



# Federal Register

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**Monday,  
December 10, 2007**

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**Part XIII**

**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, 1200 New Jersey Avenue SE., 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 April 30, 2007 (72 FR 22884). The next one is scheduled for publication in the **Federal Register** in April 2008.

Beginning with the fall 2007 edition, the Internet will be the basic means for disseminating the Unified Agenda. The complete Unified Agenda will be available online at [www.reginfo.gov](http://www.reginfo.gov), in

a format that offers users a greatly enhanced ability to obtain information from the Agenda database.

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), DOT's printed agenda entries include only:

1. The Agency's agenda preamble;
2. rules that are in the Agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and
3. any rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's Agenda requirements. These elements are: Sequence Number; Title; Section 610 Review, if applicable; Legal Authority; Abstract; Timetable; Regulatory Flexibility Analysis Required; Agency Contact; and Regulation Identifier Number (RIN). Additional information (for detailed list see section heading "Explanation of Information on the Agenda") on these entries is available in the Unified Agenda published on the Internet. In addition, for fall editions of the Agenda, the entire Regulatory Plan will continue to be printed in the **Federal Register**, as in past years, including DOT's regulatory plan.

For this edition of the DOT's regulatory agenda, the most important significant regulatory actions and a Statement of Regulatory Priorities are included in The Regulatory Plan, which appears in both the online Unified Agenda and in part II of the **Federal Register** that includes the Unified Agenda.

**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)

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decides a rule is subject to its review under Executive Order 12866, we have classified it as significant in the agenda.

### Explanation of Information on the Agenda

The format for this agenda is required by a fall 2007 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 Identifier Number (RIN) assigned to identify an individual rulemaking in the agenda and facilitate tracing further action on the issue; (13) whether the action is subject to the Unfunded Mandates Reform Act; (14) whether the action is subject to the Energy Act; and (15) whether the action is major under the congressional review provisions of the Small Business Regulatory Enforcement Fairness Act. If there is information that does not fit in the other categories, it will be included under a separate heading entitled "Additional Information."

For nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements (such as the Federal Aviation Administration's Airspace Rules), to keep those requirements operationally current, we only include the general category of the regulations, the identity of a contact office or official, and an indication of the

expected number of regulations; we do not list individual regulations.

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

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

### Request for Comments

#### General

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

#### Reviews

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

#### Regulatory Flexibility Act

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

In accordance with the Regulatory Flexibility Act, comments are

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

#### Federalism

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

#### Purpose

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

#### Dated:

**Mary E. Peters,**

*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.

## DOT

*Federal Highway Administration (FHWA)*

(Name of contact person), Federal Highway Administration, 1200 New Jersey Avenue SE., Washington, DC 20590.

*Federal Motor Carrier Safety Administration (FMCSA)*

(Name of contact person), Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590.

*Federal Railroad Administration (FRA)*

Michelle Silva, Docket Clerk, Federal Railroad Administration, 1120 Vermont Avenue NW., Mail Stop-10, Washington, DC 20590; telephone (202) 493-6030.

*National Highway Traffic Safety Administration (NHTSA)*

(Name of contact person), National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590.

*Federal Transit Administration (FTA)*

(Name of contact person), Federal Transit Administration, 1200 New Jersey Avenue SE., Washington, DC 20590.

*Saint Lawrence Seaway Development Corporation (SLSDC)*

(Name of contact person), Saint Lawrence Seaway Development Corporation, 1200 New Jersey Avenue SE., Washington, DC 20590.

*Pipeline and Hazardous Materials Safety Administration (PHMSA)*

(Name of contact person), Pipeline and Hazardous Materials Safety Administration (PHMSA), 1200 New Jersey Avenue SE., Washington, DC 20590.

*Maritime Administration (MARAD)*

Daron T. Threet, Secretary, Maritime Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, (202) 366-5169.

*The Research and Innovative Technology Administration (RITA)*

(Name of contact person), The Research and Innovative Technology Administration (RITA), 1200 New Jersey Avenue SE., Washington, DC 20590.

*Federal Aviation Administration (FAA)*

To obtain a copy of a specific Federal Aviation Administration (FAA) regulatory document in the agenda, you

should communicate directly with the contact person listed with the regulation at the address or telephone number listed; access the FAA's Regulations and Policies web page at [http://www.faa.gov/regulations\\_policies/](http://www.faa.gov/regulations_policies/); call (202) 267-9680; or write to us at Federal Aviation Administration, Office of Rulemaking, ARM-1, 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, 1200 New Jersey Avenue SE., 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 - Jennifer Outhouse, Office of Chief Counsel, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366-0761.

FMCSA - Theresa M. Rowlett, Regulatory Ombudsman, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366-0596.

NHTSA - Steve Wood, Office of Chief Counsel, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366-2992.

FRA - Jason Schlosberg, Office of Chief Counsel, 1120 Vermont Avenue NW., Room 7034, Washington, DC 20590; telephone (202) 493-6032.

FTA - Richard Wong, Office of Chief Counsel, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366-4063.

SLSDC - Craig Middlebrook, General Counsel's Office, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366-0091.

PHMSA - Patricia Burke, Office of Chief Counsel, 1200 New Jersey Avenue SE.,

Washington, DC 20590; telephone (202) 366-4400.

MARAD - Christine Gurland, Office of Chief Counsel, Maritime Administration, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366-5157.

RITA - Robert Monniere, Office of Chief Counsel, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366-5498.

OST - Neil Eisner, Office of Regulation and Enforcement, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366-4723.

**Appendix C—Public Rulemaking Dockets**

Please note that effective October 1, 2007, the process for submitting and reviewing comments will change. All comments via the Internet will be submitted through the Federal Docket Management System (FDMS) at the following address: <http://www.regulations.gov>. The FDMS allows the public to search, view, download, and comment on all Federal agency rulemaking documents in one central online system. The above referenced Internet address will also allow the public to sign up 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 1200 New Jersey Avenue SE., Room W12-140, 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

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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 10 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 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 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 listed 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 FAA, in addition to reviewing its rules in accordance with the schedule below, has established a process by which the public is asked for its comments on which rules need review the most. Any information that the FAA receives in connection with its annual section 610 analyses would, of course, also be reviewed in the spirit of E.O. 12866. In addition, in response to a recommendation of the White House Commission on Aviation Safety and Security, the FAA has completed a review of all its existing regulations to identify those in need of rewriting as performance-based or plain language regulations. The Agency also reviewed ongoing regulatory projects and proposals to identify additional candidates for revision. In all, the Agency reviewed 68 parts of the CFR, containing 3,884 sections, appendices, and Special Federal Aviation Regulations. In addition to using plain language in its current and future regulations, the FAA intends to revise those regulations identified in its study when it has the opportunity and resources to do so.

