



# Federal Register

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**Monday,  
April 24, 2006**

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**Part XV**

**Department of  
Transportation**

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**Semiannual Regulatory Agenda**

## DEPARTMENT OF TRANSPORTATION (DOT)

## DEPARTMENT OF TRANSPORTATION

## Office of the Secretary

## 14 CFR Chs. I-III

## 23 CFR Chs. I-III

## 33 CFR Chs. I and IV

## 46 CFR Chs. I-III

## 48 CFR Ch. 12

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

## OST Docket 99-5129

Department Regulatory Agenda;  
Semiannual Summary

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

**ACTION:** Semiannual regulatory agenda.

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

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

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

*Specific*

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

*Table of Contents*

Supplementary Information:

Background

Significant/Priority Rulemakings  
Explanation of Information on the Agenda  
Request for Comments  
Purpose  
Appendix A—Instructions for Obtaining Copies of Regulatory Documents  
Appendix B—General Rulemaking Contact Persons  
Appendix C—Public Rulemaking Dockets  
Appendix D—Review Plans for Section 610 and Other Requirements Agenda

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

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

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

The agendas are based on reports submitted by the offices initiating the rulemaking and are reviewed by the Department Regulations Council. The Department's last agenda was published in the **Federal Register** on October 31, 2005 (70 FR 64940). The next one is scheduled for publication in the **Federal Register** in October 2006.

On August 10, 2005, President Bush signed the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). In this agenda cycle, the Department is listing rulemaking actions resulting

from SAFETEA-LU. In addition, any significant rulemaking actions resulting from SAFETEA-LU is identified on the Department's website (<http://regs.dot.gov>), which provides a report on the status of the Department's significant rulemakings.

**Significant/Priority Rulemakings**

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

**Explanation of Information on the Agenda**

The format for this agenda is required by a spring 2006 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

**DOT**

Mandates Reform Act; (14) whether the action is subject to the Energy Act; and (15) whether the action is major under the congressional review provisions of the Small Business Regulatory Enforcement Fairness Act. If there is information that does not fit in the other categories, it will be included under a separate heading entitled "Additional Information."

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

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

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

**Request for Comments***General*

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

*Reviews*

We also seek your suggestions on which of our existing regulations you believe need to be reviewed to determine whether they should be revised or revoked. We particularly draw your attention to the Department's review plan in Appendix D. We are continuing a significant review for 2006 of where revisions, improvements, or sunsets are appropriate on DOT rules and invite public comments as to this topic.

*Regulatory Flexibility Act*

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

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

*Federalism*

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

**Purpose**

The Department is publishing this regulatory agenda in the **Federal Register** to share with interested members of the public the Department's preliminary expectations regarding its future regulatory actions. This should enable the public to be more aware of

the Department's regulatory activity and should result in more effective public participation. This publication in the **Federal Register** does not impose any binding obligation on the Department or any of the offices within the Department with regard to any specific item on the agenda. Regulatory action, in addition to the items listed, is not precluded.

**Norman Y. Mineta,**

*Secretary of Transportation.*

**Appendix A—Instructions for Obtaining Copies of Regulatory Documents**

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

*Federal Highway Administration (FHWA)*

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

*Federal Motor Carrier Safety Administration (FMCSA)*

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

*Federal Railroad Administration (FRA)*

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, 400 7th Street SW., Washington, DC 20590.

*Federal Transit Administration (FTA)*

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

*Saint Lawrence Seaway Development Corporation (SLSDC)*

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

**DOT***Pipeline and Hazardous Materials Safety Administration (PHMSA)*

(Name of contact person), Pipeline and Hazardous Materials Safety Administration (PHMSA), 400 7th Street SW., Washington, DC 20590.

*Maritime Administration (MARAD)*

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

*The Research and Innovative Technology Administration (RITA)*

(Name of contact person), The Research and Innovative Technology Administration (RITA), 400 7th Street SW., Room 3103, Washington, DC 20590.

*Federal Aviation Administration (FAA)*

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

*Office of the Secretary (OST)*

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

**Appendix B—General Rulemaking Contact Persons**

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

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

FHWA — Julie Downey, Office of Chief Counsel, 400 7th Street SW., Room

4223, Washington, DC 20590; telephone (202) 366-0761.

FMCSA — Theresa M. Rowlett, Regulatory Ombudsman, Room 8202, 400 7th Street SW., Washington, DC 20590; telephone (202) 366-0596.

