Cook, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 1701 Columbia Avenue, College Park, GA 30337  
Phone: 404 305-6100**RIN:** 2120-AH07**2211. REVISIONS TO THE INDUSTRY DRUG AND ALCOHOL TESTING REGULATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 106(g); 49 USC 40113; 49 USC 40119; 49 USC 44101; 49 USC 44701 to 44702; 49 USC 44705; 49 USC 44709 to 44711; 49 USC 44713; 49 USC 44716 to 44717; 49 USC 44722; 49 USC 44901; 49 USC 44903 to 44904; 49 USC 44912; 49 USC 46105; 49 USC 46301**CFR Citation:** 14 CFR 121**Legal Deadline:** None**Abstract:** In Notice 02-04, published on February 28, 2002, the FAA proposed to make it clear that each person who performs a safety-sensitive function directly or by contract (including by subcontract at any tier) for an employer is subject to drug and alcohol testing. The comment period closed on July 29, 2002. Several commenters stated that the change was more than clarifying and would have an economic impact. The FAA has prepared an initial

regulatory evaluation on this issue. The FAA has issued an SNRM to make it clear that each person who performs a safety-sensitive function for an employer is subject to drug and alcohol testing.

**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 Rule	01/12/04	69 FR 1840
Supplemental NPRM	05/17/04	69 FR 27980
Final Rule	10/00/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For More Information:** dms.dot.gov**URL For Public Comments:** dms.dot.gov**Agency Contact:** Diane Wood, Manager, Drug Abatement Branch, Office of Aerospace Medicine, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-8442**RIN:** 2120-AH14**2212. 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

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uniform noise certification standards for airplanes certificated in the United States and in the JAA countries.

**Timetable:**

Action	Date	FR Cite
NPRM	02/11/04	69 FR 6856
NPRM Comment Period End	06/10/04	
Final Action	02/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Project Number: AEE-01-133R.

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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

**2213. +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 rulemaking would amend the instrument and equipment requirements for airplanes operated in domestic, flag, and supplemental operations. Specifically, the rulemaking would require affected airplanes to have the capability to help assure immediate activation of the designated air traffic control (ATC) hijack alert code, and continuous transmission of that code to ATC during a hijack situation. This action would respond to the heightened threat to U.S. civil aviation. The FAA believed that this capability would help provide ATC personnel with more time to initiate a national security response to a potential

airplane hijack situation. However, following a review of the comments, the FAA is considering withdrawing the NPRM because of uncertainty about whether it is justified. The FAA had previously scheduled a withdrawal for publication on October 14, 2003.

**Timetable:**

Action	Date	FR Cite
NPRM	01/14/03	68 FR 1942
NPRM Comment Period End	03/17/03	
Final Action	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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

**2214. AREA NAVIGATION (RNAV) AND MISCELLANEOUS AMENDMENTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 106(g); 49 USC 1155; 49 USC 40103 to 40105; 49 USC 40113; 49 USC 40119 to 40120; 49 USC 41706; 49 USC 44101; 49 USC 44111; 49 USC 44113; 49 USC 44701 to 44702; 49 USC 44705; 49 USC 44709 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 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
NPRM Comment Period End	01/31/03	
NPRM Comment Period Reopened	04/08/03	68 FR 16992
Reopened Comment Period End	07/07/03	
Final Action	01/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Ernest Skiver, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-4586

**RIN:** 2120-AH77

**2215. AIRMAN AND MEDICAL CERTIFICATE DISQUALIFICATION BASED ON ALCOHOL VIOLATIONS AND REFUSALS TO SUBMIT TO DRUG OR ALCOHOL TESTING**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 106(g); 49 USC 1155; 49 USC 40103; 49 USC 40113; 49 USC 40120; 49 USC 44701 to 44703; ...

**CFR Citation:** 14 CFR 61; 14 CFR 63; 14 CFR 65; 14 CFR 67; 14 CFR 91; 14 CFR 121; 14 CFR 135

**Legal Deadline:** None

**Abstract:** This rule will 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 FAA. 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.



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**Timetable:**

Action	Date	FR Cite
NPRM	11/30/04	69 FR 74897
Final Rule	12/00/05	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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**2216. +EXTENDED OPERATIONS (ETOPS) OF MULTI-ENGINE AIRPLANES****Priority:** Other Significant

**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:** This rulemaking would govern the design, maintenance, and operation of airplanes and engines for flights that go certain long distances beyond an adequate airport. This rulemaking would extend some requirements that previously applied only to two-engine airplanes to airplanes with more than two engines. This rulemaking would implement existing best practices and policy, industry recommendations and international standards to assure that long-range flight will operate safely.

**Timetable:**

Action	Date	FR Cite
NPRM	11/14/03	68 FR 64730
NPRM Comment Period End	05/15/04	69 FR 551
Final Action	10/00/05	

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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**2217. +PROCESS FOR REQUESTING WAIVER OF MANDATORY SEPARATION AGE FOR CERTAIN FEDERAL AVIATION ADMINISTRATION (FAA) AIR TRAFFIC CONTROLLERS****Priority:** Other Significant

**Legal Authority:** 5 USC 8335(a); 49 USC 106(g); 49 USC 40113; 49 USC 44701-44703; 49 USC 44707; 49 USC 44709-44711; 49 USC 45102-45103; 49 USC 45301-45302

**CFR Citation:** 14 CFR 65**Legal Deadline:** None

**Abstract:** This rulemaking will adopt procedures under which individual air traffic controllers could submit application for an exemption allowing the controller to delay mandatory retirement (age 55) until the employee reaches no later than 61 years of age. Congress has established the mandatory retirement age, as well as giving the Secretary of Transportation the authority to grant exemptions for controllers with exceptional skill and experience. The Secretary is not obligated to grant any exemptions. The rule is intended to clarify the means by which requests may be submitted and considered. This rule is significant for DOT purposes.

**Timetable:**

Action	Date	FR Cite
Final Action	01/07/05	70 FR 1634
Disposition of Comments	01/00/06	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Jerry Mellody, Assistant Chief Counsel, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 385-8231

**RIN:** 2120-AI18**2218. SAFETY STANDARDS FOR FLIGHT GUIDANCE SYSTEMS****Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 14 CFR 25**Legal Deadline:** None

**Abstract:** This rulemaking will amend the airworthiness standards for transport category airplanes concerning flight guidance systems. The proposed standards address the performance, safety, failure protection, alerting, and basic announcement of these systems. The rulemaking is necessary to address flight guidance system vulnerabilities and to consolidate and standardize regulations for functions within those systems. The rulemaking would also update the current regulations regarding the latest technology and functionality. Adopting this rulemaking would eliminate significant regulatory differences between the airworthiness standards of the U.S. and Europe.

**Timetable:**

Action	Date	FR Cite
NPRM	08/13/04	69 FR 50240
NPRM Comment Period End	12/12/04	
Final Rule	12/00/05	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Gregg Bartley, ANM-111, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, WA 98055  
Phone: 425 227-2889  
Email: gregg.bartley@faa.gov

**RIN:** 2120-AI41

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**2219. MISCELLANEOUS CHANGES TO COMMERCIAL SPACE TRANSPORTATION REGULATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 70101–70121**CFR Citation:** 14 CFR 401; 14 CFR 404; 14 CFR 413; 14 CFR 415; 14 CFR 420**Legal Deadline:** None

**Abstract:** This rulemaking will prohibit obtrusive space advertising and make other minor changes to the regulations governing commercial space transportation. The proposed changes are necessary to reflect a statutory change, capture current practice, and to correct errors in a table. The purpose of the changes is to give the public and the regulated industry accurate and current information.

**Timetable:**

Action	Date	FR Cite
NPRM	05/19/05	70 FR 29164
NPRM Comment Period End	07/18/05	
Final Rule	05/00/06	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Michelle Murray, Office of Commercial Space Transportation, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-7892  
Email: michelle.murray@faa.gov

**RIN:** 2120–AI45**2220. +CONGESTION AND DELAY REDUCTION AT CHICAGO O'HARE INTERNATIONAL AIRPORT****Priority:** Economically Significant. Major under 5 USC 801.

**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 would create operational limits on the number of

peak hour arrivals at O'Hare International Airport (ORD) as an interim measure to manage congestion and delays. This rulemaking replaces the Administrator's existing order with slightly different requirements. The rulemaking will alter and extend the limitations on arrivals into O'Hare while FAA continues to consider various market-based mechanisms to allocate capacity and evaluate the impact of the O'Hare modernization plan (OM) and its goal of increasing capacity. The rulemaking is intended to be temporary and sunset on March 14, 2008.

**Timetable:**

Action	Date	FR Cite
NPRM	03/25/05	70 FR 15520
NPRM Comment Period End	05/24/05	
Final Rule	12/00/05	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Lorelei Peter, Federal Aviation Administration, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-3134  
Email: lorelei.peter@faa.gov

**RIN:** 2120–AI51**2221. CIVIL PENALTY INFLATION ADJUSTMENT REVISIONS****Priority:** Substantive, Nonsignificant

**Legal Authority:** 18 USC 6002; 28 USC 2461 (note); 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 44718; 49 USC 44725; 49 USC 46101 to 46110; 49 USC 46301 to 46316; 49 USC 46318; 49 USC 46501 to 46502; 49 USC 46504 to 46507; 49 USC 47106; 49 USC 47111; 49 USC 47122; 49 USC 47306; 49 USC 47531 to 47532; 49 USC 106(g); 49 USC 5121 to 5124

**CFR Citation:** 14 CFR 13**Legal Deadline:** None

**Abstract:** This rulemaking adjusts certain civil monetary penalties

authorized for violations of statutes we enforce. The Federal Civil Monetary Inflation Adjustment Act of 1990, Public Law 101-410, as amended by the Debt Collection Improvement Act of 1996, Public Law 104-134, which is codified at 28 U.S.C. 2461 note, requires Federal agencies to adjust the minimum and maximum amounts of civil monetary penalties for inflation to preserve their deterrent impact. Under these laws, each agency must make an initial inflationary adjustment for all applicable civil monetary penalties, and must make further adjustments of these penalty amounts at least once every 4 years.

**Timetable:**

Action	Date	FR Cite
Final Rule	10/00/05	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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–AI52**2222. • +SPECIAL AWARENESS TRAINING FOR THE WASHINGTON, DC, METROPOLITAN AREA****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 to 44103; 49 USC 44707; 49 USC 44709 to 44712; 49 USC 44716 to 44717; 49 USC 44722; 49 USC 45102 to 45103; 49 USC 45301 to 45302; 49 USC 46306; 49 USC 46315 to 46316; 49 USC 46504; 49 USC 46506 to 46507; 49 USC 47122; 49 USC 47508; 49 USC 47528 to 47531; 49 USC 106(g); Articles 12 and 29 of Convention on International Civil Aviation (61Stat 1180); 49 USC 44715; 49 USC 1155

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

**Abstract:** This rule will establish training requirements for any pilot who

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flies under visual flight rules (VFR) within 100 nautical miles (nm) of the Washington, DC, VOR omni-directional range/distance measuring equipment (DCA VOR/DME). The training will be provided by the FAA and will primarily focus on the procedures for flying in and around the Washington, DC, ADIZ and the Washington, DC, Flight Restricted Zone (DC FRZ). Pilots will be required to carry a certificate of training completion when flying

under VFR within 100 nautical miles of the DCA VOR/DME.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	02/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

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

**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-AI63

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

## Long-Term Actions

**2223. INSTRUMENT FLIGHT RULES**

**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 that prescribes altitudes governing the operation of aircraft under Instrument Flight Rules (IFR) on Air Traffic System (ATS) routes or other direct routes that have a designated Minimum Enroute Altitude (MEA). In addition, it designates mountainous areas and changeover points as they relate to route altitudes. These regulations are an established body of technical requirements that are issued routinely and frequently to maintain operational efficiency. Total actions expected—270; 10/00/2005 to 10/00/2006.

**Timetable:**

Action	Date	FR Cite
Action Will Continue Through	10/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

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

**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

**RIN:** 2120-AA63

**2224. 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 will issue Airworthiness Directives (AD) as needed to address any unsafe condition in a type certificated product, if that unsafe condition is likely to exist or develop in products of the same type design. Airworthiness Directives are legally enforceable rules that apply to the following type certificated products: aircraft, aircraft engines, propellers, and appliances. Part 39 of title 14 requires each operator of a product affected by an AD to comply with the terms of the AD, to continue to operate that product. The AD may mandate operational limitations, maintenance, or alterations for the affected product. The vast majority of routine and frequent ADs are nonsignificant. Total actions expected—550; 10/00/2005 to 11/00/2006.

**Timetable:**

Action	Date	FR Cite
Actions Will Continue Through	10/00/06	

**Regulatory Flexibility Analysis Required:** No

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

**Government Levels Affected:** None

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

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

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

**RIN:** 2120-AA64

**2225. STANDARD INSTRUMENT APPROACH PROCEDURES**

**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

## DOT—FAA

## Long-Term Actions

in making instrument approaches. Total actions expected—3300; 10/00/2004 to 10/00/2005.

**Timetable:**

Action	Date	FR Cite
Actions Will Continue Through	10/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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

**RIN:** 2120-AA65

Action	Date	FR Cite
NPRM Comment Period End	05/11/90	
Next Action	Undetermined	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** .

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Mark Lash, Civil Aviation Registry, Department of Transportation, Federal Aviation Administration, 6500 South MacArthur Boulevard, Oklahoma City, OK 73169  
Phone: 405-954-4331  
Email: mark.lash@faa.gov

**RIN:** 2120-AD16

**Timetable:**

Action	Date	FR Cite
NPRM	02/28/05	70 FR 9752
Comment Period Extended	04/27/05	70 FR 21688
Final Rule	11/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Timothy Shaver, Avionic Systems Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202-385-4686  
Email: timothy.shaver@faa.gov

**RIN:** 2120-AH88

**2226. +DRUG ENFORCEMENT ASSISTANCE**

**Priority:** Other Significant

**Legal Authority:** 49 USC 106(g); 49 USC 5121 to 5124; 49 USC 40113 to 40114; 49 USC 44101 to 44108; 49 USC 44110 to 44111; 49 USC 44702 to 44703; 49 USC 44704; 49 USC 44709 to 44710; 49 USC 44713; 49 USC 46101 to 46110; 49 USC 46301 to 46316; 49 USC 46501 to 46502; 49 USC 46504 to 46507; 49 USC 47106; 49 USC 47111

**CFR Citation:** 14 CFR 13; 14 CFR 47

**Legal Deadline:** Final, Statutory, September 18, 1989.

**Abstract:** The FAA is withdrawing an NPRM to revise certain requirements concerning registration of aircraft, certification of pilots, and penalties for registration and certification violations. We are withdrawing the document because the relief that the NPRM would have provided has been achieved by other means or is addressed in an NPRM described elsewhere in the regulatory agenda (RIN 2120-AI43). FAA anticipates publishing this withdrawal in the Federal Register at the same time as our proposal to implement the recently enacted picture identification provisions.

**Timetable:**

Action	Date	FR Cite
NPRM	03/12/90	55 FR 9270

**2227. +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; 14 CFR 129; 14 CFR 23; 14 CFR 25; 14 CFR 27; 14 CFR 29; 14 CFR 91

**Legal Deadline:** None

**Abstract:** This rulemaking would amend the cockpit voice recorder (CVR) and digital flight data recorder (DFDR) regulations for certain air carriers, operators, and aircraft manufacturers. It would increase the duration of CVR and flight data recorder (FDR) recordings; increase the data recording rate of certain DFDR parameters; require physical separation of the DFDR and CVR; improve the reliability of the power supply to both the CVR and DFDR; and, if data-link communication equipment is installed, require that all data-link communications received by an aircraft be recorded.

**2228. +DRUG ENFORCEMENT ASSISTANCE**

**Priority:** Other Significant

**Legal Authority:** 49 USC 106(g); 49 USC 40113 to 40114; 49 USC 44101 to 44108; 49 USC 44110 to 44111

**CFR Citation:** 14 CFR 47; 14 CFR 61; 14 CFR 63; 14 CFR 65

**Legal Deadline:** None

**Abstract:** This rulemaking would change the pilot certification and aircraft registration requirements. Pilots would have two years to replace their paper certificates with upgraded, counterfeit-resistant certificates. Student pilots would not be affected. Others who hold airman certificates, such as flight engineers and mechanics, would have five years. Those who transfer ownership of U.S.-registered aircraft would have five days from the transaction to notify the FAA Aircraft Registry. Those who apply for aircraft registration would have to include their printed or typed name with their signature. The purpose of the changes is to assist Federal, State, and local agencies to enforce the Nation's drug laws. The FAA anticipates publishing this NPRM in the Federal Register after completing consideration of how to address recently enacted picture identification provisions. FAA withdrew this rule from OMB on February 24, 2005.

## DOT—FAA

## Long-Term Actions

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Mark Lash, Civil Aviation Registry, Department of Transportation, Federal Aviation Administration, 6500 South MacArthur Boulevard, Oklahoma City, OK 73169  
Phone: 405-954-4331  
Email: mark.lash@faa.gov

**RIN:** 2120-AI43**2229. SAFETY APPROVALS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 70101 to 70121**CFR Citation:** 14 CFR 414**Legal Deadline:** None

**Abstract:** This rulemaking will amend the FAA's commercial space transportation regulations by adding procedures for obtaining a safety approval. Application for a safety approval is strictly voluntary. A safety approval is an FAA determination that a licensed launch or reentry may be conducted using a launch vehicle, reentry vehicle, safety system, process, service, or personnel approved under this part. The safety approval holder could then offer a launch vehicle, reentry vehicle, safety system, process, service, or personnel to prospective launch and reentry licensees for use within a defined and proven envelope. Those licensees would not need added FAA approval of that portion of their license application.

**Timetable:**

Action	Date	FR Cite
NPRM	06/01/05	70 FR 32192
NPRM Comment Period End	08/30/05	
Final Rule	10/00/06	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Charles P Brinkman, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20571  
Phone: 202 267-7715  
Email: charles.brinkman@faa.gov

**RIN:** 2120-AI50

## Department of Transportation (DOT)

## Federal Aviation Administration (FAA)

## Completed Actions

**2230. +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; 44716-44717; 44722; 44901; 44903; 44904; 44912; 46105

**CFR Citation:** 14 CFR 121**Legal Deadline:** NPRM, Statutory, April 28, 1988.

**Abstract:** This action would require that all seats of transport category airplanes used in air carrier operations and 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 Reopened	10/30/98	63 FR 58331
End of Reopened Comment Period	01/08/99	
SNPRM	10/04/02	67 FR 62294
SNPRM Extension of Comment Period	12/03/02	67 FR 71908
Final Action	09/27/05	70 FR 56542

**Regulatory Flexibility Analysis Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** Docket 13464. Project Number: AIR-88-136R.

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

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Hal Jensen, Aircraft Certification Service, Department of Transportation, Federal Aviation

Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202-267-8807

Email: hal.jenson@faa.gov

**RIN:** 2120-AC84**2231. +FLIGHT CREWMEMBER DUTY LIMITATIONS AND REST REQUIREMENTS****Priority:** Economically Significant. Major under 5 USC 801.**Unfunded Mandates:** This action may affect the private sector under PL 104-4.

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

## DOT—FAA

## Completed Actions

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	03/10/96	
NPRM Comment Period Extended to 6/19/96	03/20/96	61 FR 11492
Withdrawn	08/26/05	70 FR 50226

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** Project Number: AFS-94-443R

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

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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**2232. +FALSE AND MISLEADING STATEMENTS REGARDING AIRCRAFT PARTS****Priority:** Other Significant

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

**CFR Citation:** 14 CFR 3**Legal Deadline:** None

**Abstract:** This rulemaking 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. It would also permit increased inspection by the FAA of records regarding the quality of aircraft parts. The additional requirements are needed to help prevent persons from representing parts as suitable for use on civil aircraft when in fact they may not be. The rulemaking is 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	09/16/05	70 FR 54822

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

ANALYSIS: Regulatory Evaluation 03/00/2004

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Beverly Sharkey, Department of Transportation, Federal Aviation Administration, 13873 Park Center Road, Herndon, VA 20171-3223  
Phone: 703 668-3777  
Email: beverly.sharkey@faa.gov

**RIN:** 2120-AG08**2233. +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 rulemaking considered 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 considered information about existing child restraint systems, the development of new and improved child restraint systems, and the ease with which existing or new child restraint systems can be used. This previously published Advance Notice of Proposed Rulemaking sought public comment on issues about the use of child restraint systems (CRSs) in aircraft. The FAA sought crash performance and ease-of-use information about existing and new automotive CRSs, when used in aircraft. The FAA also sought information about the development of any new or improved CRSs designed exclusively for aircraft use. The FAA decided to withdraw this rulemaking because to pursue other options that will mitigate the risk of child injuries and fatalities in aircraft.