*FMCSA*

The Regulatory Flexibility Act (RFA) section 610 requires agencies to provide information concerning any rule that may have a significant economic impact on a substantial number of small entities (SEISNOSE) in the spring and fall of each year as part of the Unified Agenda. FMCSA has completed the fourth year of its condensed 5-year analytical review cycle to evaluate whether our regulations and rules impose a SEISNOSE. The Agency's 5-year review plan coincides with the Department of Transportation's 10-year schedule for meeting the RFA section 610 requirements. We have also scheduled more in-depth regulatory reviews to determine if our rules are redundant, provide the intended safety benefit, are unnecessarily burdensome to small entities, written in plain language (consistent with Executive Order 12988 and 63 FR 31885), and still serve a meaningful purpose, or need to be modified.

*FTA*

FTA will continue to 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

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conformity, pursuant to relevant statutes.

**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 through an online search at [www.reginfo.gov](http://www.reginfo.gov). 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        |
| 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 9 (fall 2006) List of rules continuing to be analyzed**

- 49 CFR part 91 - International Air Transportation Fair Competitive Practices
- 49 CFR part 92 - Recovering Debts to the United States by Salary Offset
- 49 CFR part 93 - Aircraft Allocation
- 49 CFR part 95 - Advisory Committees
- 49 CFR part 98 - Enforcement of Restrictions on Post-Employment Activities
- 49 CFR part 99 - Employee Responsibilities and Conduct

**Year 10 (fall 2007) List of rule(s) that will be analyzed during the next year**

- 49 CFR parts 91 through 99,
- 48 CFR parts 1201 through 1253, and new parts and subparts

**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 5 (fall 2002) List of rules continuing to be analyzed**

- 14 CFR part 91 - General Operating and Flight Rules

**Year 5 (fall 2002) List of rules analyzed and a summary of results**

- 14 CFR part 93 - Special Air Traffic Rules
  - Section 610: The Agency has conducted section 610 reviews for this part and found no SEIOSNOSE.
  - Plain Language: In conducting the section 610 reviews, we did not review for plain language. However, when we propose to amend these parts, we will ensure the regulation(s) are written in plain language.
  - General: No changes are necessary since the benefits of the rule justify its costs and the regulations impose the least burden.
- 14 CFR part 95 - IFR Altitudes
  - Section 610: The Agency has conducted section 610 reviews for this part and found no SEIOSNOSE.
  - Plain Language: In conducting the section 610 reviews, we did not review for plain language. However, when we propose to amend these parts, we will ensure the regulation(s) are written in plain language.

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- General: No changes are necessary since the benefits of the rule justify its costs and the regulations impose the least burden.
- 14 CFR part 97 - Standard Instrument Approach Procedures
- Section 610: The Agency has conducted section 610 reviews for this part and found no SEIOSNOSE.
  - Plain Language: In conducting the section 610 reviews, we did not review for plain language. However, when we propose to amend these parts, we will ensure the regulation(s) are written in plain language.
  - General: No changes are necessary since the benefits of the rule justify its costs and the regulations impose the least burden.
- 14 CFR part 99 - Security Control of Air Traffic
- Section 610: The Agency has conducted section 610 reviews for this part and found no SEIOSNOSE.
  - Plain Language: In conducting the section 610 reviews, we did not review for plain language. However, when we propose to amend these parts, we will ensure the regulation(s) are written in plain language.
  - General: No changes are necessary since the benefits of the rule justify its costs and the regulations impose the least burden.
- 14 CFR part 101 - Moored Balloons, Kites, Unmanned Rockets, and Unmanned Free Balloons
- Section 610: The Agency has conducted section 610 reviews for this part and found no SEIOSNOSE.
  - Plain Language: In conducting the section 610 reviews, we did not review for plain language. However, when we propose to amend these parts, we will ensure the regulation(s) are written in plain language.
  - General: No changes are necessary since the benefits of the rule justify its costs and the regulations impose the least burden.
- 14 CFR part 103 - Ultralight Vehicles
- Section 610: The Agency has conducted section 610 reviews for this part and found no SEIOSNOSE.
  - Plain Language: In conducting the section 610 reviews, we did not review for plain language. However, when we propose to amend these parts, we will ensure the regulation(s) are written in plain language.
  - General: No changes are necessary since the benefits of the rule justify its costs and the regulations impose the least burden.
- 14 CFR part 105 - Parachute Operations
- Section 610: The Agency has conducted section 610 reviews for this part and found no SEIOSNOSE.
  - Plain Language: In conducting the section 610 reviews, we did not review for plain language. However, when we propose to amend these parts, we will ensure the regulation(s) are written in plain language.
  - General: No changes are necessary since the benefits of the rule justify its costs and the regulations impose the least burden.

**Year 6 (fall 2003) List of rules scheduled to be analyzed during the next year**

- 14 CFR parts 107 and 109 have been transferred to the Department of Homeland Security, Transportation Security Administration
- 49 CFR part 119 - Certification: Air Carriers and Commercial Operators
- 49 CFR part 121 - Operating Requirements: Domestic, Flag, and Supplemental Operations
- 49 CFR part 125 - Certification and Operations: Airplanes Having a Seating Capacity of 20 or More Passengers or a Maximum Payload Capacity of 6,000 Pounds or More; and Rules Governing Persons on Board Such Aircraft
- 49 CFR part 129 - Operations: Foreign Air Carriers and Foreign Operators of U.S.-Registered Aircraft Engaged in Common Carriage
- 49 CFR part 133 - Rotorcraft External-Load Operations

**Year 7 (fall 2004) List of rules that will be analyzed beginning fall 2008**

- 14 CFR part 135 - Operating Requirements: Commuter and On-Demand Operations and Rules Governing Persons on Board Such Aircraft
- 14 CFR part 137 - Agricultural Aircraft Operations
- 14 CFR part 139 - Certification of Airports
- 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

**Year 8 (fall 2005) List of rules that will be analyzed beginning fall 2009**

- 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

The Agency will perform analysis of parts scheduled for review years 9 and 10 beginning fall 2010. While we have made significant progress, we were unable to perform the required analyses within the 10-year plan due to

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the need to perform other high priority safety regulatory actions designed to further reduce the air carrier and general aviation accident rate. However, we recognize the importance of reviewing the impact of existing rules on small entities and have developed this plan to ensure that the reviews occur.

**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 through 260 .....                    | 2001          | 2002        |
| 5    | 23 CFR parts 420, 460 through 480 .....             | 2002          | 2003        |
| 6    | 23 CFR part 500 .....                               | 2003          | 2004        |
| 7    | 23 CFR parts 600 through 656, 658 through 669 ..... | 2004          | 2005        |
| 8    | 23 CFR parts 710 through 924 .....                  | 2005          | 2006        |
| 9    | 23 CFR parts 1200 through 1252 .....                | 2006          | 2007        |
| 10   | New parts and subparts .....                        | 2007          | 2008        |

#### **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 U.S.C. 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.