FRA — Michael Masci, Office of Chief Counsel, 1120 Vermont Avenue NW., Room 7034, Washington DC 20590; telephone (202) 493-6037.

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

FTA — Linda Lasley, Office of Chief Counsel, 400 7th Street SW., Room 9316, Washington, DC 20590; telephone (202) 366-4063.

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

PHMSA — Patricia Burke, Office of Chief Counsel, 400 7th Street SW., Room 8405, Washington, DC 20590; telephone (202) 366-4400.

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

RITA — Robert Monniere, Office of Chief Counsel, Room 3105, 400 Seventh Street SW., Washington, DC 20590; telephone (202) 366-5498.

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

**Appendix C—Public Rulemaking Dockets**

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

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

**Appendix D—Review Plans for Section 610 and Other Requirements****Part I — The Plan***General*

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

*Section 610 Review Plan*

Section 610 requires that we conduct reviews of rules that (1) have been published within the last 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

**DOT**

make changes in response to public comment on this plan or in response to a Presidentially mandated review. If there is any change to the review plan, we will note the change in the following unified agenda. For any section 610 review, we will provide the required notice prior to the review.

**Part II— The Review Process**

*The Analysis*

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

*Section 610 Review*

The Agency will analyze each of the rules in a given year's group to determine whether any rule has a SEIOSNOSE and, thus, requires review in accordance with section 610 of the Regulatory Flexibility Act. The level of analysis will, of course, depend on the nature of the rule and its applicability. Publication of agencies' section 610 analyses 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 Federal Aviation Administration, in addition to reviewing its rules in accordance with the schedule below, has established a process by which the public is asked for its comments on which rules need review the most. Any information that the FAA receives in connection with its annual section 610 analyses would, of course, also be reviewed in the spirit of E.O. 12866. In addition, in response to a

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

*FMCSA*

As noted in the fall 2004 semiannual regulatory agenda, FMCSA has begun a 5-year analysis and review of its regulations to eliminate duplication and unnecessary requirements and to clarify rules to help small businesses comply. The Agency's 5-year review plan coincides with the Department's 10-year schedule for meeting section 610 requirements.

*FTA*

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

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

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

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

Year	Regulations To Be Reviewed	Analysis Year	Review Year
1	14 CFR parts 200 through 212 .....	1998	1999
2	14 CFR parts 213 through 232 .....	1999	2000
3	14 CFR parts 234 through 254 .....	2000	2001
4	14 CFR parts 255 through 298 and 49 CFR part 40 .....	2001	2002
5	14 CFR parts 300 through 373 .....	2002	2003
6	14 CFR parts 374 through 398 .....	2003	2004
7	14 CFR part 399 and 49 CFR parts 1 through 11 .....	2004	2005

DOT

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

Year	Regulations To Be Reviewed	Analysis Year	Review Year
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 6 (2003) List of rules continuing to be analyzed**

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

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

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

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

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

FEDERAL AVIATION ADMINISTRATION  
SECTION 610 REVIEW PLAN

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

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

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

- 14 CFR part 91 — General operating and flight rules

**DOT**

- 14 CFR part 93 — Special air traffic rules and airport traffic patterns
- 14 CFR part 95 — IFR altitudes
- 14 CFR part 99 — Security control of air traffic
- 14 CFR part 101 — Moored balloons, kites, unmanned rockets and unmanned free balloons
- 14 CFR part 103 — Ultra light vehicles
- 14 CFR part 105 — Parachute operations

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

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

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

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

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

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

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

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

23 CFR part 620 — Engineering

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

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**DOT**

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## 23 CFR part 625 — Design Standards for Highways

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

## 23 CFR part 626 — Pavement Policy

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

## 23 CFR part 627 — Value Engineering

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

## 23 CFR part 630 — Preconstruction Procedures

- Section 610: No SEIOSNOSE. This section applies primarily to State transportation agencies that are not small entities.
- Plain Language: FHWA's plain language review of these rules indicates no need for substantial revision; however, we recently issued a final rule prescribing new procedures for traffic safety in highway and street work zones and we used plain language techniques to update the rule.
- General: These regulations continue to be needed. The benefits of these rules justify their costs, and the regulations are cost effective.