**Timetable:**

Action	Date	FR Cite
ANPRM	02/18/98	63 FR 8324
ANPRM Comment Period End	06/18/98	
Withdrawn	08/26/05	70 FR 50226

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Project Number: AFS-97-261R**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** 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**2234. +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

## DOT—FAA

## Completed Actions

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

**CFR Citation:** 14 CFR 121; 14 CFR 135; 14 CFR 119; 14 CFR 145; 14 CFR 145

**Legal Deadline:** None

**Abstract:** This rulemaking amends the FAA's hazardous materials (hazmat) training requirements for air carriers and commercial operators certificated to operate under part 121 or part 135. In addition, the rulemaking requires 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's Hazardous Materials Regulations (HMRs). The FAA is updating its regulations to ensure uniform compliance with training requirements, because hazmat transport and the aviation industry have changed significantly since the FAA promulgated its current hazmat training standards.

**Timetable:**

Action	Date	FR Cite
NPRM	05/08/03	68 FR 24809
NPRM Comment Period End	09/05/03	
Final Action	10/07/05	70 FR 58796

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Janet McLaughlin, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-8434

**RIN:** 2120-AG75

### 2235. 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:** This rulemaking is being terminated at this time due to changes

in rulemaking priorities. We will reconsider this rulemaking when resources become available.

**Timetable:**

Action	Date	FR Cite
Terminated	08/31/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Project Number: ANM-93-725-A.

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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  
Fax: 425-227-1320  
Email: mahinder.wahi@faa.gov

**RIN:** 2120-AH47

### 2236. ESTABLISHMENT OF ORGANIZATION DESIGNATION AUTHORIZATION (ODA) 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 121; 14 CFR 135; 14 CFR 145; 14 CFR 183; 14 CFR 21

**Legal Deadline:** None

**Abstract:** This rulemaking would create an Organization Designation Authorization (ODA) Program that would incorporate all organization designees rules within 14 CFR part 183. It would 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.

**Timetable:**

Action	Date	FR Cite
NPRM	01/21/04	69 FR 2970
NPRM Comment Period End	05/20/04	
Final Action	10/13/05	70 FR 59932

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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

### 2237. +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 Transportation Security Administration that an individual poses a security risk related to aviation. This final rule addressed the security concerns of who should hold a pilot certificate issued by the FAA and is necessary to enhance security in air transportation.

**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	
Final Action	05/16/05	70 FR 25761

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

DOT—FAA

Completed Actions

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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

**RIN:** 2120-AH84

**2238. +STAGE 4 AIRCRAFT NOISE STANDARDS**

**Priority:** Other Significant

**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:** This rulemaking would establish a new noise standard for subsonic jet airplanes and subsonic transport category large airplanes. This noise 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, 2006. 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	12/01/03	68 FR 67329
NPRM Comment Period End	03/01/04	
Final Action	07/05/05	70 FR 38742
Final Action Effective	08/04/05	
Correction	07/20/05	70 FR 41610
Correction Effective Date	07/20/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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

**2239. IMPLEMENTING THE MAINTENANCE PROVISIONS OF BILATERAL AGREEMENTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 106(g); 49 USC 40113; 49 USC 44701; 49 USC 44703; 49 USC 44705; 49 USC 44707; 49 USC 44711; ...

**CFR Citation:** 14 CFR 43

**Legal Deadline:** None

**Abstract:** In 14 CFR section 43.17, the FAA sets the regulations governing maintenance, preventive maintenance, and alterations performed by authorized Canadian persons on U.S. aeronautical products. As presently written, section 43.17 contains constraints that inhibit negotiating bilateral maintenance agreements with Canada. FAA proposes to make two major changes to section 43.17 so as to resolve these constraints. First, FAA would allow shipment of parts directly to Canada from their source. Second, FAA would remove references to specific regulations and refer to "an agreement between the United States and Canada." This change would facilitate agreements between the U.S. and Canada. A change in the agreement would not require a change to the rule as is currently the case.

**Timetable:**

Action	Date	FR Cite
NPRM	05/11/04	69 FR 26254
NPRM Comment Period End	08/09/04	
Final Rule	07/14/05	70 FR 40871

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Leo J. Weston, AFS-306, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-3811  
Fax: 202 267-5112  
Email: leo.weston@faa.gov

**RIN:** 2120-AI19

**2240. +FUEL TANK SAFETY COMPLIANCE EXTENSION (FINAL RULE) AND AGING AIRPLANE PROGRAM UPDATE (NOTICE)**

**Priority:** Other Significant

**Legal Authority:** 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** This action extends the compliance dates for operators to comply with special maintenance program requirements for transport airplane fuel tank systems. This extension is from December 6, 2004, to December 30, 2007. This action is necessary to allow affected operators enough time, after receipt of fuel tank systems maintenance programs from manufacturers, to incorporate necessary revisions into their maintenance programs. In addition, this action will tell the public about the findings of the FAA's review of our Aging Airplane Program and the resulting rulemaking projects. This rulemaking was upgraded from nonsignificant.

**Timetable:**

Action	Date	FR Cite
Final Rule with Request for Comments	07/30/04	69 FR 45936
Request for Comment Period End	08/30/04	
Request for Comment Period Extended	08/23/04	69 FR 51940
End of Extended Comment Period	09/29/04	
Disposition of Comments	07/12/05	70 FR 40168



## DOT—FAA

## Completed Actions

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Mario L Giordano, Aircraft Maintenance Division, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20408  
Phone: 412 262-9024

Fax: 202 267-5115

Email: mario.giordano@faa.gov

**RIN:** 2120-AI20
**2241. 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 Rule	08/05/05	70 FR 45501
Final Rule Effective	09/06/05	

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

**Additional Information:** Project Number: AEE-01-134.

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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-AI25
**2242. USE OF CERTAIN PORTABLE OXYGEN CONCENTRATOR DEVICES ONBOARD AIR CARRIER AIRCRAFT (SFAR 106)**
**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 106(g); 49 USC 1153; 49 USC 40101 to 40103; 49 USC 40113; 49 USC 41721; 49 USC 44105; 49 USC 44111

**CFR Citation:** 14 CFR 121; 14 CFR 125; 14 CFR 135**Legal Deadline:** None

**Abstract:** This rulemaking will address the traveling needs of persons on supplemental oxygen therapy by permitting the use of certain portable oxygen concentrator devices on air carrier aircraft, providing certain conditions are satisfied.

**Timetable:**

Action	Date	FR Cite
NPRM	07/14/04	69 FR 42324
NPRM Comment Period End	08/13/04	
NPRM Comment Period Extended	08/13/04	69 FR 50090
Extended Comment Period End	08/30/04	
Final Rule	07/12/05	70 FR 40155
Final Rule Effective	08/11/05	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** David L Catey, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-3732

Email: david.catey@faa.gov

**RIN:** 2120-AI30
**2243. FAA-APPROVED CHILD RESTRAINT SYSTEMS**
**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 40120; 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 45101 to 45105; 49 USC 46105; 49 USC 46301; 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 121; 14 CFR 125; 14 CFR 135; 14 CFR 91**Legal Deadline:** None

**Abstract:** This rule will amend its operating regulations to allow the use, on board aircraft, of Child Restraint Systems (CRSs) that are approved by the FAA through a Type Certificate, Supplemental Type Certificate, or Technical Standard Order. Current FAA regulations do not allow the use of CRSs other than those that meet specific standards for the automobile environment. The intended effect of this regulation is to reduce the regulatory burden to industry while maintaining or increasing safety.

**Timetable:**

Action	Date	FR Cite
Final Rule	08/26/05	70 FR 50901
Final Rule Effective	09/26/05	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** 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-AI36

## DOT—FAA

## Completed Actions

**2244. AIRPORT NOISE COMPATIBILITY PLANNING****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 106(g); 49 USC 40113; 49 USC 44715; 49 USC 47101; 49 USC 47501 to 47504; 49 USC 106(G); 49 USC 40113; 49 USC 44715; 49 USC 47101; 49 USC 47501 to 47504**CFR Citation:** 14 CFR 150; 14 CFR 150**Legal Deadline:** None**Abstract:** This rule amends the regulations implementing airport noise compatibility planning regulations imposed by Federal laws amending the Aviation Safety and Noise Abatement Act of 1979 (ASNA). These amendments include revisions stemming from changes set forth in the Vision 100 Century of Aviation Reauthorization Act of 2003.**Timetable:**

Action	Date	FR Cite
Final Rule with Request for Comments	09/24/04	69 FR 57622
End of Request for Comments	11/23/04	
Disposition of Comments	05/19/05	70 FR 29065

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Victoria L. Catlett, Federal Aviation Administration, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-8770  
Fax: 202 267-8821  
Email: vicki.catlett@faa.gov**RIN:** 2120-AI37**2245. SECOND-IN-COMMAND TYPE RATING****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 106(g); 49 USC 40113; 49 USC 44701 to 44703; 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 rulemaking establishes a second-in-command (SIC) pilot type rating for those persons who complete the required SIC training. The purpose of this proposal is to conform the FAA pilot type rating requirements with the International Civil Aviation Organization (ICAO) pilot type rating standards and alleviate the difference that the FAA currently has on file with ICAO. The intended effect of this proposal is to allow U.S. flight crews to continue to operate in international airspace without the threat of being grounded for not holding the appropriate pilot type rating.**Timetable:**

Action	Date	FR Cite
NPRM	11/16/04	69 FR 67258
NPRM Comment Period End	12/16/04	
Final Rule	08/04/05	70 FR 45263
Final Rule Effective	09/06/05	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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-AI38**2246. INCORPORATION BY REFERENCE (IBR) REVISION****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 106(g); 49 USC 40103; 49 USC 40106; 49 USC 40113; 49 USC 40114; 49 USC 40120; 49 USC 44502**CFR Citation:** 14 CFR 97**Legal Deadline:** None**Abstract:** This action removes the incorporation by reference of certain FAA Orders and terminal aeronautical charts from the provisions of 14 CFR part 97 and incorporates by reference (IBR) instead instrument procedures that are documented on FAA forms. This change ensures that the appropriate material is incorporated by reference into the FAA's regulations.**Timetable:**

Action	Date	FR Cite
NPRM	10/15/04	69 FR 59756
Final Rule	05/03/05	70 FR 23002
Final Rule Effective	06/02/05	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Thomas E. Schneider, Department of Transportation, Federal Aviation Administration, P. O. Box 25082, Oklahoma City, OK 73125  
Phone: 405 954-5852**RIN:** 2120-AI39**2247. PROPOSED OPERATING LIMITATIONS FOR UNSCHEDULED OPERATIONS AT CHICAGO'S O'HARE INTERNATIONAL AIRPORT****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 US 44719; 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 46301**CFR Citation:** 14 CFR 93**Legal Deadline:** None**Abstract:** The rulemaking will limit the number of unscheduled arrivals at Chicago's O'Hare International Airport (O'Hare) and implement a reservation system for those operations from 7 a.m. through 8:59 p.m., Central Time. This action is consistent with other FAA actions regarding scheduled arrivals at O'Hare.**Timetable:**

Action	Date	FR Cite
NPRM	10/20/04	69 FR 61708
NPRM Comment Period End	11/01/04	
Final Rule	07/08/05	70 FR 39610
Final Rule Effective	08/08/05	

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

dms.dot.gov

**URL For Public Comments:**

## DOT—FAA

## Completed Actions

dms.dot.gov

**Agency Contact:** Gerry Shakley,  
Department of Transportation, Federal  
Aviation Administration, 800  
Independence Avenue SW.,  
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**RIN:** 2120-AI47

**2248. DEFINITION OF COMMUTER AIRCRAFT AT RONALD REAGAN WASHINGTON NATIONAL AIRPORT****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 10109; 49 USC 40103; 49 USC 40106; 49 USC 44502; 49 USC 44514; 49 USC 44701; 49 USC 44719; 49 USC 46301; 49 USC 106(g)**CFR Citation:** 14 CFR 93**Legal Deadline:** None

**Abstract:** The rulemaking will amend the regulations for aircraft permitted to operate in commuter slots at Ronald Reagan Washington National Airport (DCA). This change is necessary to conform the regulations to amendments set forth in the Vision 100 Century of Aviation Reauthorization Act of 2003 (Vision 100) section 426, which increases the maximum seating capacity for aircraft used in commuter slots at DCA.

**Timetable:**

Action	Date	FR Cite
Final Rule	05/19/05	70 FR 29062
Final Rule Effective	05/19/05	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Judine Slaughter,  
Department of Transportation, Federal  
Aviation Administration, 800  
Independence Avenue SW.,  
Washington, DC 20591

Phone: 202 493-4698  
Email: judine.slaughter@faa.gov

**RIN:** 2120-AI58**2249. ADVANCED QUALIFICATION PROGRAM****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 40108; 49 USC 40113; 49 USC 40119; 49 USC 41706; 49 USC 44101; 49 USC 44701 to 44703; 49 USC 44705; 49 USC 44707; 49 USC 44709 to 44713; 49 USC 44713; 49 USC 44714; 49 USC 44715 to 44717; 49 USC 44716; 49 USC 44717; 49 USC 44722; 49 USC 44901; 49 USC 44903 to 44904; 49 USC 44912; 49 USC 45101 to 45105; 49 USC 45301 to 45303; 49 USC 46105; 49 USC 46301; 49 USC 106(g)**CFR Citation:** 14 CFR 121; 14 CFR 135; 14 CFR 61; 14 CFR 63; 14 CFR 65**Legal Deadline:** None

**Abstract:** This rulemaking will codify the requirements of the Advanced Qualification Program (AQP). The AQP would continue as a regulatory alternative program to the traditional training program. AQP would continue to be an alternative for airlines that seek more flexibility in training than the traditional training program allows. Currently, the AQP requirements are in a Special Federal Aviation Regulation that expires on October 2, 2005. The intended effect of this rulemaking is to make AQP a permanent, alternative method of complying with FAA's training requirements for carriers.

**Timetable:**

Action	Date	FR Cite
NPRM	03/30/05	70 FR 16370
Final Action	10/16/05	70 FR 54810

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Thomas Longridge,  
Department of Transportation, Federal

Aviation Administration, P. O. Box  
20027, Dulles International Airport,  
Washington, DC 20041  
Phone: 703 661-0260  
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**RIN:** 2120-AI59**2250. • RELIEF FOR U.S. MILITARY AND CIVILIAN PERSONNEL WHO ARE ASSIGNED OUTSIDE THE UNITED STATES IN SUPPORT OF U.S. ARMED FORCES OPERATIONS****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**CFR Citation:** 14 CFR 61; 14 CFR 63; 14 CFR 65**Legal Deadline:** None

**Abstract:** This rule extends the expiration date for SFAR 100, which allows Flight Standards District Offices (FSDO) to accept expired flight instructor certificates and inspection authorizations for renewals from U.S. military and civilian personnel who are assigned outside the United States in support of U.S. Armed Forces operations.

**Timetable:**

Action	Date	FR Cite
Final Rule	06/30/05	70 FR 37946
Final Action Effective	06/30/05	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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-AI62**BILLING CODE** 4910-13-S

## Department of Transportation (DOT)

## Proposed Rule Stage

## Federal Highway Administration (FHWA)

**2251. +NATIONAL STANDARDS FOR TRAFFIC CONTROL DEVICES; THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS; MAINTAINING TRAFFIC SIGN RETROREFLECTIVITY****Priority:** Other Significant**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:** This action would update the 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
NPRM	07/30/04	69 FR 45623
NPRM Comment Period End	10/28/04	
NPRM Comment Period Extended	10/22/04	69 FR 62007
Extended Comment Period End	02/01/05	
Supplemental NPRM	01/00/06	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** The FHWA, at the request of the American Association of State Highway and Transportation Officials (AASHTO) and the National Committee on the Uniform Traffic Control Devices (NCUTCD), extended the comment period until February 1, 2005. The notice announcing the extension of the comment period was published in the Federal Register on October 22, 2004.**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Peter Hatzi,Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-8036**RIN:** 2125-AE98

## Department of Transportation (DOT)

## Final Rule Stage

## Federal Highway Administration (FHWA)

**2252. PROJECT AUTHORIZATION AND AGREEMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 23 USC 106, 109, 115, 315, 320, and 402(a); 23 CFR 1.32; 49 CFR 1.48(b)**CFR Citation:** 23 CFR 630**Legal Deadline:** None**Abstract:** The FHWA proposes to revise its regulations relating to the obligation of Federal funds for Federal-aid highway projects authorized under title 23, United States Code. This rule would reduce amounts obligated on Federal-aid highway projects when the FHWA determines that the project is not advancing or when the amount of Federal funds obligated on an inactive project exceeds the amount needed to complete the project. Further, the rule

would establish a project completion date in the project agreement, which would be added to all new projects and modifications to existing projects. This action is necessary to reduce the occurrences where funds on inactive projects funded out of the Highway Trust Fund are in excess of what is needed to complete the project. This rule would assist the FHWA and the States in monitoring Federal-aid highway projects to provide more assurances that the amounts of Federal funds obligated reflect the current estimated cost of the project.

**Timetable:**

Action	Date	FR Cite
NPRM	07/11/05	70 FR 39692
NPRM Comment Period End	09/09/05	
Final Action	01/00/06	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** State**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Dale Gray,

Department of Transportation, Federal Highway Administration, Room 4313, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-0978

Email: dale.gray@fhwa.dot.gov

**RIN:** 2125-AF05

## Department of Transportation (DOT)

## Completed Actions

## Federal Highway Administration (FHWA)

**2253. ENVIRONMENTAL IMPACT AND RELATED PROCEDURES****Priority:** Info./Admin./Other**Legal Authority:** 23 USC 315; 23 USC 303; 49 USC 5323 to 5324**CFR Citation:** 23 CFR 771; 49 CFR 622**Legal Deadline:** None**Abstract:** This rule would make technical corrections to the regulation that governs environmental impact procedures for FHWA and FTA. None of the changes are substantive in nature. The technical changes include

correcting the name of the Federal Transit Administration, correcting statutory references that have become outdated, and removing the reference to a program under 23 U.S.C. 105 that has been eliminated.

## DOT—FHWA

## Completed Actions

**Timetable:**

Action	Date	FR Cite
Final Rule	05/09/05	70 FR 24468
Final Rule Effective	06/08/05	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Fred Skaer,  
Department of Transportation, FederalHighway Administration, 400 Seventh  
Street SW., Washington, DC 20590  
Phone: 202 366-2065  
Email: fred.skaer@fhwa.dot.gov**Related RIN:** Related to 2132-AA78**RIN:** 2125-AF04**BILLING CODE** 4910-22-S

## Department of Transportation (DOT)

## Prerule Stage

## Federal Motor Carrier Safety Administration (FMCSA)

**2254. SAFETY FITNESS PROCEDURES; SAFETY RATINGS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 31144**CFR Citation:** 49 CFR 385**Legal Deadline:** None

**Abstract:** FMCSA has decided to withdraw this discretionary rulemaking because the issues have not been sufficiently developed at this time. The agency is currently undertaking a multi-year review of its compliance and enforcement programs entitled Comprehensive Safety Analysis 2010, and it must wait for the outcome of this review (69 FR 51748, 8/20/2004). This rulemaking would reinitiate the 1998 ANPRM that requested public comment on a future rating system that could be used to make safety fitness

determinations and meet the demands of shippers, insurers, and other interested parties in evaluating motor carrier performance. The same or similar questions will be presented to the public again. There is a concern that public comments may be significantly different today than in 1998 because of the time elapsed and the safety status (SafeStat) measurement system that was not available to the public in 1998.

**Timetable:**

Action	Date	FR Cite
ANPRM	07/20/98	63 FR 38788
ANPRM Comment Period End	09/18/98	
Notice of Public Listening Sessions	09/01/04	69 FR 51748
To Be Withdrawn	12/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:**  
Undetermined**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Nikki McDavid,  
Enforcement and Compliance Division,  
Department of Transportation, Federal  
Motor Carrier Safety Administration,  
400 Seventh Street SW., Washington,  
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**RIN:** 2126-AA37

## Department of Transportation (DOT)

## Proposed Rule Stage

## Federal Motor Carrier Safety Administration (FMCSA)

**2255. +COMMERCIAL LEARNER PERMITS****Priority:** Other Significant**Legal Authority:** PL 99-570, title XII,  
100 Stat 3207 (1986); 49 USC 31102  
and 31136**CFR Citation:** 49 CFR 383, 384, 386,  
and 395**Legal Deadline:** None

**Abstract:** FMCSA has decided to withdraw this discretionary rulemaking because it is not expected to achieve a significant impact on safety. In addition, a separate, high-priority Departmental project on national standards for driver's licenses may well overtake this effort. The rulemaking would have established Federal minimum standards for States to issue commercial driver's licenses (CDLs).

FMCSA had scheduled a SNPRM for publication by August 15, 2005.