#### **Year 9 (fall 2006) List of Rules analyzed and summary of the results**

##### 23 CFR part 1200 - Uniform procedures for State Highway Safety Programs

- 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 1205 - Highway Safety Programs; Determinations of Effectiveness

- 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 1206 — Rules of Procedure for Invoking Sanctions under the Highway Safety Act of 1966

- 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 1208 - Minimal Drinking Age

- 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 1210 - Operation of Motor Vehicles by Intoxicated Minors

- 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 1215 - Use of Safety Belts - Compliance and Transfer-of-Funds 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.
- General: No changes are needed. These regulations are cost effective and impose the least burden.

##### 23 CFR part 1225 - Operation of Motor Vehicles by Intoxicated Persons

- 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 1235 - Uniform System for Parking for Persons with Disabilities

- 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 1240 - Safety Incentive Grants for Use of Seat Belts - Allocations Based on Seat Belt Use rates



**DOT**

- 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 1250 - Political Subdivision Participation in State Highway Safety Programs
- 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 1251 - State Highway Safety Agency
- 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 1252 - State Matching of Planning and Administration Costs
- 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 10 (fall 2007) New Parts and Subparts**

- None

**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, 388, and 389 .....                                | 2003          | 2004        |
| 7    | 49 CFR parts 325, 350, 355, 382 through 385, 390 through 393, and 396 through 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 9 (fall 2006) List of rules analyzed and a summary of the results**

- 49 CFR part 360 - Fees for Motor Carrier Registration and Insurance
- Section 610: No SEISNOSE. This administrative part allows FMCSA to collect one-time nominal registration and insurance fees for commercial motor carriers. The fees do not place any significant cost burden on small entities. The rule does allow for a significant cost to self-insure, but this option applies to a select group of large carriers.
  - Plain Language: FMCSA will integrate plain language techniques to the extent possible as it rewrites these rulemakings to address SAFETEA-LU provisions, which directed the replacement of three current identification and registration systems with a single online Federal “Unified Registration System (URS).”
  - General: Authority to set and collect fees is in 31 U.S.C. 9701 and 49 U.S.C 13908; a Notice of Proposed Rulemaking was published in the **Federal Register** on May 19, 2005, and proposed rewriting 49 CFR part 360 to incorporate major components of 49 CFR parts 365, 366, and 368, consistent with the URS.
- 49 CFR part 365 - Rules Governing Applications for Operating Authority
- Section 610: No SEISNOSE. This administrative rule allows commercial motor vehicle (CMV) carriers to protest a rejected application for operating authority; but since no entity is obliged to file a protest, we find no significant costs imposed on small entities.
  - Plain Language: FMCSA will integrate plain language techniques as it rewrites these rulemakings and will integrate this part into 49 CFR part 360, consistent with the Federal “Unified Registration System.”
  - General: This part is still relevant as it provides carriers, which satisfy minimum safety and financial insurance safety fitness requirements, the authority to operate.
- 49 CFR part 366 - Designation of Process Agent
- Section 610: No SEISNOSE. These rules require motor carriers to designate court-related process agents for every State in which they operate to enable the claimant to adjudicate a claim in the jurisdiction where the claim arises. Most small firms contract with organizations, which provide a nationwide blanket authority at a reasonable cost to carriers.
  - Plain Language: FMCSA will integrate plain language techniques as it rewrites these rulemakings and will integrate this part into 49 CFR part 360, consistent with the proposed Federal “Unified Registration System.”
  - General: The process-agent designation is imposed by statute: 49 U.S.C. 13303 and 13304; consequently FMCSA has no discretion regarding costs associated with this rulemaking.
- 49 CFR part 368 - Application for a Certificate of Registration to Operate in Municipalities in the United States on the United States-Mexico International Border or Within the Commercial Zones of Such Municipalities

**DOT**

- Section 610: No SEISNOSE. The issuance of Certificates of Registration to Mexican motor carriers of property desiring to operate in the United States commercial border zones applies only to Mexican carriers and therefore has no cost impact to U.S. small entities.
  - Plain Language: The FMCSA will integrate plain language techniques as it rewrites these rulemakings and will integrate this part into 49 CFR part 360, consistent with SAFETEA-LU and the proposed Federal “Unified Registration System.”
  - General: This rule remains important since the full implementation of the North American Free Trade Agreement has not taken place to date.
- 49 CFR part 377 - Payment of Transportation Charges
- Section 610: No SEISNOSE. These rules relate primarily to household-goods carriers handling C.O.D. shipments and extending credit to shippers; they do not constrain business decisions or impose costly fees or actions upon small entities.
  - Plain Language: FMCSA will rewrite the regulations using plain language techniques as resources permit.
  - General: No changes are needed as these rules support 49 U.S.C. 13702, which requires certain carriers to publish tariffs in support of non-contiguous domestic trade. The benefits of the rule justify their costs, and the regulations impose only a minimal burden on society.
- 49 CFR part 378 - Procedures Governing the Processing, Investigation, and Disposition of Overcharge, Duplicate Payment, or Overcollection Claims
- Section 610: No SEISNOSE. These rules involve standard business practices that a prudent person should undertake in the proper management of claims even in the absence of the rules. Consequently any additive costs associated with the FMCSA rules are minimal.
  - Plain Language: FMCSA will rewrite the regulations using plain language techniques as resources permit.
  - General: No changes are needed because the rules support 49 U.S.C. 13301, 14101, 14704, 14705, and 13702(a), which regulate the management of claim disputes. The benefits of the rules justify their costs and the regulations impose only a minimal burden on society.
- 49 CFR part 387 - Minimum Levels of Financial Responsibility for Motor Carriers
- Section 610: There is a SEISNOSE. Part 387 requires carriers to meet minimum levels of insurance. The significant economic impact on a substantial number of small entities is the difference between what a prudent carrier would pay for insurance absent the regulation and the costs imposed by the regulation. We estimate those costs to range from \$1,500 to \$2,500 per year, per truck. We calculated these costs by subtracting the costs a prudent carrier would pay for insurance if there were no regulation from the total costs per carrier of the regulation. Even limiting the costs imposed by part 387 in this way, to only those costs beyond what a prudent carrier would normally pay, Part 387 imposes a SEISNOSE.
  - Plain Language: The FMCSA will integrate plain language techniques to the extent possible as it rewrites these rules to address amendments directed by SAFETEA-LU, which call for replacing three current identification and registration systems with a single Federal “Unified Registration System.”
  - General: The Agency performed a regulatory effectiveness review of part 387 to identify opportunities to reduce unnecessary burdens on society. The review determined the costs were appropriate, and suggested the Agency consider expanding the rule to include “Other-than For Hire” CMV carriers. The FMCSA intends to modify this part by adding a rule on “limits applicable to transit service providers.”