## 23 CFR part 633 — Required Contract Provisions

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

## 23 CFR part 635 — Construction and maintenance

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

## 23 CFR part 636 — Design-build contracting

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

## 23 CFR part 637 — Construction Inspection and Approval

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

## 23 CFR part 645 — Utilities

- Section 610: No SEIOSNOSE. This section prescribes the policies, procedures and reimbursement provisions for the relocation of utility facilities on Federal-aid highway projects and does not impact not small entities.
- Plain Language: FHWA's plain language review of these rules indicates no need for substantial revision.
- General: No changes are needed. These regulations are cost effective and impose the least burden.

## 23 CFR part 646 — Railroads

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

## 23 CFR part 650 — Bridges, Structures, and Hydraulics

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

## 23 CFR part 652 — Pedestrian and Bicycle Accommodations and Projects

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

## 23 CFR part 655 — Traffic Operations

- Section 610: No SEIOSNOSE. This section applies primarily to State transportation agencies that are not small entities.
- Plain Language: FHWA's plain language review of these rules indicates no need for substantial revision.
- General: These regulations continue to be needed because they support the FHWA's primary safety goal by obtaining basic uniformity of traffic control devices on all streets and highways. These regulations are cost effective and the benefits justify their costs.

## 23 CFR part 656 — Carpool and Vanpool Projects

- Section 610: No SEIOSNOSE. This section applies primarily to State transportation agencies that are not small entities.



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- Plain Language: FHWA’s plain language review of these rules indicates no need for substantial revision.
- General: No changes are needed. These regulations are cost effective and impose the least burden.
- 23 CFR part 657 — Certification of size and weight enforcement
- Section 610: No SEIOSNOSE. This section applies primarily to State transportation agencies that are not small entities.
- Plain Language: FHWA’s plain language review of these rules indicates no need for substantial revision.
- General: No changes are needed. These regulations are cost effective and impose the least burden.
- 23 CFR part 658 — Truck size and weight, route designations — length, width and weight limitations
- Section 610: No SEIOSNOSE. This section applies primarily to State transportation agencies that are not small entities.
- Plain Language: FHWA’s plain language review of these rules indicates no need for substantial revision.
- General: No changes are needed. These regulations are cost effective and impose the least burden.
- 23 CFR part 660 — Special programs (Direct Federal)
- Section 610: No SEIOSNOSE. This section applies primarily to State transportation agencies that are not small entities.
- Plain Language: FHWA’s plain language review of these rules indicates no need for substantial revision.
- General: No changes are needed. These regulations are cost effective and impose the least burden.
- 23 CFR part 661 — Indian Reservation Road Bridge Program
- Section 610: No SEIOSNOSE. This section prescribes the policies, project selection and fund allocation for administering the Indian Reservation Roads Program and does not affect not small entities.
- Plain Language: FHWA’s plain language review of these rules indicates no need for substantial revision.
- General: No changes are needed. These regulations are cost effective and impose the least burden.
- 23 CFR part 668 — Emergency relief program
- Section 610: No SEIOSNOSE. This section applies primarily to State transportation agencies that are not small entities.
- Plain Language: FHWA’s plain language review of these rules indicates no need for substantial revision.
- General: No changes are needed. These regulations are cost effective and impose the least burden.
- 23 CFR part 669 — Enforcement of heavy vehicle use tax
- Section 610: No SEIOSNOSE. This section applies primarily to State transportation agencies that are not small entities.
- Plain Language: FHWA’s plain language review of these rules indicates no need for substantial revision.
- General: No changes are needed. These regulations are cost effective and impose the least burden.

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

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

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

Year	Regulations To Be Reviewed	Analysis Year	Review Year
1	None .....	1998	1999
2	None .....	1999	2000
3	None .....	2000	2001
4	None .....	2001	2002
5	None .....	2002	2003
6	49 CFR parts 372 subpart A, 381, 386, and 388-389 .....	2003	2004
7	49 CFR parts 325, 350, 355, 382-385, 390-393, and 396-399 .....	2004	2005
8	49 CFR parts 356, 367, 370-371, 372 subparts B-C, 373-374, 376, and 379 .....	2005	2006
9	49 CFR parts 360, 365-366, 368, 377-378, and 387 .....	2006	2007
10	49 CFR 375, 395, and new parts and subparts .....	2007	2008

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

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

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

## DOT

can generate. FMCSA is revising this subpart and requested comments in the NPRM, including comments on the small entities. The rest of part 393 affects a significant number of small entities but does not impose a SEISNOSE.