**Timetable:**

Action	Date	FR Cite
NPRM	08/22/90	55 FR 34478
NPRM Comment Period End	10/22/90	
Comment Period Extended to 11/30/90	10/23/90	55 FR 42741
To Be Withdrawn	12/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses,  
Governmental Jurisdictions**Government Levels Affected:** State**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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**2256. +MEDICAL CERTIFICATION REQUIREMENTS AS PART OF THE CDL****Regulatory Plan:** This entry is Seq. No. 92 in part II of this issue of the **Federal Register**.**RIN:** 2126-AA10

## DOT—FMCSA

## Proposed Rule Stage

**2257. +NEW ENTRANT SAFETY ASSURANCE PROCESS****Priority:** Other Significant**Unfunded Mandates:** Undetermined**Legal Authority:** PL 106–159, sec 210; 113 Stat 1748 (1999); PL 107–87, sec 350; 49 USC 31144**CFR Citation:** 49 CFR 385**Legal Deadline:** None

**Abstract:** This rulemaking would 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 would be able to operate for 18 months in which time they must pass a safety review in order to receive permanent operating authority. A rule is necessary to clarify that all foreign motor carriers planning to operate in interstate commerce (except Mexico-domiciled motor carriers who are covered under the NAFTA rules) will be subject to these requirements.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule (IFR)	05/13/02	67 FR 31978
Interim Final Rule Comment Period End	07/12/02	
Interim Final Rule Effective	01/01/03	
NPRM	01/00/06	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** Docket No. FMCSA-2001-11061**URL For More Information:** dms.dot.gov**URL For Public Comments:** dms.dot.gov

**Agency Contact:** James Davis, Enforcement and Compliance Division, Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366–6406  
Email: james.davis@fmcsa.dot.gov

**RIN:** 2126–AA59**2258. +PENALTIES, INSPECTION, AND DECAL DISPLAY REQUIREMENTS FOR MEXICO–DOMICILED MOTOR CARRIERS****Priority:** Other Significant**Legal Authority:** sec 350, PL 107–87; 49 USC 31136 and 31502**CFR Citation:** 49 CFR 386; 49 CFR 396**Legal Deadline:** None

**Abstract:** This rulemaking would amend part 396 of the Federal Motor Carrier Safety Regulations (FMCSRs) to incorporate requirements, as codified in parts 365 and 385, that all CMVs 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 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 rulemaking would also clarify that carriers will be required to obtain the necessary inspection decal before proceeding beyond border ports of entry or the nearby CMV safety inspection facility. By providing for more effective enforcement of the inspection decal requirements, this rule will help ensure that these motor carriers operate safe vehicles in the United States. The last “new projected date” showed a publication date of 7/11/2005.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**URL For More Information:** dms.dot.gov**URL For Public Comments:** dms.dot.gov

**Agency Contact:** Thomas Kozlowski, Office of Safety Programs, Department of Transportation, Federal Motor Carrier Safety Administration, MC–ES, Room 8314, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366–4049

**RIN:** 2126–AA72**2259. +INSPECTION, REPAIR, AND MAINTENANCE OF INTERMODAL CONTAINER CHASSIS****Priority:** Other Significant**Unfunded Mandates:** Undetermined**Legal Authority:** 49 USC 31136 and 31502**CFR Citation:** 49 CFR 385, 390, 393, and 396**Legal Deadline:** None

**Abstract:** This rulemaking would require entities that offer intermodal container chassis for transportation in interstate commerce to: File a Motor Carrier Identification Report (Form MCS-150); display a USDOT identification number on each chassis offered for such transportation; establish a systematic inspection, repair, and maintenance program to ensure the safe operating condition of each chassis offered for transportation and maintain documentation of the program; and provide a means for effectively responding to driver and motor carrier complaints about the condition of intermodal container chassis. The rulemaking is considered significant because of substantial industry and congressional interest and because it involves other departmental modes. This rulemaking is on hold because the legislative language in reauthorization impacts development of this rulemaking.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/06	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Undetermined**URL For More Information:** dms.dot.gov**URL For Public Comments:** dms.dot.gov

**Agency Contact:** Larry W. Minor, Director, Office of Bus and Truck Standards and Operations, Department of Transportation, Federal Motor Carrier Safety Administration, MC–PSV, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366–4009  
Email: larry.minor@fmcsa.dot.gov

**Related RIN:** Related to 2126–AA38**RIN:** 2126–AA86

## DOT—FMCSA

## Proposed Rule Stage

**2260. +ELECTRONIC ON-BOARD RECORDERS FOR HOURS-OF-SERVICE COMPLIANCE**

**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 31502; 49 USC 31136(a); PL 104-88

**CFR Citation:** 49 CFR 395.15

**Legal Deadline:** None

**Abstract:** This rulemaking is considering potential amendments to FMCSA regulations concerning the use of electronic on-board recording devices as a way to document compliance with the Federal hours-of-service rules. The agency is seeking information on issues to be considered in the development of improved performance specifications for these recording devices. This will help ensure that future requirements for the use of on-board recorders are appropriate when applied to emerging technologies. This action is considered significant because of substantial industry and public interest and its importance in responding to a recent court decision.

**Timetable:**

Action	Date	FR Cite
ANPRM	09/01/04	69 FR 53386
ANPRM Comment Period End	11/30/04	
NPRM	02/00/06	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

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

**Government Levels Affected:** None

**Additional Information:** Docket No. FMCSA-2004-18940.

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Deborah M. Freund, Senior Transportation Specialist, Office of Bus and Truck Standards and Operations, Department of

Transportation, Federal Motor Carrier Safety Administration, MC-PSV, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-4009

**RIN:** 2126-AA89

**2261. +PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATIONS; SURGE BRAKE REQUIREMENTS**

**Priority:** Other Significant

**Legal Authority:** 49 USC 31136(a) and 31502(b)

**CFR Citation:** 49 CFR 393

**Legal Deadline:** None

**Abstract:** This rulemaking would amend the Federal Motor Carrier Safety Regulations (FMCSRs) to allow the use of automatic hydraulic inertia brake systems (surge brakes) on trailers operated in interstate commerce, in response to a petition for rulemaking from the Surge Brake Coalition. Currently, surge brakes are not considered by FMCSA to comply with the requirements that all brakes on a commercial motor vehicle (CMV) be capable of operating at all times, and that a single valve (or brake application control mechanism) apply the brakes on the towing unit and trailer, simultaneously. The intent of this rulemaking is to adopt performance-based brake system requirements to allow the use of surge brakes on certain combinations of CMVs, based upon engineering test data submitted by the Surge Brake Coalition.

**Timetable:**

Action	Date	FR Cite
NPRM	10/07/05	70 FR 58657
NPRM Comment Period End	12/06/05	
Final Action	To Be Determined	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Luke Loy, Mechanical Engineer, Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-4009  
Fax: 202 366-8842  
Email: luke.loy@fmcsa.dot.gov

**RIN:** 2126-AA91

**2262. • +MOTOR CARRIERS OF PROPERTY; EXEMPTION FROM FILING FINANCIAL AND OPERATING STATISTICS**

**Priority:** Other Significant

**Legal Authority:** 49 USC 13541

**CFR Citation:** 49 CFR 369

**Legal Deadline:** None

**Abstract:** This rulemaking will respond to a petition from the Truckload Carriers Association (TCA) requesting the Department of Transportation (DOT) to eliminate financial reporting requirements (under 49 U.S.C. 14123 and 49 CFR 1420) for all affected motor carriers of property (approximately 3,000 carriers) by exercising the DOT Secretary's blanket exemption authority under 49 U.S.C. 13541.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Charlene Sanders, Office of Chief Counsel, Department of Transportation, Federal Motor Carrier Safety Administration, Room 8A06, Federal Building, 819 Taylor Street, Fort Worth, TX 76102  
Phone: 817 978-3796

**Related RIN:** Related to 2126-AA92

**RIN:** 2126-AA93

Department of Transportation (DOT)

Final Rule Stage

Federal Motor Carrier Safety Administration (FMCSA)

**2263. +UNIFIED REGISTRATION SYSTEM**

**Regulatory Plan:** This entry is Seq. No. 93 in part II of this issue of the Federal Register.

**RIN:** 2126-AA22

**2264. +HOURS OF SERVICE OF DRIVERS; SUPPORTING DOCUMENTS**

**Priority:** Other Significant

**Legal Authority:** PL 103-311, sec 113; 108 Stat 1673, 1676 (1994); 49 USC 504; 49 USC 14122, 31133, 31136, and 31502

**CFR Citation:** 49 CFR 385, 390, and 395

**Legal Deadline:** Final, Statutory, February 1996.

**Abstract:** This rulemaking would amend the hours-of-service recordkeeping requirements to clarify what supporting documents motor carriers must have to validate hours of service records. It will clarify: That the duty of motor carriers is to verify the accuracy of drivers' hours of service (HOS) and records of duty status (RODS) if including automatic on-board records; that the driver's duty is to collect and submit to the motor carrier all supporting documents with the RODS; that carriers are required to maintain supporting documents with the RODS; and that a supporting document based on a self-monitoring system is required to be the primary method for ensuring compliance with the HOS regulations. It would allow the use of electronic documents as a supplement to, and in certain instances in lieu of, paper supporting documents in recognition of developing technologies. It would clarify the definitions of "supporting documents," "employee," and "driver," and the current requirement that each motor carrier use a self-monitoring system to verify HOS and RODS. This rulemaking is considered significant because of substantial industry interest and safety.

**Timetable:**

Action	Date	FR Cite
NPRM	04/20/98	63 FR 19457
NPRM Comment Period End	06/19/98	
Supplemental NPRM with Request for Comments	11/03/04	69 FR 63997
SNPRM Comment Period End	01/03/05	
Final Rule	04/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** Docket No. FMCSA-98-3706.

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

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

**Agency Contact:** Jerry Fulnecky, Office of Enforcement and Compliance, Department of Transportation, Federal Motor Carrier Safety Administration, MC-EC, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-2096

**Related RIN:** Split from 2126-AA23

**RIN:** 2126-AA76

**2265. +QUALIFICATIONS OF MOTOR CARRIERS TO SELF-INSURE THEIR OPERATIONS AND FEES TO SUPPORT THE APPROVAL AND COMPLIANCE PROCESS; WITHDRAWAL**

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

**Legal Authority:** 49 USC 13906, 31138, and 31139

**CFR Citation:** 49 CFR 387

**Legal Deadline:** None

**Abstract:** This action would withdraw a proposed rulemaking that solicited comments on the need for additional backup collateral or security to protect the public against uncompensated losses. The rule would also have amended the regulations governing qualifications of motor carriers seeking authorization to self-insure their transportation operations. The NPRM was issued by FHWA (RIN 2125-AE06). When FMCSA was created, this rulemaking was transferred and reassigned to FMCSA as RIN 2126-AA28. RIN 2126-AA28 was inadvertently deleted in the May 14, 2001 Spring Semiannual Agenda (66 FR 25885). The proposed rule is no longer necessary because these issues are now part of RIN 2126-AA22.

**Timetable:**

Action	Date	FR Cite
To Be Withdrawn	10/00/05	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** None

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

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

**Agency Contact:** Valerie Height, Transportation Specialist, Office of Policy Plans and Regulation (MC-PRR), Department of Transportation, Federal Motor Carrier Safety Administration, MC-PRR, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-0901

**RIN:** 2126-AA82

**2266. CARGO SECUREMENT STANDARDS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 31136 and 31502

**CFR Citation:** 49 CFR 393

**Legal Deadline:** None

**Abstract:** This rulemaking would amend the Federal Motor Carrier Safety Regulations relating to protection against shifting and falling cargo to clarify several provisions, and to include regulatory language that was inadvertently omitted from the final rule published on 09/27/2002 (67 FR 61212). It would also address issues raised by motor carriers, industry groups, State enforcement agencies, and the Canadian Council of Motor Transport Administrators.

**Timetable:**

Action	Date	FR Cite
NPRM	06/08/05	70 FR 33430
NPRM Comment Period End	08/08/05	
Final Action	03/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Docket No. FMCSA-2005-21259

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

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

**Agency Contact:** Larry W. Minor, Director, Office of Bus and Truck Standards and Operations, Department of Transportation, Federal Motor Carrier Safety Administration, MC-PSV, 400 Seventh Street SW., Washington, DC 20590



## DOT—FMCSA

## Final Rule Stage

Phone: 202 366-4009  
Email: larry.minor@fmcsa.dot.gov

**Related RIN:** Related to 2126-AA27

**RIN:** 2126-AA88

**2267. • MOTOR CARRIER REPORTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Not Yet Determined

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** This final rule will transfer to FMCSA the Research and Innovative

Technology Administration's (RITA's) regulations governing reports of motor carriers, which had been the responsibility of the former Bureau of Transportation Statistics (BTS). This rule will also establish new part 369 [49 CFR part 369].

**Timetable:**

Action	Date	FR Cite
Final Rule	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

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

**Agency Contact:** Lorena Beauchesne, Regulatory Development Division, Office of Policy Plans and Regulation (MC-PRR), Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-5043

**RIN:** 2126-AA92

## Department of Transportation (DOT)

## Long-Term Actions

## Federal Motor Carrier Safety Administration (FMCSA)

**2268. +RAILROAD-HIGHWAY GRADE CROSSING SAFETY**

**Priority:** Other Significant

**Legal Authority:** sec 112, PL 103-311; 108 Stat 1673, 1676 (1994); 49 USC 5101, 31136, and 31502

**CFR Citation:** 49 CFR 392

**Legal Deadline:** Final, Statutory, February 26, 1995.

**Abstract:** This rulemaking would prohibit operators of commercial motor vehicles (CMVs) from driving onto a railroad grade crossing unless there is sufficient space to drive completely through the crossing without stopping. It is intended to reduce the incidence of collisions between trains and CMVs. This rulemaking action is required by the Hazardous Materials Transportation Authorization Act of 1994; however, FMCSA and FRA have not found a feasible or cost-beneficial way to meet the statutory requirement. This action is considered significant because of substantial public interest and safety issues. FMCSA originally planned to publish a NPRM by March 31, 2003.

**Timetable:**

Action	Date	FR Cite
NPRM	07/30/98	63 FR 40691
NPRM Comment Period End	11/27/98	
Notice of public meeting	10/29/99	64 FR 58372
Date of Public Meeting	11/09/99	
Next Action	Undetermined	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Local, State

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

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

**Agency Contact:** Larry W. Minor, Director, Office of Bus and Truck Standards and Operations, Department of Transportation, Federal Motor Carrier Safety Administration, MC-PSV, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-4009  
Email: larry.minor@fmcsa.dot.gov

**RIN:** 2126-AA18

**2269. GENERAL JURISDICTION OVER FREIGHT FORWARDER SERVICE**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 13903

**CFR Citation:** 49 CFR 373

**Legal Deadline:** None

**Abstract:** This rulemaking would provide notice of the FMCSA's general jurisdiction over all segments of the freight forwarding industry (not just household goods freight forwarders), consistent with the ICC Termination Act of 1995. This action is on hold.

**Timetable:**

Action	Date	FR Cite
NPRM	01/28/97	62 FR 4096
NPRM Comment Period End	03/31/97	
Next Action	Undetermined	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

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

**Agency Contact:** Lorena Beauchesne, Regulatory Development Division, Office of Policy Plans and Regulation (MC-PRR), Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-5043

**RIN:** 2126-AA25

**2270. +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

**Legal Deadline:** None

**Abstract:** This rulemaking changes FMCSA regulations to govern applications by Mexican carriers to operate beyond municipalities and commercial zones at the United State-Mexico border. It also revises the application form, OP-1MX, to be filed by these Mexican motor carriers. The revised form requires additional information about the applicant's

DOT—FMCSA

Long-Term Actions

business and operating practices to allow the FMCSA to determine if the applicant can meet the safety standards established for operating in interstate commerce in the United States. Carriers that had previously submitted an application would have to submit the updated form. These changes are needed to implement part of the North American Free Trade Agreement (NAFTA). On January 16, 2003, the Ninth Circuit Court remanded this rule, along with two other NAFTA-related rules, to the agency, requiring a full environmental impact statement and an analysis required by the Clean Air Act. On June 7, 2004, the Supreme Court reversed the Ninth Circuit and remanded the case, holding that FMCSA is not required to prepare the environmental documents as ruled by the Ninth Circuit. FMCSA is waiting for Interim Final Rule experience after the border opens before deciding what to do next on this rulemaking. FMCSA originally planned to publish a Final Rule by November 28, 2003.

**Timetable:**

Action	Date	FR Cite
NPRM	05/03/01	66 FR 22371
NPRM Comment Period End	07/02/01	
Interim Final Rule (IFR)	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
Next Action Undetermined		

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Thomas Kozlowski, Office of Safety Programs, Department of Transportation, Federal Motor Carrier Safety Administration, MC-ES, Room 8314, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-4049

**RIN:** 2126-AA34

**2271. +SAFETY MONITORING SYSTEM AND COMPLIANCE INITIATIVE FOR MEXICO-DOMICILED MOTOR CARRIERS OPERATING IN THE UNITED STATES**

**Priority:** Other Significant

**Legal Authority:** sec 350, PL 107-87; 49 USC 113, 504, and 521(b)(5)(A); 49 USC 5113, 31136, 31144, and 31502

**CFR Citation:** 49 CFR 385

**Legal Deadline:** None

**Abstract:** This rule would implement a safety monitoring system and compliance initiative designed to evaluate the continuing safety fitness of all Mexico-domiciled carriers within 18 months after receiving a provisional Certificate of Registration or provisional authority to operate in the United States. It also would establish suspension and revocation procedures for provisional Certificates of Registration and operating authority, and incorporate 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. On January 16, 2003, the Ninth Circuit Court of Appeals remanded this rule, along with two other NAFTA-related rules, to the agency, requiring a full environmental impact statement and an analysis required by the Clean Air Act. On June 7, 2004, the Supreme Court reversed the Ninth Circuit and remanded the case, holding that FMCSA is not required to prepare the environmental documents. FMCSA is waiting for Interim Final Rule experience after the border opens before deciding what to do next on this rulemaking. FMCSA originally planned to publish a Final Rule by November 28, 2003.

**Timetable:**

Action	Date	FR Cite
NPRM	05/03/01	66 FR 22415
NPRM Comment Period End	07/02/01	
Interim Final Rule	03/19/02	67 FR 12758
Interim Final Rule Comment Period End	04/18/02	
Interim Final Rule Effective	05/03/02	
Notice of Intent To Prepare an EIS	08/26/03	68 FR 51322

Action	Date	FR Cite
EIS Public Scoping Meetings	10/08/03	68 FR 58162
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** Yes

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

**Government Levels Affected:** State

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

**Additional Information:** .

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Darrell Ruban, Enforcement and Compliance Division, Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-9699

Email: darrell.ruban@fmcsa.dot.gov

**RIN:** 2126-AA35

**2272. +CERTIFICATION OF SAFETY AUDITORS, SAFETY INVESTIGATORS, AND SAFETY INSPECTORS**

**Priority:** Other Significant

**Legal Authority:** sec 211, PL 106-159; 113 Stat 1754 (1999); sec 350, PL 107-87; 49 USC 31148

**CFR Citation:** 49 CFR 385

**Legal Deadline:** Final, Statutory, December 9, 2000.

**Abstract:** This rulemaking requires that any safety inspection, audit, or review be conducted by a certified investigator. It specifically gives FMCSA authority to decertify an investigator, including a third-party investigator, for failure to meet the prescribed certification standards. It is required by section 211 of the Motor Carrier Safety Improvement Act. Based on comments to the IFR, the agency will issue an NPRM that addresses issues not raised in the IFR.