**Year 10 (fall 2008) List of rules to be analyzed during the next year**

- 49 CFR part 375 - Transportation of Household Goods in Interstate Commerce; Consumer Protection Regulations
- 49 CFR part 395 - Hours of Service of Drivers

**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 through 571.222 .....                             | 1999          | 2000        |
| 3    | 49 CFR parts 571.101 through 571.110, and 571.135 .....                                  | 2000          | 2001        |
| 4    | 49 CFR parts 529 through 579, except 571 .....   | 2001          | 2002        |
| 5    | 49 CFR parts 571.111 through 571.129, and 580 through 590 .....                          | 2002          | 2003        |
| 6    | 49 CFR part 571.201 through 571.212 .....  | 2003          | 2004        |
| 7    | 49 CFR parts 571.214 through 571.219, except 571.217 .....                               | 2004          | 2005        |
| 8    | 49 CFR parts 591 through 594 .....   | 2005          | 2006        |
| 9    | 49 CFR parts 571.223 through 571.304, 500, and new parts and subparts under 49 CFR ..... | 2006          | 2007        |
| 10   | 23 CFR parts 1200 through 1300, and new parts and subparts .....                         | 2007          | 2008        |

**Year 8 (fall 2005) List of rules analyzed and a summary of the results**

- 49 CFR part 591 - Importation of Vehicles and Equipment Subject to Federal Safety, Bumper and Theft Prevention Standards
- Section 610: No SEIOSNOSE. No small entities are affected.
- Plain Language: NHTSA’s plain language review of these rules indicates no need for substantial revision.

**DOT**

- General: No changes are needed. These regulations are cost effective and impose the least burden.
- 49 CFR part 592 - Registered Importers of Vehicles Not Originally Manufactured To Conform to the Federal Motor Vehicle Safety Standards
- Section 610: No SEIOSNOSE. No small entities are affected.
- Plain Language: NHTSA'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.
- 49 CFR part 593 - Determinations That a Vehicle Not Originally Manufactured To Conform to the Federal Motor Vehicle Safety Standards Is Eligible for Importation
- Section 610: No SEIOSNOSE. No small entities are affected.
- Plain Language: NHTSA'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.
- 49 CFR part 594 - Schedule of Fees Authorized by 49 U.S.C. 30141
- Section 610: No SEIOSNOSE. No small entities are affected.
- Plain Language: NHTSA'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 9 (fall 2006) List of rules continuing to be analyzed**

- 49 CFR part 571.223 - Standard No. 223; Rear Impact Guards
- 49 CFR part 571.224 - Standard No. 224; Rear Impact Protection
- 49 CFR part 571.225 - Standard No. 225; Child Restraint Anchorage Systems
- 49 CFR part 571.301 - Standard No. 301; Fuel System Integrity
- 49 CFR part 571.302 - Standard No. 302; Flammability of Interior Materials
- 49 CFR part 571.303 - Standard No. 303; Fuel System Integrity of Compressed Natural Gas Vehicles
- 49 CFR part 571.304 - Standard No. 304; Compressed Natural Gas Fuel Container Integrity
- 49 CFR part 500 - Standard No. 500; Low-Speed Vehicles

**Year 10 (fall 2007) List of rules that will be analyzed during the next year**

- 23 CFR part 1200 - Uniform Procedures for State Highway Safety Programs
- 23 CFR part 1204 - [Reserved]
- 23 CFR part 1205 - Highway Safety Programs; Determinations of Effectiveness
- 23 CFR part 1206 - Rules of Procedure for Invoking Sanctions Under the Highway Safety Act of 1966
- 23 CFR part 1208 - National Minimum Drinking Age
- 23 CFR part 1210 - Operation of Motor Vehicles by Intoxicated Minors
- 23 CFR part 1215 - Use of Safety Belts—Compliance and Transfer-of-Funds Procedures
- 23 CFR part 1225 - Operation of Motor Vehicles by Intoxicated Persons
- 23 CFR part 1235 - Uniform system for parking for persons with disabilities
- 23 CFR part 1240 - Safety Incentive Grants for Use of Seat Belts—Allocations Based on Seat Belt Use Rates
- 23 CFR part 1250 - Political Subdivision Participation in State Highway Safety Programs
- 23 CFR part 1251 - State Highway Safety Agency
- 23 CFR part 1252 - State Matching of Planning and Administration Costs
- 23 CFR part 1270 - Open Container Laws
- 23 CFR part 1275 - Repeat Intoxicated Driver Laws
- 49 CFR part 579 - Reporting of Information and Communications about Potential Defects

**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 9 (fall 2006) List of rules analyzed and a summary of results**

- 49 CFR part 235 - Instructions Governing Applications for Approval of a Discontinuance or Material Modification of a Signal System or Relief From the Requirements of Part 236
- Section 610: There is no SEIOSNOSE.
- Plain Language: FRA's plain language review of this rule indicates no need for substantial revision.

**DOT**

- General: Since the rule prescribes instructions with regard to applications for approval of a discontinuance or material modification of a signal system or relief from the requirements of part 236, it promotes and enhances the safety of railroad operations.
- 49 CFR part 236 - Rules, Standards, and Instructions Governing the Installation, Inspection, Maintenance, and Repair of Signal and Train Control Systems, Devices, and Appliances
  - 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 prescribes standards and instructions with regard to the installation, inspection, maintenance, and repair of signal and train control systems, devices, and appliances, it promotes and enhances the safety of railroad operations.
- 49 CFR part 250 - Guarantee of Certificates of Trustees of Railroads in Reorganization
  - Section 610: There is no SEIOSNOSE.
  - Plain Language: FRA's plain language review of this rule indicates no need for substantial revision.
- General: The purpose of this rule is to provide information with regard to form and content of applications, required exhibits, fees, execution, and filing of applications and general instructions in order to obtain guarantee of certificates by the Secretary of Transportation for trustees of railroads in reorganization under the former section 77 of the Bankruptcy Act.
- 49 CFR part 260 - Regulations Governing Loans and Loan Guarantees Under the Railroad Rehabilitation and Improvement Financing Program
  - Section 610: There is no SEIOSNOSE.
  - Plain Language: FRA's plain language review of this rule indicates no need for substantial revision.
- General: The purpose of this rule is to provide direct loans and loan guarantees to eligible applicants, including State and local governments, government-sponsored authorities, and corporations and railroads.
- 49 CFR part 266 - Assistance to States for Local Rail Service Under Section 5 of the Department of Transportation Act
  - Section 610: There is no SEIOSNOSE.
  - Plain Language: FRA's plain language review of this rule indicates no need for substantial revision.
- General: The purpose of the rule is to provide assistance to States for local rail service, which includes: Rail service continuation assistance; acquisition assistance; rehabilitation or improvement assistance; substitute service assistance; rail facility construction assistance; planning assistance; and program operations assistance. However, there are special limitations on planning assistance and program operations assistance. No appropriations are currently available for providing assistance.