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

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

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

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION  
SECTION 610 AND OTHER REVIEWS

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

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

49 CFR part 571.111 — Rearview mirrors

- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.

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

49 CFR part 571.112 — [Reserved]

49 CFR part 571.113 — Hood latch system

- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.

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

49 CFR part 571.114 — Theft protection

- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.

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

49 CFR part 571.115 — [Reserved]

49 CFR part 571.116 — Motor vehicle brake fluids

- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.

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

49 CFR part 571.117 — Retreaded pneumatic tires

- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.

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

49 CFR part 571.118 — Power-operated window, partition, and roof panel systems

- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.

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

49 CFR part 571.119 — New pneumatic tires for motor vehicles with a GVWR of more than 4,536 kilograms (10,000 pounds) and motorcycles

- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.

- Plain Language: This rule is being amended using plain language techniques. Where confusing or wordy language has been identified, we will make revisions.

49 CFR part 571.120 — Tire selection and rims for motor vehicles with a GVWR of more than 4,536

kilograms (10,000 pounds)

- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.

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

49 CFR part 571.121 — Air brake systems

- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.

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

49 CFR part 571.122 — Motorcycle brake systems

- Section 610: No SEIOSNOSE. No small entities are affected.

- Plain Language: This rule is being amended using plain language techniques. Where confusing or wordy language has been identified, we will make revisions.

49 CFR part 571.123 — Motorcycle controls and displays

- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.

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

49 CFR part 571.124 — Accelerator control systems

- Section 610: No SEIOSNOSE. No small entities are affected.

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

49 CFR part 571.125 — Warning devices

- Section 610: No SEIOSNOSE. No small entities are affected.

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

49 CFR part 571.126 — 571.128 — [Reserved]

49 CFR part 571.129 — New non-pneumatic tires for passenger cars

- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.

- Plain Language: This rule is revised using plain language techniques. Where confusing or wordy language has been identified, we will make revisions.

49 CFR part 580 — Odometer disclosure requirements

- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.

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- Plain Language: Where confusing or wordy language has been identified, we will make revisions.  
49 CFR part 581 — Bumper standards
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: This rule is being amended using plain language techniques. Where confusing or wordy language has been identified, we will make revisions.  
49 CFR part 582 — Insurance cost information regulation
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.  
49 CFR part 583 — Automobile parts content labeling
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.  
49 CFR part 585 — Advanced air bag phase-in reporting requirements
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.  
49 CFR part 586 — Side impact phase-in reporting requirements
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.  
49 CFR part 587 — Deformable barriers
- Section 610: No SEIOSNOSE. The rule does not have a significant economic impact on a substantial number of small entities.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.  
49 CFR part 588 — Child restraint systems recordkeeping requirements
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.

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

- 49 CFR part 571.201 — Occupant protection in interior impact
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.  
49 CFR part 571.202 — Head restraints
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.  
49 CFR part 571.203 — Impact protection for the driver from the steering control system
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.  
49 CFR part 571.204 — Steering control rearward displacement
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.  
49 CFR part 571.205 — Glazing materials
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.  
49 CFR part 571.206 — Door locks and door retention components
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.  
49 CFR part 571.207 — Seating systems
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: This rule is being amended using plain language techniques. Where confusing or wordy language has been identified, we will make revisions.  
49 CFR part 571.208 — Occupant crash protection
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.

**DOT**

49 CFR part 571.209 — Seat belt assemblies

- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.

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

49 CFR part 571.210 — Seat belt assembly anchorages

- Section 610: No SEIOSNOSE. No small entities are affected.

- Plain Language: This rule is being amended using plain language techniques. Where confusing or wordy language has been identified, we will make revisions.

49 CFR part 571.211 — [Reserved]

49 CFR part 571.212 — Windshield mounting

- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.

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

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

49 CFR parts 571.214 — Side impact protection

49 CFR parts 571.215 — [Reserved]

49 CFR parts 571.216 — Roof crush resistance

49 CFR parts 571.218 — Motorcycle helmets

49 CFR parts 571.219 — Windshield zone intrusion

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

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

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

49 CFR part 223 — Safety Glazing Standards — Locomotives, Passenger Cars and Caboose

- Section 610: There is no SEIOSNOSE.
- Plain Language: FRA’s plain language review of this rule indicates no need for substantial revision.
- General: Since the rule is intended to provide minimum requirements for glazing materials and specific requirements for passenger equipment, new or rebuilt equipment, existing locomotives, passenger cars and cabooses as well as identification of equipped locomotives, passenger cars and cabooses, it will protect railroad employees and railroad passengers from objects striking the windows of locomotives, passenger cars and cabooses.