**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

## DOT—FMCSA

## Long-Term Actions

Action	Date	FR Cite
IFR Date Effective	06/17/02	
IFR; Ext. 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	
Notice; statutory compliance date	12/23/03	68 FR 74287
Proposed Rule	05/00/07	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** Docket Nos. FMCSA-2001-11060 and FMCSA-2003-15642.**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Joelle Serot, Enforcement and Compliance Division, Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-8577

Email: joelle.serot@fmcsa.dot.gov

**RIN:** 2126-AA64**2273. +LIMITATIONS ON THE ISSUANCE OF COMMERCIAL DRIVER LICENSES WITH A HAZARDOUS MATERIALS ENDORSEMENT****Priority:** Other Significant**Legal Authority:** sec 1012, PL 107-56; 115 Stat 272 (2001); 49 USC 5103a**CFR Citation:** 49 CFR 383**Legal Deadline:** None

**Abstract:** This rulemaking would prohibit States from issuing, renewing, transferring or upgrading a commercial driver's license (CDL) with a hazardous materials endorsement, unless the Transportation Security Administration (TSA) has first conducted a background check on the applicant and determined the applicant does not pose a security risk warranting denial of the hazardous materials endorsement. FMCSA and TSA simultaneously published interim final rules. FMCSA has published another IFR corresponding to TSA's extension of compliance date. This action is considered significant because of substantial public and congressional interest, and national security.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	05/05/03	68 FR 23844
IFR Effective	05/05/03	
IFR Comment Period End	07/07/03	
Compliance Date Delayed	11/07/03	68 FR 63030
Comment Period End	01/06/04	
Second Delay of Compliance Date to	08/19/04	69 FR 51391
	01/31/2005	
IFR	04/29/05	70 FR 22268
Interim Final Rule Effective	04/29/05	

Next Action Undetermined

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** State**Additional Information:** Docket No. FMCSA-2001-11117**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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**2274. +ENFORCEMENT OF OPERATING AUTHORITY REQUIREMENTS****Priority:** Other Significant**Legal Authority:** PL 106-159, sec 205; 113 Stat 1748, 1762 (1999); 49 USC 13902(e)**CFR Citation:** 49 CFR 350 and 392**Legal Deadline:** None

**Abstract:** This rulemaking would require that a motor carrier who is subject to registration requirements at 49 U.S.C. 13902 may not operate a CMV in interstate commerce unless it has registered with FMCSA. It also would prohibit motor carriers from operating beyond the scope of their registered authorization. Moreover, if vehicles are discovered operating in violation of such registration requirements, they would be placed out of service, and the carrier may be

subject to additional penalties. This action makes State enforcement of registration requirements a condition of MCSAP eligibility.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	08/28/02	67 FR 55162
IFR Effective	09/27/02	
IFR Comment Period End	10/28/02	
Final Action	06/00/07	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Governmental Jurisdictions**Government Levels Affected:** Local, State**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** David Mancl, Enforcement and Compliance Division, Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 493-0442

Email: david.mancl@fmcsa.dot.gov

**RIN:** 2126-AA78**2275. +BROKERS OF HOUSEHOLD GOODS TRANSPORTATION BY MOTOR VEHICLE****Priority:** Other Significant**Unfunded Mandates:** Undetermined**Legal Authority:** 49 USC 13501, 13901, and 13902**CFR Citation:** 49 CFR 371**Legal Deadline:** None

**Abstract:** The agency has granted the American Moving and Storage Association's petition for rulemaking. FMCSA will determine in this rulemaking whether the general property broker regulations under part 371 need to be amended to protect consumers of household goods.

**Timetable:**

Action	Date	FR Cite
ANPRM	12/22/04	69 FR 76664
ANPRM Comment Period End	02/22/05	
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** No

## DOT—FMCSA

## Long-Term Actions

**Small Entities Affected:** No

dms.dot.gov

Motor Carrier Safety Administration,  
400 Seventh Street SW., Washington,  
DC 20590**Government Levels Affected:**  
Undetermined**URL For Public Comments:**  
dms.dot.gov

Phone: 202 366-9699

**Additional Information:** Docket No.  
FMCSA-2004-17008.**Agency Contact:** Darrell Ruban,  
Enforcement and Compliance Division,  
Department of Transportation, Federal

Email: darrell.ruban@fmcsa.dot.gov

**URL For More Information:****RIN:** 2126-AA84

## Department of Transportation (DOT)

## Completed Actions

## Federal Motor Carrier Safety Administration (FMCSA)

**2276. +COMMERCIAL DRIVER'S  
LICENSE STANDARDS; BIOMETRIC  
IDENTIFIER****Priority:** Other Significant**Legal Authority:** sec 9105(a), PL  
100-690; 102 Stat. 4527, 4530 (1988);  
sec 4011(c), PL 105-178; 112 Stat. 107  
(1998)**CFR Citation:** 49 CFR 383**Legal Deadline:** Final, Statutory,  
December 31, 1990.

**Abstract:** FMCSA withdrew this rulemaking because it determined that the agency had met the statutory objective through other efforts. In addition, FMCSA did not want to take action that might interfere with other ongoing Government efforts to use biometrics in personal identification documents. FMCSA would have established minimum uniform standards for a biometric identification system for CMV operators, as directed by section 9105 of the Truck and Bus Safety and Regulatory Reform Act of 1988. In 1989, the FHWA published an ANPRM soliciting comments on a pilot demonstration project using biometric identifiers that included retinal eye scans and fingerprint technologies. After reviewing the comments, FHWA determined at the time that technology had not progressed to where a nationwide identification system could be cost-effective and provide the necessary benefits. In March 1991, FHWA published a document entitled "ANPRM; additional information" with results of the pilot study and summary of comments to the 1989 ANPRM, to demonstrate how the technologies studied fell short of the demands in the commercial licensing environment at the time. Section 4011(c) of TEA-21 required each CDL issued by the States after January 1, 2001, to have unique identifiers (which may include biometric identifiers). FMCSA undertook a pilot study on 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 was completed, and a final report was issued in December 2002. FMCSA was considering setting biometric storage and transmission standards which States would use if they voluntarily wished to store fingerprint images and transmit such images to other States upon request.

**Timetable:**

Action	Date	FR Cite
ANPRM	05/15/89	54 FR 20875
ANPRM Comment Period End	07/14/89	
Additional information. No effective date and no request for comments.	03/08/91	56 FR 9925
Withdrawn	05/09/05	70 FR 24358

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses,  
Governmental Jurisdictions**Government Levels Affected:** State**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Carol Gore, CDL  
Team Leader, Department of  
Transportation, Federal Motor Carrier  
Safety Administration, 400 Seventh  
Street SW., Washington, DC 20590  
Phone: 202 366-4013  
Fax: 202 366-7908  
Email: carol.gore@fmcsa.dot.gov**RIN:** 2126-AA01**2277. +QUALIFICATION OF DRIVERS;  
FIELD OF VISION****Priority:** Other Significant**Legal Authority:** 49 USC 504; 49 USC  
31502**CFR Citation:** 49 CFR 391**Legal Deadline:** None

**Abstract:** FMCSA has decided to withdraw this discretionary rulemaking and refer the issue to its Medical Review Board that is currently under development. The Agency believes this would be a more appropriate first step in addressing this issue. The Federal Highway Administration (FHWA) issued an ANPRM in February of 1992 to consider whether to amend the driver qualification requirements regarding the vision standard, as part of a review of the medical qualification standards for interstate CMV drivers. A temporary waiver program was initiated to permit the agency to observe and collect data on the driving experience of a group of vision-deficient drivers who met certain preconditions, and was concluded on March 31, 1996. FHWA 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 ( 61 FR 28547). FHWA contracted with a medical center to develop medically-based recommendations for amending the current Federal vision requirements. Recommendations were delivered in October 1998.

**Timetable:**

Action	Date	FR Cite
ANPRM	02/28/92	57 FR 6793
ANPRM Comment Period End	04/28/92	
Information Notice	06/05/96	61 FR 28547
Withdrawn	08/29/05	70 FR 51001

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

## DOT—FMCSA

## Completed Actions

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).

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Dr. Mary D. Gunnels, Chief, Physical Qualifications Division (MC-PSP), Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-4001  
Email: maggi.gunnels@fmcsa.dot.gov

**RIN:** 2126-AA05

### 2278. 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

**Legal Deadline:** None

**Abstract:** This rule amends the FMCSA's rules of practice for motor carrier safety, hazardous materials, and other enforcement proceedings, including motor carrier safety rating appeals, driver qualification proceedings and its schedule of penalties for violations of the FMCSRs and the HMRs. Provisions on investigative authority and procedures and general motor carrier responsibilities were also added. Given the first SNPRM was issued 10/21/96 by the FHWA, a second SNPRM proposed further revisions to increase the efficiency of the procedures, enhance due process and the awareness of the public and regulated community, and accommodate recent program changes.

**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
Supplemental NPRM Comment Period End	11/20/96	

Action	Date	FR Cite
Second SNPRM	10/20/04	69 FR 61617
Second SNPRM Comment Period End	12/06/04	
Final Rule	05/18/05	70 FR 28467
Final Rule Effective	11/14/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Jackie Cho, Office of the Chief Counsel, Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-3794  
Email: jackie.cho@fmcsa.dot.gov

**RIN:** 2126-AA15

### 2279. +TRANSPORTATION OF HOUSEHOLD GOODS; CONSUMER PROTECTION REGULATIONS (COMPLETION OF A SECTION 610 REVIEW)

**Priority:** Other Significant

**Legal Authority:** PL 74-255, ch 468 (1935); PL 104-88, 109 Stat 803 (1995); PL 106-59; 49 USC 13101, 13301, 13501 et seq, 14104, 14708, 14901 et seq, and 14912

**CFR Citation:** 49 CFR 375 and 377

**Legal Deadline:** None

**Abstract:** This rule adopted as final the interim regulations governing interstate transportation of household goods, which clarifies the roles and responsibilities for household goods carriers and consumers. The Agency had made a number of technical amendments to the interim rules to address the concerns of petitioners.

**Timetable:**

Action	Date	FR Cite
NPRM	05/15/98	63 FR 27126
NPRM Comment Period End	07/14/98	
NPRM Comment Period Reopened	08/12/98	63 FR 43128
NPRM Comment Period End	10/13/98	
Interim Final Rule (IFR)	06/11/03	68 FR 35064
IFR Effective	09/09/03	

Action	Date	FR Cite
IFR Compliance Date Delayed	09/30/03	68 FR 56208
Technical Amendments to IFR	03/05/04	69 FR 10570
Technical Admendments Clarified and New Compliance Date	04/02/04	69 FR 17313
Technical Amendments Effective	04/05/04	
Technical Amendments and Compliance Date Effective	05/05/04	
Correcting Amendments	08/05/04	69 FR 47386
Final Rule	07/12/05	70 FR 39949
Final Rule Effective	08/11/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** Docket No. FMCSA-97-2979.

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Joy Dunlap, Acting Chief, Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
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**RIN:** 2126-AA32

### 2280. PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION; GENERAL AMENDMENTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 102-240, sec 1041(b); 105 Stat 1914 (1991); 49 USC 31136 and 31502

**CFR Citation:** 49 CFR 392 and 393

**Legal Deadline:** None

**Abstract:** This rulemaking amends part 393 of the Federal Motor Carrier Safety Regulations by: Removing obsolete and redundant regulations; responding to several petitions for rulemaking; providing improved definitions of vehicle types, systems, and components; resolving inconsistencies between part 393 and NHTSA's Federal Motor Vehicle Safety Standards (49 CFR 571); and codifying certain

## DOT—FMCSA

## Completed Actions

FMCSA regulatory guidance concerning the requirements of part 393. Generally, the amendments do not establish new or more stringent requirements but provide 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 Rule	08/15/05	70 FR 48008
Final Rule Effective	09/14/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Jeffrey Van Ness, Division of Vehicle and Roadside Operations (MC-PSV), Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
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**RIN:** 2126-AA61

**2281. +CERTIFICATION OF COMPLIANCE WITH FEDERAL MOTOR VEHICLE SAFETY STANDARDS (FMVSS)**

**Priority:** Other Significant

**Legal Authority:** sec 1041(b), PL 102-240 ; 105 Stat 1914 (1991); 49 USC 30112, 30115, 31136 and 31502; 49 CFR 1.73

**CFR Citation:** 49 CFR 393.8

**Legal Deadline:** None

**Abstract:** FMCSA withdrew this rulemaking. Upon evaluation of information presented in the comments to the NPRM, Congressional action in section 132 of the 2005 Consolidated Appropriations Act, and consultations with NHTSA, FMCSA determined this regulation is not necessary to ensure the safe operation of commercial motor vehicles. This rulemaking would have required motor carriers to ensure that each CMV they operate in interstate

commerce displays a label certifying that the vehicle complies with all applicable FMVSSs in effect on the date of manufacture. FMCSA and NHTSA will undertake nonrulemaking actions to ensure 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.

**Timetable:**

Action	Date	FR Cite
NPRM	03/19/02	67 FR 12782
NPRM Comment Period End	05/29/02	
Withdrawn	08/26/05	70 FR 50269

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Docket No.

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Deborah M. Freund, Senior Transportation Specialist, Office of Bus and Truck Standards and Operations, Department of Transportation, Federal Motor Carrier Safety Administration, MC-PSV, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-4009

**Related RIN:** Related to 2127-AI59, Related to 2127-AI60, Related to 2127-AI64

**RIN:** 2126-AA69

**2282. ACUTE AND CRITICAL VIOLATIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 113, 504, and 521(b); 49 USC 5113, 31136, 31144, 31148, and 31502

**CFR Citation:** 49 CFR 385

**Legal Deadline:** None

**Abstract:** This rulemaking is terminated because the agency plans further examination of its acute and critical violation structure. It would have modified appendix B to part 385 to update the factors and regulations affecting a motor carrier's safety fitness. 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
Terminated	05/20/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:**

Undetermined

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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

**2283. TITLE VI REGULATIONS FOR FMCSA FINANCIAL ASSISTANCE RECIPIENTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 106-159, sec 106(b); 113 Stat 1748, 1757 (1999); 42 USC 2000d

**CFR Citation:** 49 CFR 303

**Legal Deadline:** None

**Abstract:** This action clarifies and modifies the applicability of DOT (49 CFR 21) and FHWA (23 CFR 200) title VI regulations as they relate to FMCSA grant recipients, consistent with section 106(b) of the Motor Carrier Safety Improvement Act of 1999.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	02/14/05	70 FR 7411
Interim Final Rule Effective	03/16/05	
Interim Final Rule Comment Period End	04/15/05	
Final Action	10/07/05	70 FR 58616
Final Action Effective	11/06/05	

**Regulatory Flexibility Analysis**

**Required:** No

## DOT—FMCSA

## Completed Actions

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

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

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

**Agency Contact:** Carmen Sevier, Office of Civil Rights, Department of Transportation, Federal Motor Carrier Safety Administration, (MC-CR), Room 8203, 400 Seventh Street SW., Washington, DC 20590  
 Phone: 202 366-4330

**RIN:** 2126-AA79

#### 2284. +HOURS OF SERVICE OF DRIVERS

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

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

**Legal Authority:** Motor Carrier Safety Acts of 1935, 1984 and 1985. ICC Termination Act of 1995.

**CFR Citation:** 49 CFR 385; 49 CFR 390; 49 CFR 395

**Legal Deadline:** Final, Statutory, September 30, 2005.  
 Final, Judicial, September 30, 2005.

**Abstract:** This rulemaking re-examined the April 2003 hours of service (HOS) final rule in response to a July 16, 2004, decision by the U.S. Court of Appeals for the District of Columbia Circuit that overturned the rule, specifically due to concerns about the regulations' impact on the health of drivers. The April 2003 HOS rule remains in effect until September 30, 2005. FMCSA published a new final rule on August 25, 2005, effective October 1, 2005. This rulemaking has published and will not appear on next month's report.

#### Timetable:

Action	Date	FR Cite
NPRM	01/24/05	70 FR 3339
Addendum to RIA for HOS NPRM	02/04/05	70 FR 5957

Action	Date	FR Cite
NPRM Comment Period End	03/10/05	
Final Rule	08/25/05	70 FR 49978
Final Action Effective	10/01/05	

#### Regulatory Flexibility Analysis Required: Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** Docket No. FMCSA—2004-19608

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

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

**Agency Contact:** Gary Woodford, Team Leader, Department of Transportation, Federal Motor Carrier Safety Administration, MC-PSV, 400 Seventh Street SW., Washington, DC 20590  
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**RIN:** 2126-AA90

**BILLING CODE** 4910—EX—S

### Department of Transportation (DOT)

### Prerule Stage

#### National Highway Traffic Safety Administration (NHTSA)

#### 2285. +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:** Phase 2 will evaluate the change in side-impact fatality risk after FMVSS 214 vs. just before the standard: For all cars, by car type (2-door vs. 4-door), by type of vehicle modification (structure plus padding vs. padding only), and as a function of how much the test criterion TTI(d) was reduced when the standard was implemented in a make-model.

#### Timetable:

Action	Date	FR Cite
Begin Review	10/01/94	
Phase II Evaluation Plan	12/08/99	64 FR 68717
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 I	08/11/00	
End Review	07/00/06	

#### Regulatory Flexibility Analysis Required: No

**Small Entities Affected:** 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.

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

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

**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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Fax: 202 366-2559

Email: ckahane@nhtsa.dot.gov

**RIN:** 2127-AF54

## Department of Transportation (DOT)

## Proposed Rule Stage

## National Highway Traffic Safety Administration (NHTSA)

**2286. +REAR CONVEX CROSS-VIEW MIRRORS****Priority:** Other Significant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.111**Legal Deadline:** None

**Abstract:** This rulemaking would upgrade the rearward visibility of commercial straight trucks. The Agency believes that requiring a rear detection system will reduce fatalities, injuries, and property damage by giving truck operators the ability to detect objects behind the truck. Two possible countermeasures are being considered: Cross-view mirror systems or camera systems.

**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	09/12/05	70 FR 53753
NPRM Comment Period End	11/14/05	
Final Action	11/00/06	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**URL For More Information:** dms.dot.gov**URL For Public Comments:** dms.dot.gov

**Agency Contact:** Keith Brewer, Director, Office of Crash Avoidance Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-2720

Email: keith.brewer@nhtsa.dot.gov

**RIN:** 2127-AG41**2287. +ROOF CRUSH 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 571.216**Legal Deadline:** None

**Abstract:** Mitigation of rollover fatal and serious injuries is one of the Agency's highest priorities. Rollover crashes constitute about 3 percent of passenger vehicle crashes, but about 1/3 of the fatalities. Since light trucks are more prone to rollover, and as their percentage of the U.S. fleet continues to increase, this crash mode continues to constitute a disproportionate segment of the Nation's highway safety problem. As part of the Agency's comprehensive approach to rollover, and in response to a petition for rulemaking, the Agency is considering whether an upgrade to the roof crush requirements is warranted. This rulemaking is significant because of public interest in vehicle safety.

**Timetable:**

Action	Date	FR Cite
Request for Comments	10/22/01	66 FR 53376
Request for Comment Period End	12/06/01	
NPRM	08/23/05	70 FR 49223
NPRM Comment Period End	11/21/05	
Final Rule	08/00/07	

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

**Additional Information:** OMB cleared subject to NHTSA making changes to the regulatory evaluation.

**URL For More Information:** dms.dot.gov**URL For Public Comments:** dms.dot.gov

**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

**Related RIN:** Related to 2127-AH74**RIN:** 2127-AG51**2288. VEHICLES BUILT IN TWO OR MORE STAGES—STANDARD 201****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	11/00/05	

**Regulatory Flexibility Analysis Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**URL For More Information:** dms.dot.gov**URL For Public Comments:** dms.dot.gov

**Agency Contact:** Lori Summers, Chief, Light Duty Vehicle Division, Department of Transportation, National Highway Traffic Safety Administration, NVS-112, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-4917  
Fax: 202 366-4329  
Email: lsummers@nhtsa.dot.gov

**RIN:** 2127-AI93**2289. MODERNIZE FMVSS 114, "THEFT PROTECTION"****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 49 USC 30111**CFR Citation:** 49 CFR 571.114**Legal Deadline:** None

**Abstract:** Federal Motor Vehicle Safety Standard No. 114, "Theft Protection," specifies requirements to prevent theft and thus reduce the incidence of crashes resulting from the unauthorized use of motor vehicles. The standard also specifies requirements to reduce the incidence of rollaways of parked vehicles. NHTSA received a petition to amend section 4.2.2 of the standard in October 2002. NHTSA plans to issue an NPRM to address the petition and



## DOT—NHTSA

## Proposed Rule Stage

to modernize the standard to address current vehicle entry and theft prevention system designs.

**Timetable:**

Action	Date	FR Cite
NPRM	08/17/05	70 FR 48362
NPRM Comment Period End	10/17/05	
Final Action	11/00/06	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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

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**RIN:** 2127-AJ31

**2290. +REDUCED STOPPING DISTANCE REQUIREMENTS FOR TRUCK TRACTORS**

**Regulatory Plan:** This entry is Seq. No. 94 in part II of this issue of the **Federal Register**.

**RIN:** 2127-AJ37

**2291. FMVSS 213, ADDITION OF 10-YEAR OLD TEST DUMMY**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 30101 et seq, PL 107-318

**CFR Citation:** 49 CFR 571.213

**Legal Deadline:** None

**Abstract:** The Agency is considering an amendment to FMVSS No. 213 to incorporate the Hybrid III 10-year old dummy for child restraint systems rated for children up to 80 pounds.

**Timetable:**

Action	Date	FR Cite
NPRM	08/31/05	70 FR 51720
NPRM Comment Period End	10/31/05	
Final Rule	10/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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-AJ44

**2292. BUSES MANUFACTURED IN TWO OR MORE STAGES; CERTIFICATION OF BUSES MANUFACTURED IN MORE THAN ONE STAGE**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30141; 49 USC 30146; 49 USC 30166; 49 USC 30168; 49 USC 32502; 49 USC 32504; 49 USC 33101 to 33104; 49 USC 33108; 49 USC 33109; Delegation of Authority at 49 CFR 1.50

**CFR Citation:** 49 CFR 567.5 ; 49 CFR 586

**Legal Deadline:** None

**Abstract:** This rulemaking would amend part 567 to require that, in addition to the VIN, additional information be recorded on the certification that identifies the manufacturer and various vehicle attributes. It also proposes to add a new part 586 to require that manufacturers of buses manufactured in two or more stages obtain a manufacturer's identifier and to provide this descriptive information to NHTSA.