**Year 10 (fall 2007) List of rule(s) that will be analyzed during the next year**

- 49 CFR part 213 - Track Safety Standards
- 49 CFR part 220 - Railroad Communications
- 49 CFR part 230 - Steam Locomotive Inspection and Maintenance Standards
- 49 CFR part 232 - Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment; End-of-Train Devices
- 49 CFR part 239 - Passenger Train Emergency Preparedness
- 49 CFR part 240 - Qualification and Certification of Locomotive Engineers
- 49 CFR part 265 - Nondiscrimination in Federally Assisted Railroad Programs

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

| Year | Regulations To Be Reviewed     | Analysis Year | Review Year |
|------|--------------------------------|---------------|-------------|
| 1    | None .....                     | 1998          | 1999        |
| 2    | None .....                     | 1999          | 2000        |
| 3    | None .....                     | 2000          | 2001        |
| 4    | 49 CFR parts 661 and 665 ..... | 2001          | 2002        |
| 5    | None .....                     | 2002          | 2003        |
| 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 8 (fall 2005) List of rules continuing to be analyzed**

- 49 CFR part 604 - Charter Services
- 49 CFR part 605 - School Bus Operations

**Year 9 (fall 2006) List of rules continuing to be analyzed**

- 49 CFR part 601 - Buy America Requirements
- 49 CFR part 665 - Bus Testing

**DOT****Year 10 (fall 2007) List of rules analyzed and summary of results**

49 CFR part 624 - Clean Fuels Program

- Section 610: The Agency has determined that the rule will not have a significant effect on a substantial number of small entities. This rule imposes no new costs because it merely modifies the application procedures for an existing grant program.
- Plain Language: The rule was drafted using plain language techniques.
- General: No changes are necessary since the benefits of the rule justify its costs and the regulation imposes the least burden.

**Year 10 (fall 2007) List of rule(s) that will be analyzed during the next year**

49 CFR part 633 - Project Management Oversight

**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 9 (Fall 2006) List of rules analyzed and a summary of the results**

46 CFR part 381 - Cargo Preference — U.S. Flag Vessels

- 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.
- General: No overall revision of the rule is needed at this time.

46 CFR part 382 - Determination of Fair and Reasonable Rates for the Carriage of Bulk and Packaged Preference Cargoes on U.S.-Flag Commercial Vessels

- 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.
- General: No overall revision of the rule is needed at this time.

46 CFR part 385 - Research and Development Grant and Cooperative Agreements Regulations

- 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.
- General: No changes are needed. These regulations are cost effective and impose the least burden.

46 CFR part 386 - Regulations Governing Public Buildings and Grounds at the United States Merchant Marine Academy

- 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.
- General: While there may be minor amendments from time to time, no overall revision of the rule is needed at this time.

46 CFR part 387 - Utilization and Disposal of Surplus Federal Real Property for Development or Operation of a Port Facility

- 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.
- General: While there may be minor amendments from time to time, no overall revision of the rule is needed at this time.

**Year 10 (fall 2007) List of rules that will be analyzed during the next year**

46 CFR part 390 - Capital Construction Fund

46 CFR part 391 - Federal Income Tax Aspects of the Capital Construction Fund

DOT

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 6 (fall 2003) List of rules for which analysis is ongoing**

49 CFR part 193 - Liquefied Natural Gas Facilities: Federal Safety Standards

**Year 7 (fall 2004) List of rules for which analysis is ongoing**

49 CFR part 194 - Response Plans for Onshore Oil Pipelines

**Year 8 (fall 2005) List of rules for which analysis is ongoing**

49 CFR part 178 - Specifications for Packagings (Non-Bulk)

49 CFR part 195 - Hazardous Liquid Reporting Requirements

**Year 8 (fall 2005) List of rules analyzed and a summary of the results**

49 CFR part 110 - Hazardous Materials Public Sector Training and Planning Grants

- Section 610: No SEIOSNOSE. The vast majority of grant applicants are not considered small entities as SBA defines that term. In the past 10 years, only eight entities meeting the small business definition have applied for and received HMEP grants. Further, the grant application process is specifically designed to minimize the burden on all grantees, including those that meet the definition of small entity.

- Plain language: Where confusing or wordy language has been identified, we will make revisions.

- General: No changes are necessary since the benefits of the rule justify its costs and the regulation imposes the least burden.

49 CFR part 195 - Transportation of Hazardous Liquids by Pipeline

- Section 610: NO SEIOSNOSE. The vast majority of hazardous liquid operators are not small entities as defined by the SBA.

- Plain Language: We will make revisions where wordy or confusing language is identified.

- General: No changes are necessary since the benefits of the rule justify its costs and the regulation imposes the least burden.

**Year 9 (fall 2006) List of rules for which analysis is ongoing**

49 CFR part 178 through 180 - Bulk Packaging

49 CFR part 198 - Regulations for Grants To Aid State Pipeline Safety Programs

**Year 10 (fall 2007) List of rules that will be analyzed during the next year**

49 CFR part 172 - Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements

49 CFR part 175 - Carriage by Aircraft

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        |
| 5    | 14 CFR part 291 .....                               | 2002          | 2003        |
| 6    | 14 CFR part 234 .....                               | 2003          | 2004        |
| 7    | 14 CFR part 249 .....                               | 2004          | 2005        |

DOT

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

| Year | Regulations To Be Reviewed   | Analysis Year | Review Year |
|------|------------------------------|---------------|-------------|
| 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 rule(s) analyzed and a summary of results**

14 CFR part 234 - Airline Service Quality Performance Reports

- Section 610: No SEIOSNOSE.
- Plain Language: This rule is being reviewed as part of an overall aviation data requirements review and modernization program, which will also take into account the plain language initiative.
- General: This rule is being reviewed as part of an overall aviation data requirements review and modernization program.

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

14 CFR part 249 - Preservation of Air Carrier Records

- Section 610: No SEIOSNOSE.
- Plain Language: This rule is being reviewed as part of an overall aviation data requirements review and modernization program, which will also take into account the plain language initiative.
- General: This rule is being reviewed as part of an overall aviation data requirements review and modernization program.

**Year 8 (fall 2005) List of rule(s) analyzed and a summary of results**

14 CFR part 248 - Submission of Audit Reports

- Section 610: No SEIOSNOSE.
- Plain Language: This rule is being reviewed as part of an overall aviation data requirements review and modernization program, which will also take into account the plain language initiative.
- General: This rule is being reviewed as part of an overall aviation data requirements review and modernization program.

**Year 9 (fall 2006) List of rule(s) continuing to be analyzed**

14 CFR part 250 - Oversales

**Year 10 (fall 2006) List of rule(s) that will be analyzed during the next year**

14 CFR part 374a - Extension of Credit by Airlines to Federal Political Candidates

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION  
SECTION 610 AND OTHER REVIEWS

| Year | Regulations To Be Reviewed         | Analysis Year | Review Year |
|------|------------------------------------|---------------|-------------|
| 1    | 33 CFR parts 401 through 403 ..... | 1998          | 1999        |

*SLSDC has completed all its reviews*

Federal Aviation Administration—Proposed Rule Stage

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 419             | +Automatic Dependent Surveillance—Broadcast (ADS-B) Equipage Mandate To Support Air Traffic Control Service ( <b>Reg Plan Seq No. 111</b> ) ..... | 2120-AI92                    |
| 420             | +Qualification, Service, and Use of Crewmembers and Aircraft Dispatchers .....  | 2120-AJ00                    |