49 CFR part 233 — Signal Systems Reporting Requirements

- Section 610: There is no SEIOSNOSE.
- Plain Language: FRA’s plain language review of this rule indicates no need for substantial revision.
- General: The requirement for reporting signal failures, signal-failure related accidents, and signal system configuration information are essential to FRA’s monitoring of railroad performance. The costs of these requirements are minimal, and proportionally less for the smaller railroads that are considered small entities. The 1997 change from a “Signal System Annual Report” to a “Signal System Five-year Report” further reduced these costs industry-wide and for small entities.

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

49 CFR 225 — Railroad Accidents/Incidents: Reports Classification, and Investigations

49 CFR 231 — Railroad Safety Appliance Standards

49 CFR 234 — Grade Crossing Signal Safety System

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

Year	Regulations To Be Reviewed	Analysis Year	Review Year
1	None .....	1998	1999
2	None .....	1999	2000

## DOT

FEDERAL TRANSIT ADMINISTRATION (Continued)  
SECTION 610 AND OTHER REVIEWS

Year	Regulations To Be Reviewed	Analysis Year	Review Year
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 7 (fall 2004) List of rules analyzed and a summary of results**

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

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

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

49 CFR part 601 — Organization, Function, and Procedures

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

49 CFR part 601 — Organization, Functions, and Procedures

- Section 610: No SEISNOSE. This rule does not apply to a significant number of small entities. The rule is ministerial in nature and relates only to agency management, organization, and procedures.
- Plain Language: This rulemaking is written in plain language.
- General: The rule has not been updated since 1999 and merely makes Administrative changes to FTA's internal policies and procedures.

MARITIME ADMINISTRATION  
SECTION 610 AND OTHER REVIEWS

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

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

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

- Section 610: No SEISNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
  - Plain Language: Where confusing or wordy language has been identified, we will make revisions.
  - General: We will continue to review these regulations and make changes when necessary.
- 46 CFR part 345 — Restrictions upon the transfer or change in use or in terms governing utilization of port facilities
- Section 610: No SEISNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
  - Plain Language: Where confusing or wordy language has been identified, we will make revisions.
  - General: We will continue to review these regulations and make changes when necessary.
- 46 CFR part 346 — Federal port controllers
- Section 610: No SEISNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
  - Plain Language: Where confusing or wordy language has been identified, we will make revisions.
  - General: We will continue to review these regulations and make changes when necessary.

**DOT**

46 CFR part 347 — Operating contract

- Section 610: No SEISNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.
- General: We will continue to review these regulations and make changes when necessary.

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

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

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

Year	Regulations To Be Reviewed	Analysis Year	Review Year
1	49 CFR sections 171.15, 171.16 (incident reports) .....	1998	1999
2	49 CFR parts 106 and 107 (hazardous materials safety procedures), 171 (general hazmat requirements), 190 (pipeline safety procedures), and 195 (hazardous liquid pipeline corrosion control) .....	1999	2000
3	49 CFR parts 174, 177 (rail and highway carriage), 191 (gas pipeline transportation reports), and 192 (gas pipeline corrosion control) .....	2000	2001
4	49 CFR parts 176 (vessel carriage) and 199 (pipeline employee drug and alcohol testing) .....	2001	2002
5	49 CFR parts 172, 173, 174, 175, 176, 177, and 178 (radioactive material) .....	2002	2003
6	49 CFR parts 172, 173, 174, 176, and 178 (explosives), and 193 (liquefied natural gas facilities), and parts 172, 173, 178, and 180 (cylinders) .....	2003	2004
7	49 CFR 173 (shipper requirements) and 194 (onshore oil pipeline response plans) .....	2004	2005
8	49 CFR parts 110 (training and planning grants), 178 (non-bulk packaging) and 195 (hazardous liquid pipeline transportation) .....	2005	2006
9	49 CFR parts 178 through 180 (bulk packaging) and 198 (State pipeline safety grants) .....	2006	2007
10	49 CFR parts 172 (communications, emergency response, training and hazmat table) and 175 (air carriage) .....	2007	2008