**Timetable:**

Action	Date	FR Cite
NPRM	08/18/05	70 FR 48507
NPRM Comment Period End	10/17/05	
Final Action	11/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Stephen Wood, Chief, Vehicle Safety Standards and Harmonization, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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**RIN:** 2127-AJ56

**2293. CARGO CARRYING CAPACITY OF MOTOR HOME AND TRAVEL TRAILERS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166; 49 USC 322

**CFR Citation:** 49 CFR 571.120

**Legal Deadline:** None

**Abstract:** In response to a petition for rulemaking, the Agency is considering mandatory consumer information in the form of a label that will inform the consumer of the Cargo Carrying Capacity (CCC) of motor homes, travel trailers, and 5th wheel travel trailers. Such labeling will help the consumer make informed decisions during the purchasing process and act as a reference during cargo loading, which in turn may reduce instances of overloading and ultimately injuries and deaths resulting from crashes related to overloading. This rulemaking initially was a new proposed regulation, 49 CFR 575.102, with a RIN of 2127-A150. However, because the Agency feels that the standard would be more enforceable if it is part of the FMVSS, it is now an amendment to FMVSS 120.

**Timetable:**

Action	Date	FR Cite
NPRM	08/31/05	70 FR 51707
NPRM Comment Period End	10/31/05	
Final Action	10/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

DOT—NHTSA

Proposed Rule Stage

**Agency Contact:** William Evans, Safety Standards Engineer, Office of Crash Avoidance Standards, Department of Transportation, National Highway Traffic Safety Administration, Vehicle Controls and Adapted Vehicle Division,

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**RIN:** 2127-AJ57

**2294. +LIGHT TRUCK AVERAGE FUEL ECONOMY STANDARDS, MODEL YEAR 2008 AND POSSIBLY BEYOND**

**Regulatory Plan:** This entry is Seq. No. 95 in part II of this issue of the **Federal Register**.  
**RIN:** 2127-AJ61

**Department of Transportation (DOT)  
 National Highway Traffic Safety Administration (NHTSA)**

Final Rule Stage

**2295. +UPGRADE DOOR RETENTION PERFORMANCE**

**Priority:** Other Significant

**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

**CFR Citation:** 49 CFR 571.206

**Legal Deadline:** None

**Abstract:** As part of the Agency's comprehensive approach to rollover, and to harmonize with the first global technical regulation, this rulemaking would upgrade the door retention requirements, add test requirements for sliding doors, add secondary latch requirements for doors other than hinged side doors and back doors, and provide a new test procedure for assessing inertial forces.

**Timetable:**

Action	Date	FR Cite
NPRM	12/15/04	69 FR 75020
NPRM Comment Period End	02/14/05	
Final Rule	07/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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-AH34

**2296. 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:** This rulemaking would propose minimum breaking strengths for child restraint systems webbing.

**Timetable:**

Action	Date	FR Cite
NPRM	06/30/05	70 FR 37731
NPRM Comment Period End	08/29/05	
Final Rule	08/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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-AI66

**2297. +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:** 49 CFR 563

**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). The Agency is considering what role NHTSA should take in implementing EDRs in motor vehicles. This rulemaking would establish requirements for EDRs in new vehicles if an EDR is in the vehicle. The requirement would include a minimum set of data to be collected and enhanced survivability in crashes. This rule is significant because of public interest.

**Timetable:**

Action	Date	FR Cite
Request for Comments	10/11/02	67 FR 63493
Request for Comment Period End	01/09/03	
Comment Period Extended	01/10/03	68 FR 1508
Extended Comment Period End	02/28/03	
NPRM	06/14/04	69 FR 32932
NPRM Comment Period End	08/13/04	
Final Rule	01/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Lori Summers, Chief, Light Duty Vehicle Division, Department of Transportation, National Highway Traffic Safety Administration, NVS-112, 400 Seventh Street SW., Washington, DC 20590

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**RIN:** 2127-AI72

## DOT—NHTSA

## Final Rule Stage

**2298. 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 initiated to support the 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	09/15/04	69 FR 55550
Final Rule	03/00/06	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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**2299. 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	06/22/05	70 FR 36094
NPRM Comment	08/22/05	
Period End		
Final Rule	08/00/06	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Lori Summers, Chief, Light Duty Vehicle Division, Department of Transportation, National Highway Traffic Safety Administration, NVS-112, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-4917  
Fax: 202 366-4329  
Email: lsummers@nhtsa.dot.gov**RIN:** 2127-AI94**2300. +5TH PERCENTILE DUMMY BELTED BARRIER CRASH TEST REQUIREMENTS — STANDARD 208****Regulatory Plan:** This entry is Seq. No. 96 in part II of this issue of the **Federal Register**.**RIN:** 2127-AI98**2301. +SIDE IMPACT PROTECTION UPGRADE – FMVSS NO. 214****Regulatory Plan:** This entry is Seq. No. 97 in part II of this issue of the **Federal Register**.**RIN:** 2127-AJ10**2302. 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:** The Agency is initiating incorporation of a small adult side impact crash test dummy into part 572 to support an upgrade of FMVSS No. 214.**Timetable:**

Action	Date	FR Cite
NPRM	12/08/04	69 FR 70947
Final Rule	03/00/06	

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

Undetermined

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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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**Related RIN:** Related to 2127-AJ10**RIN:** 2127-AJ16**2303. SUBPART T HYBRID III-10C DUMMY, 10-YEAR-OLD CHILD****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166; 49 USC 322**CFR Citation:** 49 CFR 1.50**Legal Deadline:** None**Abstract:** Anton's Law, signed by the President on December 4, 2002, specified in section 4 that within 24 months the Secretary of Transportation, shall develop and evaluate an anthropomorphic test device that simulates a 10-year old child for use in testing child restraints used in passenger motor vehicles. The evaluation and testing of such a device has been completed by NHTSA, and the Agency will propose to incorporate the Hybrid III 10-year old dummy into part 572 for potential application in Federal motor vehicle safety standards (FMVSS) such as FMVSS No. 213, Child restraint systems. This proposal will include rationale for the dummy performance response requirements; detailed dummy design drawings and specifications; and a procedures manual for the dummy inspection, assembly and disassembly.

## DOT—NHTSA

## Final Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	07/13/05	70 FR 40281
NPRM Comment Period End	09/12/05	
Final Rule	09/00/06	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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-AJ49**2304. FMVSS NO. 208, CRS  
INSTALLATION PROCEDURE FOR  
LATCH-EQUIPPED SEATS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166; 49 USC 322**CFR Citation:** 49 CFR 571.208**Legal Deadline:** None

**Abstract:** This notice proposes a test procedure for installing child restraint systems with LATCH-equipped hardware in the air bag suppression testing required by FMVSS No. 208. Currently, the list of child restraint systems in appendix A of FMVSS No. 208 includes some with LATCH-equipped hardware. However, the air bag suppression test procedures of FMVSS No. 208 do not include specific detail for attaching the LATCH hardware to the vehicle. The purpose of this notice is to propose additional regulatory text in the sections of FMVSS No. 208 that involve installing LATCH-equipped child restraint systems.

**Timetable:**

Action	Date	FR Cite
NPRM	05/19/05	70 FR 28878
NPRM Comment Period Extended	07/13/05	70 FR 40280

Action	Date	FR Cite
Comment Period Extended	08/17/05	
Final Rule	08/00/06	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Louis Molino, Safety Standards Engineer, Department of Transportation, National Highway Traffic Safety Administration, Office of Crashworthiness Standards, NVS-112, Room 5320, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-1833  
Fax: 202 366-4329

**RIN:** 2127-AJ59**2305. +TIRE SAFETY****Priority:** Economically Significant. Major under 5 USC 801.**Legal Authority:** PL 106-414, November 1, 2000**CFR Citation:** Not Yet Determined**Legal Deadline:** None

**Abstract:** This rulemaking would respond to petitions for reconsideration of a final rule establishing new and more stringent tire performance requirements. The final rule increased the stringency of the existing high-speed and endurance tests and added a low-pressure performance test.

**Timetable:**

Action	Date	FR Cite
Final Rule	03/00/06	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** George Soodoo, Chief, Vehicle Safety Dynamics Division (NVS-122), Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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**RIN:** 2127-AJ65**2306. PROCEDURES FOR  
PARTICIPATING IN AND RECEIVING  
DATA FROM THE NATIONAL DRIVER  
REGISTER PROBLEM DRIVER  
POINTER SYSTEM PURSUANT TO A  
PERSONNEL SECURITY  
INVESTIGATION AND  
DETERMINATION****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 108-375**CFR Citation:** 23 CFR 1327**Legal Deadline:** None

**Abstract:** The Agency is amending the National Driver Register regulations to implement an amendment made by the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Pub. L. 108-375). The amendment allows an individual who has or is seeking access to national security information under Executive Order No. 12968, or an individual who is being investigated for Federal employment under Executive Order No. 10450, to request that NDR information be made available to a Federal department or agency that is authorized to investigate the individual.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	09/02/05	70 FR 52296
Interim Final Rule Effective	09/30/05	
Interim Final Rule Comment Period End	11/01/05	
Final Rule	09/00/06	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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**RIN:** 2127-AJ66

## Department of Transportation (DOT)

## Long-Term Actions

## National Highway Traffic Safety Administration (NHTSA)

**2307. 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	11/00/06	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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**RIN:** 2127-AH13

## Department of Transportation (DOT)

## Completed Actions

## National Highway Traffic Safety Administration (NHTSA)

**2308. +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:** This rulemaking would establish 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 high-speed 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 examining whether implementing a new offset test might create disbenefits to occupants of other vehicles. However, further testing and analysis is necessary in order for the agency to complete a proposal. Agency originally scheduled the publication of an NPRM by 10/08/03. This rulemaking has been withdrawn.

Action	Date	FR Cite
End of Request for Comment	04/05/04	
Comment Period Extended	04/06/04	69 FR 18105
End of Extended Comment Period	07/05/04	
Withdrawal Notice	08/23/05	70 FR 49248

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Lori Summers, Chief, Light Duty Vehicle Division, Department of Transportation, National Highway Traffic Safety Administration, NVS-112, 400 Seventh Street SW., Washington, DC 20590

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Fax: 202 366-4329

Email: lsummers@nhtsa.dot.gov

**Related RIN:** Related to 2127-AI39**RIN:** 2127-AH73**CFR Citation:** 49 CFR 571.101**Legal Deadline:** None**Abstract:** This rulemaking would 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.**Timetable:**

Action	Date	FR Cite
NPRM	09/23/03	68 FR 55217
NPRM Comment Period End	11/24/03	
Final Rule	08/17/05	70 FR 48295

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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

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**RIN:** 2127-AI09**Timetable:**

Action	Date	FR Cite
Request for Comments	02/03/04	69 FR 5108

**2309. MODERNIZE CONTROLS AND DISPLAYS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

## DOT—NHTSA

## Completed Actions

**2310. SEAT BELT EMERGENCY LOCKING RETRACTOR****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.209**Legal Deadline:** None**Abstract:** In response to a petition for rulemaking, the agency is proposing clarifications concerning the test procedure for the acceleration pulse shape, onset rate, time duration, and acceleration tolerance for seat belt emergency locking retractors.**Timetable:**

Action	Date	FR Cite
NPRM	06/30/04	69 FR 31330
NPRM Comment Period Extended	08/04/04	69 FR 47075
NPRM Comment Period End	10/01/04	
Final Rule	08/22/05	70 FR 48883

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Chris Calamita, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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**RIN:** 2127-AI38**2311. 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. However, further testing and analysis is necessary to develop a proposal.

**Timetable:**

Action	Date	FR Cite
ANPRM	05/03/02	67 FR 22381
Withdrawal Notice	08/23/05	70 FR 49248

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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

**Related RIN:** Related to 2127-AH73**RIN:** 2127-AI39**2312. 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:** This rulemaking would 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	07/01/05	70 FR 38040

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** William Evans, Safety Standards Engineer, Office of Crash Avoidance Standards, Department of Transportation, National Highway Traffic Safety Administration, Vehicle Controls and Adapted Vehicle Division, 400 Seventh Street SW., Washington, DC 20590

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Email: wevans@nhtsa.dot.gov

**RIN:** 2127-AI43**2313. 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 amending the National Driver Register regulations to implement an amendment made by the Motor Carrier Safety Improvement Act of 1999 (Pub. L. 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	03/31/04	69 FR 16853
NPRM Comment Period End	06/01/04	
Final Rule	07/29/05	70 FR 43750

**Regulatory Flexibility Analysis****Required:** No

## DOT—NHTSA

## Completed Actions

**Small Entities Affected:** No

**Government Levels Affected:** State

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

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

**Agency Contact:** Sean McLaurin,  
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400 Seventh Street SW., Washington,  
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**RIN:** 2127-AI45

### 2314. 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:** This rulemaking would  
update the hydraulic brake standard to  
require non-school bus vehicles with a  
gross vehicle weight rating (GVWR)  
over 10,000 pounds to be equipped  
with a parking brake system.

**Timetable:**

Action	Date	FR Cite
NPRM	10/30/02	67 FR 66098
Final Rule	06/30/05	70 FR 37706

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

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

**Agency Contact:** Samuel Daniel,  
General Engineer, Office of Crash  
Avoidance Standards, Department of  
Transportation, National Highway  
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**RIN:** 2127-AI47

### 2315. 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:** This action is in response to  
a petition for rulemaking that requests  
the Agency consider amending the  
regulation 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). NHTSA is examining the  
issue, however, further testing and  
analysis is necessary in order for the  
agency to complete a proposal.

**Timetable:**

Action	Date	FR Cite
Request for Comments	01/22/03	68 FR 2993
Request for Comment Period End	03/24/03	
Withdrawal Notice	10/03/05	70 FR 57549

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

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

**Agency Contact:** David Hines, General  
Engineer, Office of Crash Avoidance  
Standards, Department of  
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Seventh Street SW., Washington, DC  
20590

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Email: dhines@nhtsa.dot.gov

**Related RIN:** Related to 2127-AI53

**RIN:** 2127-AI52

### 2316. 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 whether to  
amend the standard to permit passenger  
car mirrors on large MPVs and trucks  
(independent of their weight) and to  
clarify requirements for mirrors on  
vehicles equipped to tow trailers.  
NHTSA is examining the petition,  
however, further testing and analysis is  
necessary in order for the agency to  
complete a proposal.

**Timetable:**

Action	Date	FR Cite
Request for Comments	01/22/03	68 FR 2993
Request for Comment Period End	03/24/03	
Withdrawal Notice	08/29/05	70 FR 51002

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

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

**Agency Contact:** John Lee, Safety  
Standards Engineer, Department of  
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**Related RIN:** Related to 2127-AI52

**RIN:** 2127-AI53

### 2317. RETROACTIVE CERTIFICATION OF COMMERCIAL VEHICLES BY MOTOR VEHICLE MANUFACTURERS; RECORDKEEPING AND RECORD RETENTION

**Priority:** Substantive, Nonsignificant

**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	
Withdrawn	08/26/05	70 FR 50277

## DOT—NHTSA

## Completed Actions

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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Phone: 202 366-2992

Email: steve.wood@nhtsa.dot.gov

**RIN:** 2127-AI59
**2318. RECORD RETENTION OF RETROACTIVELY CERTIFIED VEHICLES: NATIONAL DRIVER REGISTRATION**
**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:** This rulemaking would set 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	
Withdrawn	08/26/05	70 FR 50277

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Stephen Wood, Chief, Vehicle Safety Standards and Harmonization, Department of Transportation, National Highway Traffic Safety Administration, 400

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**RIN:** 2127-AI60
**2319. 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	
Withdrawn	08/26/05	70 FR 50277

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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

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**RIN:** 2127-AI64
**2320. 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:** This rulemaking would 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

Action	Date	FR Cite
NPRM Comment Period End	01/20/04	
Final Rule	08/30/05	70 FR 51286

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Michael Pyne, Safety Standards Engineer, Department of Transportation, National Highway Traffic Safety Administration, NVS 123, DOT/NHTSA, NVS-123, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-4171

Fax: 202-366-7002

**RIN:** 2127-AI67
**2321. CRS REGISTRATION RULEMAKING, FMVSS NO. 213**
**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	06/14/04	69 FR 32954
NPRM Comment Period End	08/13/04	
Final Rule	09/09/05	70 FR 53569

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** George Mouchahoir, Team Leader, Special Vehicles and Systems Division, Department of



## DOT—NHTSA

## Completed Actions

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RIN: 2127-AI95

**2322. 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:** Vehicle manufacturers are beginning to introduce advanced frontal lighting systems into the U.S. fleet. This project evaluated whether the systems have adverse consequences to highway safety from glare. An initial notice of request for comment has been issued to gather information. The Agency is conducting research on the potential of Advanced Frontal lighting to improve safety while reducing glare and determine if any regulatory action is needed. The Agency is withdrawing this action pending further information and field experience.

**Timetable:**

Action	Date	FR Cite
Request for Comments	02/12/03	68 FR 7101
Withdrawn	07/15/05	70 FR 40974

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** David Hines, General Engineer, Office of Crash Avoidance Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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RIN: 2127-AI97

**2323. 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:** This rulemaking would 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	09/17/04	69 FR 56018
NPRM Comment Period End	11/16/04	
Final Rule	08/31/05	70 FR 51673

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Chris Calamita, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-2992

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RIN: 2127-AJ07

**2324. FEDERAL MOTOR VEHICLE SAFETY STANDARDS DEFINITION OF 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 571.3

**Legal Deadline:** None

**Abstract:** This rule addresses two petitions for rulemaking regarding the exclusion of trucks from the definition of "low-speed vehicle" (LSV). The definition would expand LSV class to include trucks, but would limit the class to small electric vehicles. In addition, the definition would be more objective than the current definition.

**Timetable:**

Action	Date	FR Cite
NPRM	12/08/03	68 FR 68319
Final Rule	08/17/05	70 FR 48313

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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

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RIN: 2127-AJ12

**2325. +REFORMING THE AUTOMOBILE FUEL ECONOMY STANDARDS PROGRAM**

**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 32910

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** Through this action, the Agency intends to begin a public discussion on potential ways, within current statutory authority, to update the Corporate Average Fuel Economy (CAFE) Program and to make it more consistent with our public policy objectives. The agency will seek comments on a number of possible concepts and measures, and invite the public to present additional concepts not presented here. The discussion is not intended to address the stringency of proposed CAFE standards in the future, but rather the basic structure of the CAFE program. The Agency is interested in any suggestions towards revamping the CAFE program in such a way as to enhance overall fuel economy while protecting occupant safety and American jobs.

The potential changes range from modest changes to existing definitions

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separating passenger cars from light trucks (i.e., vans, pickup trucks and SUVs) to more significant structural changes to light truck fuel economy standards. The definitional changes could potentially expand the definition of light truck to include larger SUVs that are not currently subject to fuel economy standards, add criteria to existing definitions of light trucks, and ensure that vehicles subject to the lower fuel economy standards applicable to trucks have sufficient functionality to be properly classified as trucks. The advance notice also requests comment on changing the existing approach to setting light truck fuel economy standards from one of setting a fixed standard applicable to all sizes of trucks in the light truck fleet to one of setting a standard that changes in relationship to a selected attribute of trucks in the fleet. Under such an attribute-based standard, the required fuel economy would change in relationship to either the weight of the vehicle, the size of the vehicle, or both.

This action is being addressed via rulemaking 2127-AJ61.

**Timetable:**

Action	Date	FR Cite
ANPRM	12/29/03	68 FR 74908
ANPRM Comment Period End	04/27/04	
Merged With RIN 2127-AJ61	08/30/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Kenneth R. 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-AJ17

**2326. RESPONSE TO PETITIONS FOR RECONSIDERATION OF FMVSS NO. 205**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 30111; 49 USC 30112; 49 USC 30166; 49 USC 30177; 49 USC 322

**CFR Citation:** 49 CFR 571.205

**Legal Deadline:** None

**Abstract:** The notice responds to petitions for reconsideration of the July 25, 2003, Final Rule (68 FR 43964). The Final Rule incorporated by reference the "American National Standard for Safety Glazing Materials for Glazing Motor Vehicles and Motor Vehicle Equipment Operating on Land Highways—ANSI/SAE Z26.1-1996." The petitioners to the Final Rule raised issues with the technique to measure windshield shade band, the definition of the "most difficult part or pattern" for fracture testing, the inclusion of solder terminals in fracture testing, the applicability to aftermarket parts, lead time and the interpretation of daylight opening. This notice responds to these petition issues.