+ 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 |
|-----------------|---|------------------------------|
| 421             | +Transport Airplane Fuel Tank Flammability Reduction ( <b>Reg Plan Seq No. 114</b> ) .....  | 2120-AI23                    |
| 422             | Production and Airworthiness Approvals .....  | 2120-AI78                    |
| 423             | +Special Federal Aviation Regulation No. XX—Mitsubishi MU-2B Series Airplane Special Training, Experience, and Operating Requirements ..... | 2120-AI82                    |

+ DOT-designated significant regulation  
References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

## DOT

## Federal Aviation Administration—Long-Term Actions

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 424             | +Washington, DC, Metropolitan Area Special Flight Rules Area ..... | 2120-AI17                    |
| 425             | +Flight Crewmember Duty Limitations and Rest Requirements .....    | 2120-AI93                    |

+ DOT-designated significant regulation

## Federal Motor Carrier Safety Administration—Proposed Rule Stage

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 426             | +Unified Registration System .....   | 2126-AA22                    |
| 427             | +National Registry of Certified Medical Examiners ( <b>Reg Plan Seq No. 115</b> ) .....                              | 2126-AA97                    |
| 428             | +Commercial Driver's License Testing and Commercial Learner's Permit Standards ( <b>Reg Plan Seq No. 116</b> ) ..... | 2126-AB02                    |

+ 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—Final Rule Stage

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 429             | +New Entrant Safety Assurance Process ( <b>Reg Plan Seq No. 118</b> ) .....  | 2126-AA59                    |
| 430             | +Requirements for Intermodal Equipment Providers and Motor Carriers and Drivers Operating Intermodal Equipment ( <b>Reg Plan Seq No. 119</b> ) ..... | 2126-AA86                    |
| 431             | +Interstate Van Operations .....   | 2126-AA98                    |

+ 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 |
|-----------------|--|------------------------------|
| 432             | +Safety Monitoring System and Compliance Initiative for Mexico-Domiciled Motor Carriers Operating in the United States ..... | 2126-AA35                    |

+ DOT-designated significant regulation

## Federal Motor Carrier Safety Administration—Completed Actions

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 433             | +Hours of Service of Drivers; Supporting Documents ..... | 2126-AA76                    |

+ DOT-designated significant regulation

## Federal Transit Administration—Proposed Rule Stage

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 434             | +Major Capital Investment Projects—New/Small Starts ( <b>Reg Plan Seq No. 125</b> ) .....                                 | 2132-AA81                    |
| 435             | Bus Testing: Phase-In of Brake Performance and Emissions Testing, and Program Updates ( <b>Section 610 Review</b> ) ..... | 2132-AA95                    |

+ DOT-designated significant regulation

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



DOT

Federal Transit Administration—Final Rule Stage

| Sequence Number | Title                        | Regulation Identifier Number |
|-----------------|------------------------------|------------------------------|
| 436             | Charter Bus Operations ..... | 2132-AA85                    |

Federal Transit Administration—Completed Actions

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 437             | Buy America Requirements and Waiver Procedures ( <b>Rulemaking Resulting From a Section 610 Review</b> ) ..... | 2132-AA90                    |

Pipeline and Hazardous Materials Safety Administration—Final Rule Stage

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 438             | +Hazardous Materials: Enhancing Rail Transportation Safety and Security for Hazardous Materials Shipments ( <b>Reg Plan Seq No. 127</b> ) ..... | 2137-AE02                    |

+ DOT-designated significant regulation  
References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

BILLING CODE 4910-9X-S

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

Proposed Rule Stage

**419. +AUTOMATIC DEPENDENT SURVEILLANCE—BROADCAST (ADS-B) EQUIPAGE MANDATE TO SUPPORT AIR TRAFFIC CONTROL SERVICE**

**Regulatory Plan:** This entry is Seq. No. 111 in part II of this issue of the **Federal Register**.  
**RIN:** 2120-AI92

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 106(g)

**Abstract:** This rulemaking would amend the regulations for crewmember and dispatcher training programs in domestic, flag, and supplemental operations. The rulemaking would enhance traditional training programs by requiring the use of flight simulation training devices for flight crewmembers and including additional training requirements in areas that are critical to safety. The rulemaking would also reorganize and revise the qualification and training requirements. The changes

are intended to contribute significantly to reducing aviation accidents.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 02/00/08 |         |

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Edward Cook, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 100 Hartsfield Centre Parkway, Suite 400, Atlanta, GA 30354  
Phone: 404 832-4700  
Email: edward.cook@faa.gov

**RIN:** 2120-AJ00

**420. +QUALIFICATION, SERVICE, AND USE OF CREWMEMBERS AND AIRCRAFT DISPATCHERS**

**Legal Authority:** 49 USC 40119; 49 USC 40113; 49 USC 44101; 49 USC 44701 to 44702; 49 USC 44705; 49 USC

**422. PRODUCTION AND AIRWORTHINESS APPROVALS**

**Legal Authority:** 42 USC 40105; 42 USC 40113; 42 USC 7572; 42 USC 44701 to 44702; 42 USC 44704; 42 USC 44707; 42 USC 44709; 42 USC 44711; 42 USC 44713; 42 USC 44715; 42 USC

45303; 49 USC 106(g); 49 USC 40105; 49 USC 40113; 49 USC 44701 to 44702; 49 USC 44704; 49 USC 44707; 49 USC 44709; 49 USC 44711; 49 USC 44713; 49 USC 44715; 49 USC 45303

**Abstract:** This rulemaking would change certification procedures and

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

Final Rule Stage

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

**Regulatory Plan:** This entry is Seq. No. 114 in part II of this issue of the **Federal Register**.  
**RIN:** 2120-AI23

## DOT—FAA

## Final Rule Stage

identification requirements for aeronautical products and parts. The proposed changes address standardizing requirements for production approval holders; requiring production approval holders to issue airworthiness approvals for aircraft engines, propellers, and other aviation parts; requiring manufacturers to mark all parts and components; and revising export airworthiness approval requirements to facilitate global manufacturing. The intent of these proposed changes is to promote safety by ensuring that aircraft, and parts designed specifically for use in aircraft, wherever manufactured, meet applicable standards. This action is also necessary to update our regulations to reflect the current global aircraft and aircraft parts manufacturing environment.

