



Federal Register

**Monday,
June 28, 2004**

Part LXI

**Surface
Transportation Board**

Semiannual Regulatory Agenda

SURFACE TRANSPORTATION BOARD (STB)

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

49 CFR Ch. X

[STB Ex Parte No. 536 (Sub-No. 16)]

Semiannual Regulatory Agenda

AGENCY: Surface Transportation Board.

ACTION: Semiannual regulatory agenda.

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

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

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act, 5 U.S.C. 601

et seq. (RFA), sets forth a number of requirements for agency rulemaking. Among other things, the RFA requires that, semiannually, each agency shall publish in the **Federal Register** a regulatory flexibility agenda, which shall contain:

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

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

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

Accordingly, a list of proceedings appears below containing information about subject areas in which the Board is currently conducting rulemaking proceedings or may institute such

proceedings in the near future. It also contains information about existing regulations being reviewed to determine whether to propose modifications through rulemaking.

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

The Board is publishing its spring 2004 regulatory flexibility agenda as part of the Unified Agenda of Federal Regulatory and Deregulatory Actions (Unified Agenda). The Unified Agenda is coordinated by the Office of Management and Budget (OMB), pursuant to Executive Order 12866. The Board is participating in the program voluntarily to assist OMB.

Decided: May 10, 2004.
By the Board, Chairman Nober.
Vernon A. Williams,
Secretary.

Surface Transportation Board—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
4326	Small Rate Guidelines, STB Ex Parte No. 646	2140-AA70
4327	Class Exemption for Expedited Abandonment Procedure for Class II and Class III Railroads, STB Ex Parte No. 647	2140-AA71

Surface Transportation Board—Completed Actions

Sequence Number	Title	Regulation Identifier Number
4328	Public Participation in Rail Abandonment Proceedings, STB Ex Parte No. 537 (Sub-No. 1)	2140-AA72
4329	Revision of Appellate Procedures and Informal Complaint Regulations, STB Ex Parte No. 650	2140-AA73
4330	Electronic Filing Option for Certain Documents, STB Ex Parte No. 651	2140-AA74

Surface Transportation Board (STB)

Long-Term Actions

4326. SMALL RATE GUIDELINES, STB EX PARTE NO. 646

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

Legal Authority: 49 USC 10701(d)(3)

CFR Citation: 49 CFR 1109; 49 CFR 1114

Legal Deadline: None

Abstract: The Board is seeking comments to revise the Simplified

Guidelines (Rate Guidelines-Non-Coal Proceedings, 1 STB 1004 (1996)) to provide small shippers meaningful access to regulatory relief in cases

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Long-Term Actions

where a full stand-alone cost presentation is too costly.

Timetable:

Action	Date	FR Cite
Hearing	03/31/03	68 FR 15553
Notice	04/07/03	68 FR 16862
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

URL For More Information:
stb.dot.gov

URL For Public Comments:
stb.dot.gov

Agency Contact: Beryl Gordon, Deputy Director, Office of Proceedings, Surface Transportation Board, 1925 K Street NW., Washington, DC 20423-0001
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RIN: 2140-AA70

4327. CLASS EXEMPTION FOR EXPEDITED ABANDONMENT PROCEDURE FOR CLASS II AND CLASS III RAILROADS, STB EX PARTE NO. 647

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

Legal Authority: 49 USC 10502; 49 USC 10903

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: The Surface Transportation Board will consider a proposal to create a Class exemption for Class II and Class III railroads from the prior approval abandonment requirements, and any other matters interested persons may raise about the abandonment process.

Timetable:

Action	Date	FR Cite
ANPRM	08/13/03	68 FR 48332
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

URL For More Information:
stb.dot.gov

URL For Public Comments:
stb.dot.gov

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RIN: 2140-AA71

Surface Transportation Board (STB)

Completed Actions

4328. PUBLIC PARTICIPATION IN RAIL ABANDONMENT PROCEEDINGS, STB EX PARTE NO. 537 (SUB-NO. 1)

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 721(a)

CFR Citation: 49 CFR 1152.20(a)(2)(ii); 49 CFR 1152.20(a)(2)(xi); 49 CFR 1152.20(a)(2)(xii); 49 CFR 1152.20(a)(2)(xiii)

Legal Deadline: None

Abstract: The Surface Transportation Board is amending its regulations concerning the service of a notice of intent to abandon or discontinue rail service by removing an obsolete reference to a labor organization and making technical changes.

Timetable:

Action	Date	FR Cite
NPRM	09/02/03	68 FR 52168
NPRM Comment Period End	10/02/03	
Final Action	12/04/03	68 FR 67809
Final Action Effective	01/03/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For More Information:
stb.dot.gov

URL For Public Comments:
stb.dot.gov

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RIN: 2140-AA72

4329. • REVISION OF APPELLATE PROCEDURES AND INFORMAL COMPLAINT REGULATIONS, STB EX PARTE NO. 650

Priority: Info./Admin./Other

Legal Authority: None

CFR Citation: None

Legal Deadline: None

Abstract: The Surface Transportation Board is amending the appellate procedures and informal complainants regulations to change incorrect citations.

Timetable:

Action	Date	FR Cite
Final Action	03/18/04	69 FR 12805
Final Action Effective	03/18/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For Public Comments:
stb.dot.gov

Agency Contact: John J. Sado, Assistant to the Director of the Office of Proceedings, Surface Transportation Board, 1925 K Street NW., Washington, DC 20423

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RIN: 2140-AA73

4330. • ELECTRONIC FILING OPTION FOR CERTAIN DOCUMENTS, STB EX PARTE NO. 651

Priority: Info./Admin./Other

Legal Authority: 49 USC 721

CFR Citation: 49 CFR 1104.1(e); 49 CFR 1104.2(a); 49 CFR 1104.3; 49 CFR 1104.3(b); 49 CFR 1104.3(b)(1); 49 CFR 1104.6; 49 CFR 1104.12(a)

Legal Deadline: None

Abstract: The Surface Transportation Board (Board) is amending its regulations concerning filing of

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pleadings and other documents with the Board to give persons the option of filing certain types of pleadings and documents electronically instead of filing paper copies and to give persons the option of filing documents in formats other than WordPerfect.

Timetable:

Action	Date	FR Cite
Final Action	04/08/04	69 FR 18498
Final Action Effective	04/08/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: None

URL For Public Comments: stb.dot.gov

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RIN: 2140-AA74

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