**Timetable:**

Action	Date	FR Cite
Final Rule	08/18/04	69 FR 51188
Final Action	07/12/05	70 FR 39959

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Lori Summers, Chief, Light Duty Vehicle Division, Department of Transportation, National Highway Traffic Safety Administration, NVS-112, 400 Seventh Street SW., Washington, DC 20590  
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**Related RIN:** Related to 2127-AH08, Related to 2127-AJ25

**RIN:** 2127-AJ43

**2327. FMVSS NO. 217; BUS EMERGENCY EXITS AND WINDOW RETENTION AND RELEASE, RESPONSE TO PETITIONS FOR RECONSIDERATION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 1392

**CFR Citation:** 49 CFR 571.217

**Legal Deadline:** None

**Abstract:** On April 19, 2002, the Agency published a final rule amending Federal Motor Vehicle Safety Standard No. 217 "Bus Emergency Exits and Window Retention and Release" to reduce the likelihood that wheelchair securement anchorages would be installed in locations that permit wheelchairs to block access to emergency exit doors. The final rule added provisions that restricted the placement of wheelchair anchorages from being placed directly in front of rear and side emergency exit doors and required a warning label "DO NOT BLOCK" to be placed over emergency exit doors and windows.

This final rule responds to petitions for reconsiderations from American Transportation Corporation, Thomas Built Buses, and Blue Bird Body Company. The petitioners requested to change a discrepancy between the regulatory text and Figure 6C for the exclusion zone in front of rear emergency exit doors and to remove the warning label "DO NOT BLOCK" requirement for emergency exit windows.

**Timetable:**

Action	Date	FR Cite
Final Rule	08/12/05	70 FR 47131

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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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Fax: 202 366-4329

## DOT—NHTSA

## Completed Actions

Email: gmouchahoir@nhtsa.dot.gov

**Related RIN:** Related to 2127-AH03

**RIN:** 2127-AJ47

### 2328. DEFECT AND NONCOMPLIANCE RESPONSIBILITY AND REPORTS, DEFECT AND NONCOMPLIANCE NOTIFICATION

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 30102; 49 USC 30103; 49 USC 30116; 49 USC 30117; 49 USC 30118; 49 USC 30119; 49 USC 30120; 49 USC 30121; 49 USC 30166

**CFR Citation:** 49 CFR 573; 49 CFR 577

**Legal Deadline:** None

**Abstract:** This rulemaking would respond to petitions for reconsideration of the final rule on Dealer Notification published on June 23, 2004.

**Timetable:**

Action	Date	FR Cite
Final Rule	07/06/05	70 FR 38805

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Lloyd Guerci, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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Email: lloyd.guerci@nhtsa.dot.gov

**Related RIN:** Related to 2127-AG27

**RIN:** 2127-AJ48

### 2329. EXTENSION OF PARTS MARKING—RESPONSE TO PETITIONS FOR RECONSIDERATION

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 322; 49 USC 33101; 49 USC 33103; 49 USC 33104; 49 USC 33105

**CFR Citation:** 49 CFR 541; 49 CFR 543

**Legal Deadline:** None

**Abstract:** The Anti-Car Theft Act of 1992 requires NHTSA to conduct a rulemaking to extend the parts marking requirements of that Standard to all

passenger cars and multipurpose passenger vehicles with a gross vehicle weight rating of 6,000 pounds or less regardless of theft rate, unless the Attorney General finds that such a requirement would not substantially inhibit chop shop operations and motor vehicle thefts. This final rule responds to five petitions for reconsideration of the final rule implementing this requirement. In response to these petitions, NHTSA is amending the final rule to allow for the submission of petitions for exemption prior to the effective date, and phasing-in the effective date over a 2-year period.

**Timetable:**

Action	Date	FR Cite
Final Rule	05/19/05	70 FR 28843

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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

**Related RIN:** Related to 2127-AI46

**RIN:** 2127-AJ51

### 2330. THEFT DATA FOR CALENDAR YEAR 2003

**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 2003 for model year 2003 vehicles. The theft data indicate the overall vehicles theft rate in 2003. 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 2003 Theft Data and Request for Comment	03/02/05	70 FR 10066
Final Action	08/09/05	70 FR 46092

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Deborah Macyzk, Program Analyst, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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**RIN:** 2127-AJ53

### 2331. INSURER REPORTING REQUIREMENTS FOR OCTOBER 2005

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 33112

**CFR Citation:** 49 CFR 544

**Legal Deadline:** None

**Abstract:** This rulemaking would update the 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 2002 calendar year not later than October 25, 2005. Further, as long as the insurer remains listed, it must submit reports by each subsequent October 25.

**Timetable:**

Action	Date	FR Cite
Final Rule	07/25/05	70 FR 42505

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Rosalind Proctor, Division Chief, Consumer Standards,

## DOT—NHTSA

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RIN: 2127-AJ54

### 2332. PLATFORM LIFTS: SECOND RESPONSE TO PETITIONS FOR RECONSIDERATION

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

**CFR Citation:** 49 CFR 571.403; 49 CFR 571.404

**Legal Deadline:** None

**Abstract:** On December 27, 2002, NHTSA published platform lift regulations (49 CFR 571.403, 404). NHTSA received numerous petitions for reconsideration to this final rule, and on October 1, 2004, published another final rule, which discussed issues, responded to comments, and amended the platform lift regulations. Amendments included changes to interlock and lighting requirements. NHTSA received five more petitions for reconsideration to the October 1, 2004, final rule. These petitions are related to lighting, interlocks, and delaying the effective date of the regulations. NHTSA delayed the effective date of the regulations via an interim final rule published on December 23, 2004. This final rule responds to the remaining issues raised by the five petitions.

#### Timetable:

Action	Date	FR Cite
Final Rule	07/15/05	70 FR 40917

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** William Evans, Safety Standards Engineer, Office of Crash Avoidance Standards, Department of Transportation, National Highway Traffic Safety Administration, Vehicle Controls and Adapted Vehicle Division, 400 Seventh Street SW., Washington, DC 20590

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Email: wevans@nhtsa.dot.gov

RIN: 2127-AJ55

### 2333. PETITIONS FOR RECONSIDERATION, FMVSS NO. 201 SEAT BELT MOUNTING STRUCTURE DEFINITION

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166; 49 USC 322

**CFR Citation:** 49 CFR 571.201

**Legal Deadline:** None

**Abstract:** In response to petitions for reconsideration of the February 27, 2004, FMVSS No. 201 "Occupant Protection in Interior Impact," final rule, the Agency is considering an amendment to the definition of seat belt mounting structure. Petitioners commented that the current definition used in the standard was too broad, since it covered interior rear quarter panels and rear closure panels that were not intended as target areas for the free-motion head form (FMH) impact tests. The final rule shall address the cited petition issues while maintaining the intent of the standard.

#### Timetable:

Action	Date	FR Cite
Final Rule	08/31/05	70 FR 51669

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Lori Summers, Chief, Light Duty Vehicle Division, Department of Transportation, National Highway Traffic Safety Administration, NVS-112, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-4917

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RIN: 2127-AJ60

### 2334. CIVIL AND CRIMINAL PENALTIES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 101-410; PL 104-134; 49 USC 30165, 30170, 30505, 322

**CFR Citation:** 49 CFR 578.6

**Legal Deadline:** None

**Abstract:** This rulemaking would make adjustments to certain civil penalties pursuant to the Federal Civil Monetary Penalty Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996.

#### Timetable:

Action	Date	FR Cite
NPRM	05/25/05	70 FR 30051
NPRM Comment Period End	07/25/05	
Final Rule	09/08/05	70 FR 53308

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Michael Kido, Office of Chief Counsel, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-5263

Email: mkido@nhtsa.dot.gov

RIN: 2127-AJ62

### 2335. PETITION FOR RECONSIDERATION OF AMENDMENTS TO REGULATIONS GOVERNING THE IMPORTATION BY REGISTERED IMPORTERS OF MOTOR VEHICLES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 31 USC 9701; 49 USC 30141 to 30147; 49 USC 30117; 49 USC 322(a)

**CFR Citation:** 49 CFR 591; 49 CFR 592; 49 CFR 594

**Legal Deadline:** None

**Abstract:** On August 24, 2004, NHTSA published a final rule (at 69 FR 52070) amending the Agency's regulations that pertain to the importation by registered importers (RIs) of motor vehicles that

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were not originally manufactured to comply with all applicable Federal motor vehicle safety, bumper, and theft prevention standards. The principal purpose of these amendments is to clarify the requirements applicable to RIs and applicants for RI status. On October 15, 2004, the agency received from an RI, a petition for reconsideration of the final rule. The petition objects to a requirement in the final rule that bars RIs from importing salvage vehicles. The petition also contends that NHTSA lacks authority to seek the forfeiture of a DOT conformance bond if the RI releases custody of the vehicle less than 30 days after it submits conformity data to NHTSA. The petition also requests the agency to restrict access to, and the use of social security numbers that RIs must divulge to the agency under the final rule. Lastly, the petition requests the agency to amend its regulations to permit RIs to import motor vehicles that do not comply with the Theft Prevention Standard in 49 CFR part 541.

**Timetable:**

Action	Date	FR Cite
Final Rule	10/04/05	70 FR 57793

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Coleman R. Sachs, Chief, Import and Certification Division, Office of Vehicle Safety Compliance, Department of Transportation, National Highway Traffic Safety Administration, Room 6111, NVS-223, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-3151  
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Email: csachs@nhtsa.dot.gov

**RIN:** 2127-AJ63**2336. PETITION FOR RECONSIDERATION, FMVSS NO. 301 FUEL SYSTEM INTEGRITY RULEMAKING****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 30111; 49 USC 30115 ; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.301**Legal Deadline:** None

**Abstract:** In August 2004, NHTSA published a final rule in response to petitions for reconsideration (69 FR 51393, August 19, 2004). On October 4, 2004, NHTSA was petitioned to reconsider the August 2004 final rule by DaimlerChrysler Corporation. The petitioner requested a 2-year phase-in of the upgraded fuel system integrity side impact requirements for vehicles with a gross vehicle weight rating (GVWR) in excess of 2,722 kg (6,000 lb). DaimlerChrysler Corporation requested an implementation schedule of 90 percent by September 1, 2005, and 100 percent by September 1, 2006. This action responds to the petition.

**Timetable:**

Action	Date	FR Cite
Final Rule	08/10/05	70 FR 46431

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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-AJ64**2337. REPLACEMENT 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:** This rulemaking would address requirements for replacement lamps, reflective devices, and items of associated equipment. However, further testing and analysis is necessary to develop a proposal. Since this will not be completed in the near future, this action is being terminated.

**Timetable:**

Action	Date	FR Cite
Termination	10/12/05	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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

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**RIN:** 2127-AJ67**2338. SAFETY RECALLS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 30118; 49 USC 30119; 49 USC 30120; 49 USC 30121**CFR Citation:** 49 CFR 573; 49 CFR 577**Legal Deadline:** None

**Abstract:** Amendments to rules on notices where the manufacturer is undertaking a safety recall.

**Timetable:**

Action	Date	FR Cite
Termination	07/22/05	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Otto Matheke, Attorney, Office of the Chief Counsel, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-5253

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**RIN:** 2127-AJ68

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**2339. • DESIGNATION OF AGENT FOR SERVICE OF PROCESS ON FOREIGN MANUFACTURERS****Priority:** Info./Admin./Other**Legal Authority:** 49 USC 30164**CFR Citation:** 49 CFR 551.45**Legal Deadline:** None

**Abstract:** A final rule amending 49 CFR 551.45 to clarify existing regulatory requirements by rephrasing the regulation in a plain language, question and answer format and inserting an appendix containing a suggested designation form for use by foreign manufacturers and their agents. The amendments also spell out requirements for providing notice to NHTSA of changes in company name, address and product names, and change the office to which foreign manufacturers must submit designation and related documents to reflect organizational changes occurring since the regulation was adopted.

**Timetable:**

Action	Date	FR Cite
Technical Amendment	08/08/05	70 FR 45565
Technical Amendment Effective	10/07/05	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Dana Sade, Attorney-Advisor, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-1834  
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**RIN:** 2127-AJ69**2340. • TIRE PRESSURE MONITORING SYSTEMS (TPMS), RESPONSE TO PETITIONS FOR RECONSIDERATION****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 322**CFR Citation:** 49 CFR 138**Legal Deadline:** None

**Abstract:** On April 8, 2005, the Agency published a final rule establishing a new FMVSS No. 138 that set forth requirements for Tire Pressure Monitoring Systems (TPMS) to indicate to the operator of a motor vehicle when a tire is significantly under-inflated. In response, the Agency received petitions requesting that the Agency reconsider the wording of the final rule in order to clarify its intent. This rulemaking would respond to those petitions for reconsideration of the April 8, 2005, final rule.

**Timetable:**

Action	Date	FR Cite
Final Action	09/07/05	70 FR 53079

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Samuel Daniel, General Engineer, Office of Crash Avoidance Standards, Department of Transportation, National Highway Traffic Safety Administration, NVS-122, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-4921  
Email: sdaniel@nhtsa.dot.gov

**Related RIN:** Related to 2127-AJ23**RIN:** 2127-AJ70**2341. • LIGHT TRUCK AVERAGE FUEL ECONOMY STANDARDS—MODEL YEARS 2008 TO 2011; REQUEST FOR PRODUCT PLAN INFORMATION****Priority:** Info./Admin./Other**Legal Authority:** 15 USC 2002; 49 CFR 1.50**CFR Citation:** 49 CFR 533

**Legal Deadline:** Other, Statutory, April 1, 2006, Light Truck CAFE Standards must be set 18 months in advance of MY 2006. CAFE standards must be established at least 18 months prior to the start of a model year.

**Abstract:** The purpose of this request for comments is to acquire new and updated information regarding vehicle manufacturers' future product plans to assist the Agency in analyzing the light truck corporate average fuel economy (CAFE) standards for MY 2008 to 2011.

**Timetable:**

Action	Date	FR Cite
Request for Comments	08/30/05	70 FR 51466
Request for Comment Period End	11/22/05	

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

www.nhtsa.dot.gov/cars/rules/cafe/index.htm

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Kenneth R. Katz, Lead Engineer, Consumer Program Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-4936  
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**RIN:** 2127-AJ71**BILLING CODE** 4910-59-S

**Department of Transportation (DOT)**  
**Federal Railroad Administration (FRA)**

**Proposed Rule Stage**

**2342. PASSENGER EQUIPMENT SAFETY STANDARDS; MISCELLANEOUS AMENDMENTS AND APPLICATION OF SAFETY APPLIANCES ON EXISTING PASSENGER EQUIPMENT**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 28 USC 2401, note; 49 CFR 1.49(c), (m); 49 USC 20102 to 20103, 20107, 20133, 20137 to 20138, 20143, 20701 to 20703, 21301 to 21302, 21304

**CFR Citation:** 49 CFR 229; 49 CFR 238

**Legal Deadline:** None

**Abstract:** This rulemaking would clarify and amend existing regulations in an effort to address various mechanical issues relevant to the manufacture, efficient utilization, and safe operation of passenger equipment and trains that have arisen since FRAs original issuance of the Passenger Equipment Safety Standards. FRA proposes miscellaneous amendments to its existing regulations in four areas by: (1) Clarifying the terminology related to piston travel indicators; (2) providing alternative design and additional inspection criteria for new passenger equipment not designed to allow inspection of the application and release of the brakes from outside the equipment; (3) permitting some latitude in the use of passenger equipment with

redundant air compressors when a limited number of the compressors become inoperative; and (4) recognizing current locomotive manufacturing techniques by proposing an alternative pneumatic pressure test for main reservoirs. FRA is also clarifying the existing regulatory requirements related to the attachment of safety appliances and is proposing an identification and inspection protocol to address existing passenger equipment containing welded safety appliances or welded safety appliance brackets or supports.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:** [dms.dot.gov](http://dms.dot.gov)

**URL For Public Comments:** [dms.dot.gov](http://dms.dot.gov)

**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-AB67

**2343. • AMENDMENTS TO DESIGN STANDARDS FOR PRESSURIZED RAILROAD TANK CARS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 20155

**CFR Citation:** 49 CFR 179

**Legal Deadline:** None

**Abstract:** Pursuant to new 49 U.S.C. 20155, FRA is proposing to amend the existing design standards for pressurized tank cars.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:** [dms.dot.gov](http://dms.dot.gov)

**URL For Public Comments:** [dms.dot.gov](http://dms.dot.gov)

**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-AB69

**Department of Transportation (DOT)**  
**Federal Railroad Administration (FRA)**

**Final Rule Stage**

**2344. +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:** This rule governs the development, testing, and approval of Micro-processor-based signal and train control systems, amending 49 CFR part 236. In this correction action, FRA is amending and correcting language in FRA's Standards for Development and Use of Processor-Based Signal and Train Control Systems final rule (PTC Rule), which was published on March 7, 2005 (70 FR 11052). FRA noted that language in the section-by-section

analysis portion of the preamble to the PTC Rule differs from actual rule language, and FRA would like to correct it to avoid confusion. FRA is also clarifying language regarding the applicability of the PTC Rule to highway-rail grade crossing warning systems (HGCWS). FRA wants to ensure that the PTC Rule language conforms with FRA's initial intent to subject a limited number of HGCWS to the requirements of the rule. FRA is also adding a provision to clarify which HGCWS products may be excluded from the requirements of 49 CFR part 236, subpart H. Finally, FRA is correcting a minor error in the PTC Rule, where a non-existent rule section was referenced.

**Timetable:**

Action	Date	FR Cite
NPRM	08/10/01	66 FR 42351
NPRM Comment Period End	11/08/01	
Final Rule	03/07/05	70 FR 11051
Final Action Effective	06/06/05	
Correction	12/00/05	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**URL For More Information:** [dms.dot.gov](http://dms.dot.gov)

**URL For Public Comments:** [dms.dot.gov](http://dms.dot.gov)

DOT—FRA

Final Rule Stage

**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-AA94

### 2345. +LOCOMOTIVE CRASHWORTHINESS

**Priority:** Other Significant

**Legal Authority:** 49 USC 20103

**CFR Citation:** 49 CFR 229

**Legal Deadline:** Final, Statutory, March 3, 1995, Rule or Report to Congress. Report to Congress issued 9/18/96.

**Abstract:** This rulemaking will address the crashworthiness of locomotives pursuant to the Rail Safety Enforcement and Review Act of (1992). FRA investigated locomotive crashworthiness, as well as a variety of locomotive working conditions (see RIN 2130-AA89), and reported its finding to Congress. This rulemaking will establish comprehensive, minimum standards for locomotive crashworthiness. Locomotive crashworthiness protection is necessary because locomotive collisions can result in crew injuries and fatalities. These performance standards are intended to help protect locomotive cab occupants in the event of a locomotive collision. Examples of locomotive collision scenarios considered include collisions with another locomotive, the rear of another train, a piece of on-track equipment, a shifted load on a freight car on an adjacent parallel track, or a highway vehicle at a rail-highway grade crossing. These crashworthiness standards must be met by demonstrating compliance with either the rule's performance standards or a FRA-approved design standard.

#### Timetable:

Action	Date	FR Cite
Open Meeting Notice	07/22/94	59 FR 37528
NPRM	11/02/04	69 FR 63890
NPRM Comment Period End	01/03/05	
NPRM Comment Period Extended	01/12/05	70 FR 2105
Extended Comment Period End	02/03/05	
Final Rule	03/00/06	

#### Regulatory Flexibility Analysis

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** This rulemaking was originally included in RIN 2130-AA89, Locomotive Cab Working Conditions.

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

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

**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

### 2346. +OCCUPATIONAL NOISE EXPOSURE FOR RAILROAD OPERATING EMPLOYEES

**Priority:** Other Significant

**Legal Authority:** 49 USC 20103

**CFR Citation:** 49 CFR 229; 49 CFR 227

**Legal Deadline:** None

**Abstract:** This rulemaking would amend FRA's occupational noise standards for railroad employees whose predominant noise exposure occurs in the locomotive cab. FRA's existing standard (issued in 1980) limits cab employee noise exposure to certain levels based on the duration of employee exposure. This rulemaking would modify that standard and also set out additional requirements. The rulemaking would require railroads to conduct noise monitoring and to implement a hearing conservation program, which would include hearing tests (audiograms), training, and monitoring. The rulemaking would also establish design, build, and maintenance standards for new locomotives and maintenance requirements for existing locomotives. FRA expects that this rulemaking would reduce the likelihood of noise-induced hearing loss for railroad operating employees.

#### Timetable:

Action	Date	FR Cite
NPRM	06/23/04	69 FR 35146
Final Rule	04/00/06	

#### Regulatory Flexibility Analysis

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

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

**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

### 2347. 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 sought notice and comment to establish a new formula for calculating the monetary threshold for accident/incident reporting for calendar year 2004 and beyond by publishing an NPRM in RIN 2130-AB65 on 04/19/2005.