**Timetable:**

| Action  | Date     | FR Cite     |
|---|----------|-------------|
| NPRM  | 10/05/06 | 71 FR 58914 |
| NPRM Comment Period End                         | 01/03/07 |             |
| NPRM Comment Period Extended                    | 12/20/06 | 71 FR 76224 |
| Extended Comment Period End                     | 02/05/07 |             |
| Notice of Availability and Request for comments | 02/14/07 | 72 FR 6968  |
| Comment Period End                              | 04/02/07 |             |
| Final Rule                                      | 08/00/08 |             |

**Regulatory Flexibility Analysis Required:** Yes

**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-AI78

**423. +SPECIAL FEDERAL AVIATION REGULATION NO. XX—MITSUBISHI MU-2B SERIES AIRPLANE SPECIAL TRAINING, EXPERIENCE, AND OPERATING REQUIREMENTS**

**Legal Authority:** Articles 12 and 29 of Convention on International Civil Aviation (61 Stat 1); 49 USC 1155; 49 USC 40103; 49 USC 40113; 49 USC 40120; 49 USC 41706; 49 USC 44101; 49 USC 44111; 49 USC 44113; 49 USC 44701 to 44703; 49 USC 44705; 49 USC 44707; 49 USC 44709 to 44713; 49 USC 44715 to 44717; 49 USC 44722; 449 USC 5102 to 45103; 49 USC 45301 to 45302; 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; 49 USC 106(g)

**Abstract:** This rule would create new pilot training, experience, and operating requirements in a Special

Federal Aviation Regulation applicable to the Mitsubishi MU-2B series airplane. Following an increased accident and incident rate in the MU-2B airplane, the Federal Aviation Administration (FAA) conducted a safety evaluation of the MU-2B series airplane and found that changes in the training and operating requirements for that airplane are needed. These regulations would improve pilot training for the MU-2B airplane.

**Timetable:**

| Action                               | Date     | FR Cite     |
|--------------------------------------|----------|-------------|
| NPRM                                 | 09/28/06 | 71 FR 56905 |
| NPRM Comment Period End              | 10/30/06 |             |
| Supplemental NPRM                    | 01/03/07 | 72 FR 55    |
| Supplemental NPRM Comment Period End | 02/02/07 |             |
| Final Rule                           | 02/00/08 |             |

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Ron Baker, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-9728  
Email: ron.baker@faa.gov

**RIN:** 2120-AI82

## Department of Transportation (DOT)

## Long-Term Actions

## Federal Aviation Administration (FAA)

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

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

**Abstract:** This rulemaking would 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. We are developing the rule in conjunction with the Department of Defense and Department of Homeland Security.

**Timetable:**

| Action                       | Date     | FR Cite     |
|------------------------------|----------|-------------|
| NPRM                         | 08/04/05 | 70 FR 45249 |
| NPRM Comment Period End      | 08/04/05 |             |
| Comment Period Extended      | 11/07/05 | 70 FR 67388 |
| NPRM Comment Period Extended | 02/06/06 |             |
| Next Action Undetermined     |          |             |

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Ellen Crum, Air Traffic Systems Operations, 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

**425. +FLIGHT CREWMEMBER DUTY LIMITATIONS AND REST REQUIREMENTS**

**Legal Authority:** 49 USC 106(g); 49 USC 40113; 49 USC 40119; 49 USC 44101; 49 USC 44701 to 44703; 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

**Abstract:** This rulemaking would amend the regulations on duty period limitations, flight time limitations, and rest requirements for flight crewmembers engaged in air transportation. The changes would respond to the need to ensure that the rules will continue to provide the minimum level of safety. This rulemaking responds to public and

## DOT—FAA

## Long-Term Actions

congressional interest in regulating flight crewmember rest requirements, NTSB Safety Recommendations, petitions for rulemaking, and scientific data. The FAA is considering proposing additional changes in response to comments received on the NPRM.

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Larry Youngblut, Flight Standards Service, Department of Transportation, Federal Aviation

Administration, 800 Independence Avenue SW., Washington, DC 20951  
Phone: 202 267-9360  
Email: larry.youngblut@faa.gov

**RIN:** 2120-AI93

**BILLING CODE** 4910-13-S

## Department of Transportation (DOT)

## Proposed Rule Stage

## Federal Motor Carrier Safety Administration (FMCSA)

**426. +UNIFIED REGISTRATION SYSTEM**

**Legal Authority:** PL 104-88; 109 Stat 803, 888 (1995); 49 USC 13908; sec 4304 of PL 109-159

**Abstract:** This rulemaking would replace three current identification and registration systems: The US DOT number identification system, the commercial registration system, and the financial responsibility system, with an online Federal unified registration system. This program would serve as a clearinghouse and depository of information on, and identification of, brokers, freight forwarders, and others required to register with the Department of Transportation. The Agency is revising this rulemaking to address amendments directed by SAFETEA-LU. The replacement system for the Single State Registration System,

which the ICC Termination Act originally directed be merged under URS, will be addressed separately.

**Timetable:**

| Action                   | Date     | FR Cite     |
|--------------------------|----------|-------------|
| ANPRM                    | 08/26/96 | 61 FR 43816 |
| ANPRM Comment Period End | 10/25/96 |             |
| NPRM                     | 05/19/05 | 70 FR 28990 |
| NPRM Comment Period End  | 08/17/05 |             |
| Supplemental NPRM        | 03/00/08 |             |

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Valerie Height, Transportation Specialist, Department of Transportation, Federal Motor Carrier Safety Administration, Office of Policy Plans and Regulation (MC-PRR), 1200 New Jersey Avenue SE., Washington, DC 20590

Phone: 202 366-0901  
Email: valerie.height@dot.gov

**RIN:** 2126-AA22

**427. +NATIONAL REGISTRY OF CERTIFIED MEDICAL EXAMINERS**

**Regulatory Plan:** This entry is Seq. No. 115 in part II of this issue of the **Federal Register**.

**RIN:** 2126-AA97

**428. +COMMERCIAL DRIVER'S LICENSE TESTING AND COMMERCIAL LEARNER'S PERMIT STANDARDS**

**Regulatory Plan:** This entry is Seq. No. 116 in part II of this issue of the **Federal Register**.

**RIN:** 2126-AB02

## Department of Transportation (DOT)

## Final Rule Stage

## Federal Motor Carrier Safety Administration (FMCSA)

**429. +NEW ENTRANT SAFETY ASSURANCE PROCESS**

**Regulatory Plan:** This entry is Seq. No. 118 in part II of this issue of the **Federal Register**.

**RIN:** 2126-AA59

**430. +REQUIREMENTS FOR INTERMODAL EQUIPMENT PROVIDERS AND MOTOR CARRIERS AND DRIVERS OPERATING INTERMODAL EQUIPMENT**

**Regulatory Plan:** This entry is Seq. No. 119 in part II of this issue of the **Federal Register**.

**RIN:** 2126-AA86

**431. +INTERSTATE VAN OPERATIONS**

**Legal Authority:** sec 4136 of PL 109-59 (2005)

**Abstract:** This rulemaking would make the requirements concerning driver qualifications; driving of CMVs; parts and accessories necessary for safe operations; hours of service; and inspection, repair, and maintenance applicable to the operation of vehicles designed or used to transport between 9 and 15 passengers (including the driver) for direct compensation, in interstate commerce, regardless of the distance traveled. Currently the safety regulations apply to such vans when the vehicle is operated beyond a 75 air-mile radius of the driver's work

reporting location. This action is in response to SAFETEA-LU.

**Timetable:**

| Action     | Date     | FR Cite |
|------------|----------|---------|
| Final Rule | 03/00/08 |         |

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Thomas Yager, Driver and Carrier Operations Division, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590  
Phone: 202 366-9131  
Email: tom.yager@dot.gov

**RIN:** 2126-AA98

## Department of Transportation (DOT)

## Long-Term Actions

## Federal Motor Carrier Safety Administration (FMCSA)

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

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

**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 |

| Action                             | Date     | FR Cite     |
|------------------------------------|----------|-------------|
| NPRM Comment Period End            | 07/02/01 |             |
| Interim Final Rule                 | 03/19/02 | 67 FR 12758 |
| IFR Comment Period End             | 04/18/02 |             |
| IFR Effective*                     | 05/03/02 |             |
| Notice of Intent To Prepare an EIS | 08/26/03 | 68 FR 51322 |
| EIS Public Scoping Meetings        | 10/08/03 | 68 FR 58162 |
| Next Action Undetermined           |          |             |

**Regulatory Flexibility Analysis Required: Yes**

**Agency Contact:** Milt Schmidt, Chief, North American Borders Division, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590  
Phone: 202 366-4049  
Email: milt.schmidt@dot.gov

**RIN:** 2126-AA35

## Department of Transportation (DOT)

## Completed Actions

## Federal Motor Carrier Safety Administration (FMCSA)

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

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

**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 would clarify: That the duty of motor carriers is to verify the accuracy of drivers' hours or service (HOS) and records of duty status (RODS), 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 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. The FMCSA is withdrawing this rule to further review Paperwork Reduction Act impacts and burdens.

**Timetable:**

| Action                  | Date     | FR Cite     |
|-------------------------|----------|-------------|
| NPRM                    | 04/20/98 | 63 FR 19457 |
| NPRM Comment Period End | 06/19/98 |             |

| Action                                      | Date     | FR Cite     |
|---|----------|-------------|
| Supplemental NPRM with Request for Comments | 11/03/04 | 69 FR 63997 |
| SNPRM End of Comment Period                 | 01/03/05 |             |
| Withdrawn                                   | 10/25/07 | 72 FR 60614 |

**Regulatory Flexibility Analysis Required: Yes**

**Agency Contact:** David Mancl, Enforcement and Compliance Division, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590  
Phone: 202 493-0442  
Email: david.mancl@dot.gov

**RIN:** 2126-AA76

**BILLING CODE 4910-EX-S**

**Department of Transportation (DOT)**  
**Federal Transit Administration (FTA)**

**Proposed Rule Stage**

**434. +MAJOR CAPITAL INVESTMENT PROJECTS—NEW/SMALL STARTS**

**Regulatory Plan:** This entry is Seq. No. 125 in part II of this issue of the **Federal Register**.

**RIN:** 2132-AA81

**Abstract:** This rule would modify the Bus Testing Final Rule to incorporate tests for brake performance and emissions. This rule will also update and clarify the existing regulation found at 49 CFR 665.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 11/00/07 |         |

**Regulatory Flexibility Analysis Required:** No

**Agency Contact:** Richard Wong, Attorney Advisor, Department of Transportation, Federal Transit Administration, 1200 New Jersey Avenue SE., Washington, DC 20590  
 Phone: 202 366-1936  
 Fax: 202 366-3809  
 Email: richard.wong@dot.gov

**RIN:** 2132-AA95

**435. • BUS TESTING: PHASE-IN OF BRAKE PERFORMANCE AND EMISSIONS TESTING, AND PROGRAM UPDATES (SECTION 610 REVIEW)**

**Legal Authority:** 49 USC 5318(a)

**Department of Transportation (DOT)**  
**Federal Transit Administration (FTA)**

**Final Rule Stage**

**436. CHARTER BUS OPERATIONS**

**Legal Authority:** PL 109-59, sec 3023(d)

**Abstract:** Pursuant to the direction contained in SAFETEA-LU, section 3023(d), the FTA established a committee to develop, through negotiated rulemaking procedures, recommendations for improving the regulation regarding unauthorized competition from recipients of Federal financial assistance. The proposed revisions contained in the NPRM represent a complete revision of the charter service regulations contained in 49 CFR part 604. The NPRM contains

the consensus work product of the Charter Bus Negotiated Rulemaking Advisory Committee (CBNRAC), which was able to reach consensus on the majority of the regulatory language. Where the CBNRAC was unable to reach consensus, FTA proposes revisions to the charter service regulations based on the open, informed exchange of information that took place during meetings with the CBNRAC.

**Timetable:**

| Action | Date     | FR Cite    |
|--------|----------|------------|
| NPRM   | 02/15/07 | 72 FR 7526 |

| Action                  | Date     | FR Cite |
|-------------------------|----------|---------|
| NPRM Comment Period End | 04/16/07 |         |
| Final Rule              | 12/00/07 |         |

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Elizabeth S Martineau, Attorney Advisor, Department of Transportation, Federal Transit Administration, 1200 New Jersey Avenue SE., Washington, DC 20590  
 Phone: 202 366-1936  
 Fax: 202 366-3809

**RIN:** 2132-AA85

**Department of Transportation (DOT)**  
**Federal Transit Administration (FTA)**

**Completed Actions**

**437. BUY AMERICA REQUIREMENTS AND WAIVER PROCEDURES (RULEMAKING RESULTING FROM A SECTION 610 REVIEW)**

**Legal Authority:** PL 109-59, sec 3023

**Abstract:** This rulemaking addresses issues not covered in the Buy America final rule (FR) signed March 14, 2006. The following issues were not addressed in the FR due to their complexity: 1) Justification for public interest waiver; 2) microprocessor and post-award waivers; 3) definition of final assembly; 4) proposed changes to communication equipment; and 5) the

definition of end product and a representative list of end products. FTA held a public meeting on February 13, 2007, in conjunction with the issuance of its NPRM to further discuss issues with stakeholders and the public.

**Timetable:**

| Action                         | Date     | FR Cite     |
|--------------------------------|----------|-------------|
| Second NPRM                    | 11/30/06 | 71 FR 69412 |
| Second NPRM Comment Period End | 02/28/07 |             |
| Final Rule                     | 09/20/07 | 72 FR 55102 |
| Final Rule Effective           | 10/22/07 |             |

**Regulatory Flexibility Analysis Required:** No

**Agency Contact:** Richard Wong, Attorney Advisor, Department of Transportation, Federal Transit Administration, 1200 New Jersey Avenue SE., Washington, DC 20590  
 Phone: 202 366-1936  
 Fax: 202 366-3809  
 Email: richard.wong@dot.gov

**RIN:** 2132-AA90

**BILLING CODE 4910-57-S**

Department of Transportation (DOT)

Final Rule Stage

Pipeline and Hazardous Materials Safety Administration (PHMSA)

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**438. +HAZARDOUS MATERIALS:  
ENHANCING RAIL TRANSPORTATION  
SAFETY AND SECURITY FOR  
HAZARDOUS MATERIALS  
SHIPMENTS**

**Regulatory Plan:** This entry is Seq. No. 127 in part II of this issue of the **Federal Register**.

**RIN:** 2137-AE02

[FR Doc. 07-04899 Filed 12-07-07; 8:45 am]

**BILLING CODE 4910-60-S**