#### Timetable:

Action	Date	FR Cite
Interim Final Rule	12/30/02	67 FR 79533
Final Action	12/00/05	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No



## DOT—FRA

## Final Rule Stage

**Government Levels Affected:** None**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Roberta Stewart, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 493-6027

**Related RIN:** Related to 2130-AB65**RIN:** 2130-AB57

### 2348. REVISION OF METHOD FOR CALCULATING MONETARY THRESHOLD FOR REPORTING RAIL EQUIPMENT ACCIDENTS/INCIDENTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 CFR 1.49; 49 USC 103; 49 USC 10901-02; 49 USC 20103; 49 USC 20107; 49 USC 21302; 49 USC 21311; 49 USC 2461, note; 49 USC 322(a)

**CFR Citation:** 49 CFR 225.19**Legal Deadline:** None

**Abstract:** This rulemaking would amend the method for calculating the monetary threshold for reporting rail equipment accidents/incidents.

**Timetable:**

Action	Date	FR Cite
NPRM	04/19/05	70 FR 20333

Action	Date	FR Cite
NPRM Comment Period End	06/20/05	
Final Rule	12/00/05	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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-AB65

### 2349. REFLECTORIZATION OF RAIL FREIGHT ROLLING STOCK

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 20103; 49 USC 20148

**CFR Citation:** 49 CFR 224**Legal Deadline:** None

**Abstract:** FRA first examined the use of reflectors in the early 1980s. The Federal Railroad Safety Authorization Act of 1994 (Pub. L. 103-440) required FRA to revisit the issue of railcar

visibility. FRA conducted an additional study of railcar visibility, which determined that technological advances in reflective material have made reflective material a feasible and cost-effective option in enhancing rail safety. FRA's cost-benefit analysis found that reflectors are a cost-effective method of enhancing railcar visibility. A stay of effectiveness was inadvertently issued under the old RIN (2130-AB41) in May 2005.

**Timetable:**

Action	Date	FR Cite
Final Rule	10/00/05	

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

**Additional Information:** A stay of the effective date was published 05/26/05, 70 FR 30378.

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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**RIN:** 2130-AB68

## Department of Transportation (DOT) Federal Railroad Administration (FRA)

## Completed Actions

### 2350. +LOCOMOTIVE EVENT RECORDERS

**Priority:** Other Significant**Legal Authority:** 49 USC 20103**CFR Citation:** 49 CFR 229**Legal Deadline:** None

**Abstract:** This rulemaking would improve the crashworthiness of railroad locomotive event recorders and would enhance the quality of information available for post-accident investigations. It would amend its existing regulations in four major ways: (1) By requiring that new locomotives have event recorders with hardened memory modules, proven by a requirement that the memory modules preserve stored data throughout a sequence of prescribed tests; (2) by

requiring that new locomotives have an event recorder that collects certain additional types of information; (3) by simplifying standards for inspecting, testing, and maintaining event recorders; and (4) by requiring the phasing out, over a 6-year period, of event recorders that use magnetic tape as a data storage medium. OMB downgraded the rule from significant to nonsignificant on May 23, 2005. Consequently, this rulemaking will not appear in next month's report.

**Timetable:**

Action	Date	FR Cite
NPRM	06/30/04	69 FR 39774
NPRM Comment Period End	08/31/04	
NPRM Comment Period Extended	09/08/04	69 FR 54255

Action	Date	FR Cite
Extended Comment Period End	10/11/04	
Final Action	06/30/05	70 FR 37920
Final Action Effective	10/01/05	

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

**Additional Information:** This rulemaking was previously titled "Crashworthy Event Recorders."

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

DOT—FRA

Completed Actions

dms.dot.gov

**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

**2351. RAILROAD WORKPLACE SAFETY**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 20103, 20107, 21301, 21304; 28 USC 2461, note; 49 CFR 1.49

**CFR Citation:** 49 CFR 214

**Legal Deadline:** None

**Abstract:** This rulemaking amends regulations on Railroad Workplace Safety to clarify an ambiguous provision concerning the circumstances under which life vests or buoyant work vests are required for bridge workers working over water. This clarification essentially allows employees who are working on a bridge deck over water to work without a life vest or buoyant work vest under circumstances where falls are effectively prevented by hand rails, walkways, or acceptable work procedures. These exceptions currently apply to the use of fall protection and will now apply to the use of drowning protection.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	02/10/05	70 FR 7047
Comment Period End	03/28/05	
Final Rule	07/27/05	70 FR 43325
Final Rule Effective	07/27/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

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

**Agency Contact:** Anna Nassif, Trial Attorney, Department of Transportation, Federal Railroad Administration, Mail Stop 10, 400 Seventh Street SW., Washington, DC 20590

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**Related RIN:** Related to 2130-AA91

**RIN:** 2130-AB63

**2352. INSPECTION AND MAINTENANCE STANDARDS FOR STEAM LOCOMOTIVES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 20103, 20701, 20702; 49 CFR 1.49

**CFR Citation:** 49 CFR 230

**Legal Deadline:** None

**Abstract:** This rulemaking corrects FRA Form 4 in appendix C of part 230, which was published in the Federal Register of Wednesday, November 17, 1999 (64 FR 62828). Part 230 relates to inspection and maintenance standards of steam locomotives, and the form is used to record information about inspections of steam locomotives. Initially, a section on the form to record the shearing stress on rivets was inadvertently omitted. This final rule will correct that omission.

**Timetable:**

Action	Date	FR Cite
NPRM	04/19/05	70 FR 20337
NPRM Comment Period End	05/19/05	
Final Rule	07/21/05	70 FR 41995
Final Rule Effective	08/20/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

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

**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-AB64

**2353. CIVIL MONETARY PENALTY INFLATION ADJUSTMENT**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC ch 201 to 213; PL 101-410; PL 104-134

**CFR Citation:** 49 CFR 209; 49 CFR 213 to 223; 49 CFR 225; 49 CFR 228 to 236; 49 CFR 238 to 241; 49 CFR 244

**Legal Deadline:** None

**Abstract:** In this rulemaking, FRA is implementing the requirements of the Federal Civil Penalties Inflation Adjustment Act of 1990 ("Act"), as amended by this Debt Collection Improvement Act of 1996. As required by the Act, FRA is adjusting the ordinary maximum civil monetary penalty amount for violations of railroad safety statutes to reflect an increase caused by inflation.

**Timetable:**

Action	Date	FR Cite
Withdrawn	07/06/05	70 FR 38804

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

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

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**RIN:** 2130-AB66

**BILLING CODE 4910-06-S**

**Department of Transportation (DOT)**  
**Federal Transit Administration (FTA)**
**Final Rule Stage**
**2354. • ORGANIZATIONS,  
FUNCTIONS, AND PROCEDURES  
(SECTION 610 REVIEW)**
**Priority:** Info./Admin./Other**Legal Authority:** 49 USC 5307(d); 5308(b); 23 USC 134, 135, 142; 29 USC 794; 49 CFR 1.51**CFR Citation:** 49 CFR 601**Legal Deadline:** None**Abstract:** The Federal Transit Administration (FTA) is amending part 601 of its regulations. This part describes the organization as an operating administration within the Department of Transportation and the

general responsibilities and authority of the officials directing the various offices of which FTA is composed. Additionally, this part describes the sources and locations of available program information. FTA intends to issue a final rule to reflect changes made necessary by the Agency's various office realignments and reassignments, among other things.

**Timetable:**

Action	Date	FR Cite
Final Rule	12/00/05	

**Regulatory Flexibility Analysis  
Required:** No
**Small Entities Affected:** No**Government Levels Affected:** None**URL For More Information:**  
dms.dot.gov**URL For Public Comments:**  
dms.dot.gov
**Agency Contact:** Bonnie Graves,  
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Administration, 400 Seventh Street  
SW., Washington, DC 20590  
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**RIN:** 2132-AA79
**Department of Transportation (DOT)**  
**Federal Transit Administration (FTA)**
**Completed Actions**
**2355. ENVIRONMENTAL IMPACT AND  
RELATED PROCEDURES**
**Priority:** Info./Admin./Other**Legal Authority:** 23 USC 315; 49 USC 303; 49 USC 5323; 49 USC 5324**CFR Citation:** 23 CFR 771; 49 CFR 622**Legal Deadline:** None**Abstract:** This rule makes technical corrections to the regulation that governs environmental impact procedures for FHWA and FTA, though none are substantive in nature. The technical changes include correcting the name of the Federal Transit

Administration, correcting statutory references that have become outdated, removing the reference to a program under section 105 of 23 U.S.C. that has been eliminated.

**Timetable:**

Action	Date	FR Cite
Final Rule	05/09/05	70 FR 24468
Final Rule Effective	06/08/05	

**Regulatory Flexibility Analysis  
Required:** No
**Small Entities Affected:** No**Government Levels Affected:** None**URL For More Information:**  
dms.dot.gov**URL For Public Comments:**  
dms.dot.gov
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**RIN:** 2132-AA78**BILLING CODE** 4910-57-S
**Department of Transportation (DOT)**  
**Saint Lawrence Seaway Development Corporation (SLSDC)**
**Completed Actions**
**2356. • TARIFF OF TOLLS**
**Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 983(a); 33 USC 984(a)(4); 33 USC 988; and 49 CFR 1.52**CFR Citation:** 33 CFR 402**Legal Deadline:** None**Abstract:** This rulemaking would amend the joint U.S./Canadian Tariff of Tolls for the 2005 navigation season.**Timetable:**

Action	Date	FR Cite
NPRM	03/24/05	70 FR 15029
NPRM Comment Period End	04/25/05	
Final Action	05/17/05	70 FR 28212
Final Rule Effective	06/16/05	

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

dms.dot.gov

**URL For Public Comments:**  
dms.dot.gov
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Deputy Administrator, Department of  
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Email: craig.middlebrook@sls.dot.gov
**RIN:** 2135-AA21**BILLING CODE** 4910-61-S

## Department of Transportation (DOT)

Prerule Stage

## Pipeline and Hazardous Materials Safety Administration (PHMSA)

**2357. +HAZARDOUS MATERIALS: REQUIREMENTS FOR STORAGE OF EXPLOSIVES DURING TRANSPORTATION****Priority:** Other Significant**Legal Authority:** 49 USC 5101 to 5127**CFR Citation:** 49 CFR 171; 49 CFR 173 to 174; 49 CFR 176 to 177**Legal Deadline:** None**Abstract:** This rulemaking would address the current safety and security risks associated with the storage of

explosives during transportation. OMB upgraded this rulemaking to significant.

**Timetable:**

Action	Date	FR Cite
ANPRM	01/00/07	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** HM-238;**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** D. Benjamin Supko, Transportation Regulations Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
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**RIN:** 2137-AE06

## Department of Transportation (DOT)

Proposed Rule Stage

## Pipeline and Hazardous Materials Safety Administration (PHMSA)

**2358. +GAS GATHERING LINE DEFINITION AND SAFETY RULES****Priority:** Other Significant**Legal Authority:** 49 USC 60101 to 60125**CFR Citation:** 49 CFR 192**Legal Deadline:** Final, Statutory, October 24, 1994.

**Abstract:** The rulemaking would define "onshore gas gathering line" to eliminate confusion in distinguishing these pipelines from production facilities and transmission lines. Also, it would establish tiered safety rules for higher-risk onshore gas gathering lines in rural areas and relax current rules on low-risk onshore gas gathering lines. There would be a net cost savings since the definition would be based on industry practices and the overall regulatory burden would be less.

**Timetable:**

Action	Date	FR Cite
NPRM	09/25/91	56 FR 48505
Request for Comments	03/11/99	64 FR 12147
NPRM Extension of Comment Period	04/30/99	64 FR 23256
Comment Period Ends	07/07/99	
Supplemental NPRM	10/03/05	70 FR 57536
Final Action	10/00/06	

**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

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Dewitt Burdeaux, Pipeline Security Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
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Email: dewitt.burdeaux@dot.gov

**RIN:** 2137-AB15**2359. 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:** This rulemaking initiative would 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	09/10/03	68 FR 53314
Supplemental NPRM	10/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Docket No. HM-220F; RSPA-03-14405**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Charles E. Betts, Transportation Regulations Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-8553

**RIN:** 2137-AD78**2360. HAZARDOUS MATERIALS: MISCELLANEOUS PACKAGING 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 173; 49 CFR 178**Legal Deadline:** None

**Abstract:** This rulemaking would propose to add provisions for Large Packagings and revise the specification requirements for non-bulk packagings and portable tanks to address issues raised through enforcement actions and requests for clarification of the regulations by packaging manufacturers, third-part labs, and shippers. The proposals will address packaging closures, and design modifications that may or may not require recertification.

## DOT—PHMSA

## Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** None**Additional Information:** Docket HM-231.**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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**RIN:** 2137-AD89**2361. PIPELINE SAFETY: PROTECTING HIGH CONSEQUENCE AREAS FROM RURAL PETROLEUM GATHERING LINES****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 49 USC 60101 to 60125**CFR Citation:** 49 CFR 195**Legal Deadline:** Final, Statutory, October 24, 1995.

**Abstract:** The rulemaking would establish limited safety rules for certain rural petroleum gathering lines that could affect high consequence areas, including populated areas, navigable waterways, and areas unusually sensitive to pipeline spills. Because rural petroleum gathering lines are now exempt from all PHMSA's rules but burial in Gulf of Mexico inlets, the rulemaking would improve public confidence in the safety of these pipelines.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/06	

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** None**Additional Information:** Docket No. RSPA-03-15864**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Dewitt Burdeaux, Pipeline Security Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 405 954-7220  
Email: dewitt.burdeaux@dot.gov

**RIN:** 2137-AD98**2362. HAZARDOUS MATERIALS: REVISION OF REQUIREMENTS FOR AUTHORIZATION OF USE OF INTERNATIONAL STANDARDS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 CFR 5101 to 5127**CFR Citation:** 49 CFR 171 to 172**Legal Deadline:** None

**Abstract:** This rulemaking would revise the 49 CFR by consolidating and revising the requirements authorizing the use of international standards. The NPRM would provide for easier understanding of the restrictions and limitations of the authorization to use international standards and insure that an acceptable level of safety is maintained when transporting hazardous materials in accordance with the authorized international standards.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** HM Docket: HM-215**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Joan McIntyre, Transportation Regulations Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-8553

**RIN:** 2137-AE01**2363. INTEGRITY MANAGEMENT: PROGRAM MODIFICATIONS AND CLARIFICATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** Not Yet Determined**CFR Citation:** 49 CFR 192; 49 CFR 195**Legal Deadline:** None

**Abstract:** This document seeks comments on proposed regulations for pipeline integrity management in high consequence areas. The proposal would allow more flexibility in the reassessment interval for hazardous liquid pipeline, and would require both hazardous liquid and natural gas operators to notify PHMSA whenever they reduce pressure in the pipeline to mitigate a defect and to provide the reason for the pressure reduction.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/05	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Florence Hamn, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-4595  
Email: florence.hamn@dot.gov

**RIN:** 2137-AE07**2364. • PIPELINE SAFETY: DESIGN AND CONSTRUCTION REQUIREMENTS TO REDUCE INTERNAL CORROSION IN GAS TRANSMISSION PIPELINES****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 60102**CFR Citation:** 49 CFR 192**Legal Deadline:** None

**Abstract:** This rulemaking would require that new and replaced pipelines be designed and constructed in a manner that reduces the risk of internal corrosion. This rulemaking addresses an NTSB recommendation.

## DOT—PHMSA

## Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/05	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Florence Hamn, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-4595  
Email: florence.hamn@dot.gov

**RIN:** 2137-AE09**2365. • HAZARDOUS MATERIALS; MISCELLANEOUS AMENDMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 5101 to 5127**CFR Citation:** 49 CFR 171 to 190**Legal Deadline:** None

**Abstract:** This is a non-significant rulemaking that proposes to make miscellaneous amendments to the Hazardous Materials Regulations (HMR) based on petitions for rulemaking and PHMSA initiative. The NPRM proposes to update, clarify and provide relief from various HMR requirements and is designed primarily to reduce regulatory burdens on industry. The most significant amendments to the HMR in this NPRM include: (1) Updating the list of materials incorporated by reference; (2) amending the Hazardous Materials Table to remove, add and revise certain proper shipping names; (3) adding a new definition for "Household Waste;" (4) authorizing the use of alternative angle valves on cargo tanks that transport chlorine; and (4) clarifying the security plan requirements. The NPRM also proposes a number of minor clarifications and updates.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/06	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** HM-218D**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Cameron H. Satterthwaite, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-8553  
Email: cameron.satterthwaite@dot.gov

**RIN:** 2137-AE10

## Department of Transportation (DOT)

## Final Rule Stage

## Pipeline and Hazardous Materials Safety Administration (PHMSA)

**2366. +SAFEGUARDING FOOD FROM CONTAMINATION DURING TRANSPORTATION****Priority:** Other Significant**Legal Authority:** 49 USC 5701 to 5714**CFR Citation:** 49 CFR 1**Legal Deadline:** Final, Statutory, August 1, 1991.

**Abstract:** This rulemaking would have addressed a statutory mandate under the Sanitary Food Transportation Act of 1990 (SFTA) by requiring persons who transport or offer for transport food or food products in commerce to comply with applicable United States Department of Agriculture (USDA) and Food and Drug Administration (FDA) regulations. It is now being withdrawn as a result of Safetea-LU.

**Timetable:**

Action	Date	FR Cite
ANPRM	02/20/91	56 FR 6934
ANPRM Comment Period Extended to 04/29/1991	03/21/91	56 FR 11982
NPRM	05/21/93	58 FR 29698
NPRM Comment Period End	10/18/93	

Action	Date	FR Cite
SNPRM	12/21/04	69 FR 76423
SNPRM Comment Period End	01/20/05	
To Be Withdrawn	11/00/05	

**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, RSPA-91-13289; FS-1**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Helen L. Engrum, Transportation Regulations Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-8553

**RIN:** 2137-AC00**2367. 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:** This rulemaking would revise part 175 in order to simplify and clarify the requirements, further align them with the international requirements (ICAO) and eliminate obsolete requirements. The rule would clarify the applicability of part 175 (Carriage by Aircraft), excepts cargo aircraft from certain quantity limitations, separates the exceptions in section 175.10 into three sections based on applicability, provides new separation distances for shipping radioactive materials by cargo aircraft, converts certain exemptions into the regulations, responds to petitions for rulemaking, makes revisions to more clearly conform to international standards, and rewrites part 175 for easier understanding.

## DOT—PHMSA

## Final Rule Stage

**Timetable:**

Action	Date	FR Cite
ANPRM	02/26/02	67 FR 8769
ANPRM Comment Period End	05/31/02	
ANPRM; Extension of Comment Period*	05/13/02	67 FR 32002
ANPRM Extended Comment Period End	09/30/02	
NPRM	11/10/04	69 FR 65283
NPRM Comment Period End	01/21/05	
NPRM Comment Period Extended	01/21/05	70 FR 3179
NPRM Extended Comment Period End	03/18/05	
Final Rule	02/00/06	

**Regulatory Flexibility Analysis Required:** No

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

**Government Levels Affected:** None

**Additional Information:** Docket No. HM-228; RSPA-02-11654.

**URL For More Information:** [dms.dot.gov](http://dms.dot.gov)

**URL For Public Comments:** [dms.dot.gov](http://dms.dot.gov)

**Agency Contact:** Deborah Boothe, Transportation Regulations Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-8553

**RIN:** 2137-AD18

**2368. +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 would address requirements to reduce the risks associated with the retention of flammable liquid in unprotected product piping on a cargo tank motor vehicle during transportation (wetlines). It responds to an NTSB recommendation. It is significant because of industry concerns about its cost implications.

**Timetable:**

Action	Date	FR Cite
ANPRM	02/10/03	68 FR 6689
ANPRM Comment Period End	06/10/03	
NPRM	12/30/04	69 FR 78375
NPRM Comment Period End	02/28/05	
Comment Period Extended	02/10/05	70 FR 7072
NPRM Extended Comment Period End	04/28/05	
Final Rule	02/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** HM Docket: HM-213B; RSPA-99-6223.

**URL For More Information:** [dms.dot.gov](http://dms.dot.gov)

**URL For Public Comments:** [dms.dot.gov](http://dms.dot.gov)

**Agency Contact:** Michael Stevens, Transportation Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-8553

**RIN:** 2137-AD36

**2369. PIPELINE SAFETY: ANNUAL UPDATE OF STANDARDS INCORPORATED BY REFERENCE**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 60101

**CFR Citation:** 49 CFR 191; 49 CFR 193; 49 CFR 195

**Legal Deadline:** None

**Abstract:** This rulemaking would incorporate by reference more than 70 voluntary consensus technical standards in the Federal gas pipeline, hazardous liquid pipeline, and liquefied natural gas (LNG) safety regulations. The Pipeline and Hazardous Materials Safety Administration would incorporate updated standards early in each calendar year.

**Timetable:**

Action	Date	FR Cite
NPRM	07/18/05	70 FR 41174
NPRM Comment Period End	09/16/05	
Final Action	02/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Docket No. RSPA-02-11457.

**URL For More Information:** [dms.dot.gov](http://dms.dot.gov)

**URL For Public Comments:** [dms.dot.gov](http://dms.dot.gov)

**Agency Contact:** Blane Keener, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-4595

**RIN:** 2137-AD68

**2370. +HAZARDOUS MATERIALS: REQUIREMENTS FOR LIGHTERS AND LIGHTER REFILLS**

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

**Legal Authority:** 49 U.S.C. 5101-5127

**CFR Citation:** 49 CFR 171-173; 49 CFR 175

**Legal Deadline:** None

**Abstract:** This rulemaking would make substantial amendments to requirements in hazardous materials regulations for the approval, examination, testing, and transportation of lighters and lighter refills. The changes address current manufacturing or transportation conditions. This rulemaking was upgraded to significant at the request of OMB.

**Timetable:**

Action	Date	FR Cite
NPRM	08/16/04	69 FR 50975
Final Rule	11/00/05	

**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** Docket HM-237. RSPA-2004-18795

**URL For More Information:** [dms.dot.gov](http://dms.dot.gov)

**URL For Public Comments:** [dms.dot.gov](http://dms.dot.gov)

**Agency Contact:** Michael Stevens, Transportation Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety

## DOT—PHMSA

## Final Rule Stage

Administration, 400 Seventh Street  
SW., Washington, DC 20590  
Phone: 202 366-8553

RIN: 2137-AD88

**2371. HAZARDOUS MATERIALS:  
REQUIREMENTS FOR UN STANDARD  
CYLINDERS (RULEMAKING  
RESULTING FROM A SECTION 610  
REVIEW)**

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

**Legal Authority:** 49 USC 5101 to 5127

**CFR Citation:** 49 CFR 107; 49 CFR 173;  
49 CFR 178; 49 CFR 180

**Legal Deadline:** None

**Abstract:** This rulemaking action  
proposes to amend the Hazardous  
Materials Regulations (HMR) to adopt  
standards for the design, construction,  
maintenance and use of cylinders and  
multiple-element gas containers  
(MEGCs) based on the standards  
contained in the United Nations (UN)  
Recommendations on the  
Transportation of Dangerous Goods.  
The intended effect of this proposed  
rule is to offer greater flexibility for the  
design and manufacturer of pressure  
receptacles, offer a wider selection of  
pressure receptacles, reduce the need  
for exemptions, and facilitate the  
internal transportation of compressed  
gases in commerce.

**Timetable:**

Action	Date	FR Cite
NPRM	03/09/05	70 FR 11767
NPRM Comment Period Extended	06/23/05	70 FR 36365
Final Rule	03/00/06	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** HM-220E

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Helen L. Engrum,  
Transportation Regulations Specialist,  
Department of Transportation, Pipeline  
and Hazardous Materials Safety  
Administration, 400 Seventh Street  
SW., Washington, DC 20590  
Phone: 202 366-8553

RIN: 2137-AD91

**2372. +HAZARDOUS MATERIALS:  
INFECTIOUS SUBSTANCES;  
HARMONIZATION WITH THE UNITED  
NATIONS**

**Priority:** Other Significant

**Legal Authority:** 49 USC 5101 et seq

**CFR Citation:** 49 CFR 171 to 173; 49  
CFR 178

**Legal Deadline:** None

**Abstract:** This rulemaking would  
amend the Hazardous Materials  
Regulations (HMR) to harmonize the  
current requirements for the Transport  
of Dangerous Goods with UN standards  
which revised the classification criteria  
for infectious substances, based on risk  
evaluations conducted by the World  
Health Organization and U.S. Centers  
for Disease Control and Prevention. It  
would also relax transportation  
requirements for certain infectious  
substances based on the level of risk  
associated with their transportation.

**Timetable:**

Action	Date	FR Cite
NPRM	05/19/05	70 FR 29169
NPRM Comment Period End	07/18/05	
Final Rule	05/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** RSPA-2004-  
16895 HM-226A

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Susan Gorsky, Senior  
Regulations Specialist, Department of  
Transportation, Pipeline and Hazardous  
Materials Safety Administration, 400  
Seventh Street SW., Washington, DC  
20590

Phone: 202 366-8553

RIN: 2137-AD93

**2373. PIPELINE SAFETY: CRITERIA  
FOR DIRECT ASSESSMENT OF GAS  
AND HAZARDOUS LIQUID PIPELINES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 60101

**CFR Citation:** 49 CFR 195

**Legal Deadline:** None

**Abstract:** This rulemaking would  
require pipeline operators to follow

certain standards when they use direct  
assessment to evaluate the effects of  
corrosion on buried onshore gas and  
hazardous liquid pipelines. The  
standards, which are already in effect  
for gas transmission lines in high-  
consequence areas, involve processes of  
data collection, indirect inspection,  
direct examination, and evaluation.  
Congress has directed DOT to prescribe  
standards for inspection of pipelines by  
direct assessment. The proposed  
regulations should advance the use of  
direct assessment as a method of  
managing the impact of corrosion on  
buried onshore pipelines.

**Timetable:**

Action	Date	FR Cite
NPRM	10/21/04	69 FR 61771
NPRM Comment Period End	12/06/04	
Final Rule	10/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Docket No.  
RSPA-04-16855

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** B. Furrow,  
Department of Transportation, Pipeline  
and Hazardous Materials Safety  
Administration, 400 Seventh Street  
SW., Washington, DC 20590-0001  
Phone: 202 366-4559

RIN: 2137-AD97

**2374. +PROHIBITION ON THE  
TRANSPORTATION OF PRIMARY  
LITHIUM BATTERIES ABOARD  
PASSENGER AIRCRAFT**

**Priority:** Other Significant

**Legal Authority:** 49 USC 5101 to 5127

**CFR Citation:** 49 CFR 171, 172.; 49  
CFR 173, 175

**Legal Deadline:** None

**Abstract:** This rulemaking would  
prohibit the offering for transportation  
and transportation of primary lithium  
batteries and cells as cargo aboard  
passenger-carrying aircraft. The rule  
would apply to both foreign and  
domestic passenger-carrying aircraft  
entering, leaving, or operating in the  
United States. In addition, the rule



## DOT—PHMSA

## Final Rule Stage

would amend the Hazardous Materials Regulations to require that, when offered for transport in other modes, shipments of primary lithium batteries and cells must be marked to indicate that they are forbidden from transport aboard passenger-carrying aircraft.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/15/04	69 FR 75208
Interim Final Rule Effective	12/29/04	

Action	Date	FR Cite
Interim Final Rule	02/14/05	
Comment Period End		
Final Rule	07/00/06	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** RSPA-04-19886; HM-224E**URL For More Information:** dms.dot.gov**URL For Public Comments:** dms.dot.gov

**Agency Contact:** John A. Gale, Transportation Regulations Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-8553

**RIN:** 2137-AE05

## Department of Transportation (DOT)

## Long-Term Actions

## Pipeline and Hazardous Materials Safety Administration (PHMSA)

**2375. +HAZARDOUS MATERIALS: 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:** This rulemaking would 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 would 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	06/06/04	69 FR 25470
NPRM Comment Period End	12/13/04	
Comment Period Extended	08/04/04	69 FR 47074
Final Action	10/00/06	

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

**Additional Information:** HM Docket: HM-224B, RSPA-04-17664. 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.

**URL For More Information:** dms.dot.gov**URL For Public Comments:** dms.dot.gov

**Agency Contact:** John A. Gale, Transportation Regulations Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-8553

**RIN:** 2137-AD33**2376. +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:** This rulemaking would revise requirements applicable to lithium batteries for consistency with international requirements. This rulemaking also responds to NTSB recommendations. After reviewing comments received, PHMSA will prepare and publish for public comment an Initial Regulatory Flexibility Analysis (IFRA) in order to determine the impact of its proposal on small entities.

**Timetable:**

Action	Date	FR Cite
NPRM	04/02/02	67 FR 15510
NPRM Comment Period End	06/14/02	

Action	Date	FR Cite
Initial Regulatory Flexibility Analysis	06/15/05	70 FR 34729
Next Action	Undetermined	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** HM Docket: HM-224C; RSPA-02-11989**URL For More Information:** dms.dot.gov**URL For Public Comments:** dms.dot.gov

**Agency Contact:** John A. Gale, Transportation Regulations Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-8553

**RIN:** 2137-AD48**2377. HAZARDOUS MATERIALS: SECURITY REQUIREMENTS FOR MOTOR CARRIERS TRANSPORTING HAZARDOUS MATERIALS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 5101 et seq; 49 USC 322; ...**CFR Citation:** 49 CFR 397**Legal Deadline:** None

**Abstract:** This rulemaking will address 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

## DOT—PHMSA

## Long-Term Actions

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	
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Additional Information:** Docket No. HM-232A; FMCSA-02-11650. 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.

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Susan Gorsky, Senior Regulations Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-8553

**Related RIN:** Split from 2126-AA71

**RIN:** 2137-AD70

**2378. +HAZARDOUS MATERIALS: ENHANCING RAIL TRANSPORTATION SECURITY OF TOXIC BY INHALATION MATERIALS**

**Priority:** Other Significant

**Legal Authority:** 49 USC 5101 to 5127

**CFR Citation:** 49 CFR 172 to 174; 49 CFR 179

**Legal Deadline:** None

**Abstract:** The Department of Transportation and the Department of Homeland Security are examining the need for enhanced security requirements for the rail transportation of hazardous materials that are toxic by inhalation. The two Departments are seeking comments on the feasibility of initiating specific security enhancements and the potential costs and benefits of doing so. Security measures being considered include improvements to security plans, modifications of methods used to identify shipments, enhanced requirements for temporary storage, strengthened tank car integrity, and implementation of tracking and

communication systems. Both Departments are reviewing the comments received and then will decide the next action.

**Timetable:**

Action	Date	FR Cite
NPRM	08/10/04	69 FR 50987
NPRM Comment Period End	10/18/04	
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** HM Docket: HM-232E; RSPA-2004-18730

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Susan Gorsky, Senior Regulations Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-8553

**RIN:** 2137-AE02

## Department of Transportation (DOT)

## Completed Actions

## Pipeline and Hazardous Materials Safety Administration (PHMSA)

**2379. HAZARDOUS MATERIALS: MISCELLANEOUS AMENDMENTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 5101 to 5127

**CFR Citation:** 49 CFR 171 to 180

**Legal Deadline:** None

**Abstract:** This rulemaking would make miscellaneous amendments to HMR based on petitions for rulemaking and PHMSA 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	08/12/04	69 FR 49846
NPRM Comment Period End	10/12/04	
Final Rule	06/13/05	70 FR 34066
Final Action Effective	08/12/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Docket HM-218C; RSPA-04-18683

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Gigi L. Corbin, Transportation Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-8553  
Fax: 202 366-3012

**RIN:** 2137-AD87

**2380. HARMONIZATION WITH THE UNITED NATIONS RECOMMENDATIONS, INTERNATIONAL MARITIME DANGEROUS GOODS CODE, AND INTERNATIONAL CIVIL AVIATION ORGANIZATION'S TECHNICAL INSTRUCTIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 5101 to 5127

**CFR Citation:** 49 CFR 172 to 180

**Legal Deadline:** None

**Abstract:** This rulemaking would amend the Hazardous Materials Regulations (HMR) to maintain alignment with international standards by incorporating various amendments, including changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations and vessel stowage

## DOT—PHMSA

## Completed Actions

requirements. Because of recent changes to the International Maritime Dangerous Goods Code (IMDG Code), the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO Technical Instructions), and the United Nations Recommendations on the Transport of Dangerous Goods (UN Recommendations), these revisions were necessary to facilitate the transport of hazardous materials in international commerce.

**Timetable:**

Action	Date	FR Cite
NPRM	06/22/04	69 FR 34724
NPRM Comment Period End	08/23/04	
Final Rule	12/20/04	69 FR 76044
Final Rule Effective	01/01/05	
Final Rule Corrections	06/14/05	70 FR 34381
Corrections Effective Date	06/14/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** None

**Additional Information:** HM-215G RSPA-04-17036

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

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

**Agency Contact:** Charles E. Betts, Transportation Regulations Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-8553

**RIN:** 2137-AD92

**2381. PIPELINE SAFETY: IMPLEMENTATION OF EFFECTIVE PUBLIC INFORMATION PROGRAMS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 60101 et seq.

**CFR Citation:** 49 CFR 192; 49 CFR 195

**Legal Deadline:** None

**Abstract:** This rulemaking would require pipeline operators to develop and implement effective public education programs, based on the American Petroleum Institute's (API) Recommended Practice (RP) 1162, Public Awareness Programs for Pipeline

Operators. The purpose is to enhance awareness of pipeline safety and protection through communications with the affected public, local and State emergency response and planning officials, local public officials and governing councils and excavators.

**Timetable:**

Action	Date	FR Cite
NPRM	06/24/04	69 FR 35279
Final Rule	05/19/05	70 FR 28833
Final Rule Effective	06/20/05	
Final Rule Corrections	06/16/05	70 FR 35041
Corrections Effective Date	06/20/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Docket No. RSPA-03-15852.

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

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

**Agency Contact:** Blane Keener, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-4595

**RIN:** 2137-AD96

**2382. +APPLICABILITY OF THE HAZARDOUS MATERIALS REGULATIONS TO A "PERSON WHO OFFERS" A HAZARDOUS MATERIAL FOR TRANSPORTATION IN COMMERCE**

**Priority:** Other Significant

**Legal Authority:** 49 USC 5101 et seq

**CFR Citation:** 49 CFR 171

**Legal Deadline:** None

**Abstract:** This rulemaking would add a definition for "Person Who Offers or Offeror" to the Hazardous Materials Regulations in order to codify the applicability of those regulations. The definition would be based on long-standing administrative determination concerning the meaning of this term. This rulemaking has been downgraded and will not appear on next month's report.

**Timetable:**

Action	Date	FR Cite
NPRM	09/24/04	69 FR 57245

Action	Date	FR Cite
End of Comment Period	11/23/04	
Final Rule	07/28/05	70 FR 43638
Final Rule Effective	10/01/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Docket No. HM-223A. RSPA-04-19173

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

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

**Agency Contact:** Susan Gorsky, Senior Regulations Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
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**RIN:** 2137-AE04

**2383. HAZARDOUS MATERIALS: EDITORIAL CORRECTIONS AND MISCELLANEOUS CLARIFICATIONS**

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

**Legal Authority:** 49 USC 5101 to 5127

**CFR Citation:** 49 CFR 105 to 107; 49 CFR 110; 49 CFR 171 to 173; 49 CFR 176 to 178; 49 CFR 180

**Legal Deadline:** None

**Abstract:** This annual rulemaking activity corrects editorial errors and enhances the clarity of certain provisions in the Hazardous Materials Regulations.

**Timetable:**

Action	Date	FR Cite
Final Rule	09/23/05	70 FR 56084

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** HM-189Y

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

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

**Agency Contact:** Kurt Eichenlaub, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 400 Seventh Street SW., Washington, DC 20590

## DOT—PHMSA

## Completed Actions

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RIN: 2137-AE08

BILLING CODE 4910-60-S

**Department of Transportation (DOT)**  
**Maritime Administration (MARAD)**

## Proposed Rule Stage

**2384. LAUNCH BARGE WAIVER PROGRAM****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 CFR 1.66; PL 108-293, 118 Stat 1028**CFR Citation:** Not Yet Determined**Legal Deadline:** None

**Abstract:** This rulemaking will establish regulations governing administrative determinations of availability of coastwise-qualified launch barges to be used in the transportation and launching of offshore oil drilling or production platform jackets in specified projects. This rulemaking implements provisions

of the Coast Guard and Maritime Transportation Act of 2004, which among other things, requires the Secretary of Transportation (acting through the Maritime Administrator) to adopt procedures to determine if coastwise-qualified vessels are available for platform jacket transport and launching, and if not, to allow the use of non-coastwise qualified foreign built vessels.

**Timetable:**

Action	Date	FR Cite
NPRM	08/15/05	70 FR 47771
NPRM Comment Period End	10/14/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For More Information:** dms.dot.gov**URL For Public Comments:** dms.dot.gov

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RIN: 2133-AB67

**Department of Transportation (DOT)**  
**Maritime Administration (MARAD)**

## Final Rule Stage

**2385. APPLICATION FEE FOR ADMINISTRATIVE WAIVERS OF THE COASTWISE TRADE LAWS****Priority:** Substantive, Nonsignificant**Legal Authority:** 46 App USC 1114(b); 49 USC 322; 46 USC 12106 note; PL 105-383; 49 CFR 1.66(c)**CFR Citation:** 46 CFR 388**Legal Deadline:** None

**Abstract:** This rulemaking will increase the application fee for administrative waiver of the coastwise trade laws from \$300 to \$500. The increased application

fee will more closely align the application fee with the actual cost of processing each waiver application.

**Timetable:**

Action	Date	FR Cite
NPRM	05/12/05	70 FR 25010
NPRM Comment Period End	06/13/05	
Final Rule	10/00/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**URL For More Information:** dms.dot.gov**URL For Public Comments:** dms.dot.gov

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RIN: 2133-AB50

**Department of Transportation (DOT)**  
**Maritime Administration (MARAD)**

## Completed Actions

**2386. MARITIME EDUCATION AND TRAINING****Priority:** Substantive, Nonsignificant**Legal Authority:** 46 App USC 1295; 49 CFR 1.66**CFR Citation:** 46 CFR 310**Legal Deadline:** None

**Abstract:** This rulemaking amends the Maritime Administration's regulations in part 310 governing maritime

education and training. This rulemaking implements changes under the National Defense Authorization Act for Fiscal Year 2004 regarding the administration of State, regional, and United States merchant marine academies. This rulemaking also makes non-substantive technical changes to part 310.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	06/08/04	69 FR 31897
Interim Final Rule Effective	07/08/04	
Interim Final Rule Comment Period End	08/09/04	
Final Rule	05/19/05	70 FR 28829

## DOT—MARAD

## Completed Actions

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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**RIN:** 2133-AB60
**2387. AMENDED SERVICE OBLIGATION REPORTING REQUIREMENTS FOR STATE MARITIME ACADEMY GRADUATES**
**Priority:** Substantive, Nonsignificant**Legal Authority:** 46 app USC 1295; 49 CFR 1.66**CFR Citation:** 46 CFR 310**Legal Deadline:** None

**Abstract:** This rulemaking will change the service obligation reporting requirements for State maritime academy graduates who receive Student Incentive Payments (SIPs). The new reporting requirements create standard reporting dates that coincide with the U.S. Naval Reserve/Merchant Marine Reserve (USNR/MMR) service reporting dates. This rulemaking also provides for the electronic submission of reports as the primary means of submission to the Maritime Administration.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	10/20/04	69 FR 61605
Interim Final Rule Comment Period End	11/19/04	
Final Rule	05/10/05	70 FR 24483

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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**RIN:** 2133-AB61
**2388. +MARITIME SECURITY PROGRAM**
**Priority:** Economically Significant. Major under 5 USC 801.**Legal Authority:** 46 app USC 1114(b); PL 108-136; 49 CFR 1.66**CFR Citation:** 46 CFR 296 (New)**Legal Deadline:** None

**Abstract:** This rulemaking provides procedures to implement the provisions of the Maritime Security Act of 2003 (MSA 2003). The MSA 2003 authorizes payments for fiscal years (FYs) 2006 through 2015 for a new Maritime Security Program (MSP). The final rule needs to be in place to continue the Program, which involves millions of dollars and national security. In addition, the MSP supports a fleet of active, commercially viable, privately owned vessels to meet national defense and other security requirements and to maintain a United States presence in international commercial shipping.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	07/20/04	69 FR 43328
Comment Period Extended	08/18/04	69 FR 51987
Interim Final Rule Comment Period End	08/19/04	
Extended Comment Period End	08/30/04	
Interim Final Rule Effective	10/01/04	
Final Rule	09/22/05	70 FR 55581
Final Rule Effective	11/21/05	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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**RIN:** 2133-AB62
**2389. MARITIME EDUCATION AND TRAINING AMENDMENTS**
**Priority:** Substantive, Nonsignificant**Legal Authority:** 46 app USC 1295; 49 CFR 1.66**CFR Citation:** 46 CFR 310**Legal Deadline:** None

**Abstract:** This rulemaking would revise and update MARAD's regulations regarding Maritime Education and Training by eliminating obsolete provisions and by adding provisions to reflect current administrative practices. This rulemaking would also clarify certain provisions and make technical corrections.

**Timetable:**

Action	Date	FR Cite
Terminated	08/01/05	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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**RIN:** 2133-AB63

[FR Doc. 05-19912 Filed 10-28-05; 8:45 am]

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