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

49 CFR part 173 — Shipper Requirements

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

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

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

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

- 49 CFR part 110 — Hazardous Materials Public Sector Training and Planning Grants
- 49 CFR part 178 — Specifications for Packagings (Non-Bulk)
- 49 CFR part 194 — Response plans for onshore oil pipelines
- 49 CFR part 195 — Hazardous Liquid Reporting Requirements



## DOT

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
8	14 CFR part 248 .....	2005	2006
9	14 CFR part 250 .....	2006	2007
10	14 CFR part 374a, ICAO .....	2007	2008

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

14 CFR part 234 — Airline service quality performance reports

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

14 CFR part 249 — Preservation of air carrier records

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

14 CFR part 248 — Submission of audit reports

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION  
SECTION 610 AND OTHER REVIEWS

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

SLSDC has completed all its reviews.

## Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2037	+Accommodations in Air Travel for Deaf, Hard of Hearing, and Deaf-Blind Individuals .....	2105-AD41
2038	Short-Term Lending Program (STLP) .....	2105-AD50
2039	Transportation for Individuals with Disabilities Miscellaneous Amendments .....	2105-AD54
2040	Procedures for Transportation Workplace Drug and Alcohol Testing Programs: Revision of Substance Abuse Professional Credential Requirement .....	2105-AD57

+ DOT-designated significant regulation

## Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2041	+Use of Oxygen by Air Carrier Passengers .....	2105-AC29
2042	Americans With Disabilities Act Accessibility Standards .....	2105-AC86
2043	+Nondiscrimination on the Basis of Disability in Air Travel .....	2105-AC97
2044	Debarment and Suspension (Nonprocurement) Requirements .....	2105-AD46
2045	+Price Advertising .....	2105-AD56

+ DOT-designated significant regulation

## Office of the Secretary—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
2046	+Accessibility of Passenger Vessels to Individuals With Disabilities .....	2105-AB87
2047	+Aviation Data Requirements Review and Modernization Program .....	2105-AC71

## DOT

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

Sequence Number	Title	Regulation Identifier Number
2048	Mentor/Protégé Program .....	2105-AD20
2049	+Review of Data Filed by Certificated or Commuter Air Carriers To Support Continuing Fitness Determinations Involving Citizenship Issues .....	2105-AD25
2050	Procedures for Transportation Workplace Drug and Alcohol Testing Programs .....	2105-AD26
2051	Procedures for Transportation Workplace Drug and Alcohol Testing Programs .....	2105-AD47
2052	Participation by Disadvantaged Business Enterprises in Airport Concessions .....	2105-AD51
2053	Procedures for Transportation Workplace Drug and Alcohol Testing Programs .....	2105-AD55

+ DOT-designated significant regulation

## Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2054	+Fees and Charges for Special Services .....	2105-AC47
2055	Transportation Acquisition Regulation .....	2105-AD28
2056	Protection of Sensitive Security Information (SSI) .....	2105-AD33
2057	+Petition of the National Air Carrier Association for Rulemaking .....	2105-AD38
2058	Navigation of Foreign Civil Aircraft Within the United States (14 CFR Part 375) .....	2105-AD39
2059	+Display of Joint Operations in Carrier-Owned Computer Reservations Systems Regulations (Part 256) .....	2105-AD44
2060	Disclosure of Code Sharing and Long-Term Wet Lease Arrangements .....	2105-AD49
2061	Management and Technical Assistance Program (M&TA) .....	2105-AD52
2062	Time Zone Boundaries in the State of Indiana .....	2105-AD53

+ DOT-designated significant regulation

## Federal Aviation Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2063	+Certification Procedures for Products and Parts ( <b>Section 610 Review</b> ) .....	2120-AG93

+ DOT-designated significant regulation

## Federal Aviation Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2064	+Revisions to Digital Flight Data Recorder Regulations for B-737 Airplanes and for Part 125 Operators .....	2120-AG87
2065	Safe, Efficient Use and Preservation of the Navigable Airspace .....	2120-AH31
2066	Performance and Handling Qualities Requirements for Rotorcraft .....	2120-AH87
2067	+Aging Aircraft Program (Widespread Fatigue Damage) .....	2120-AI05
2068	High-Intensity Radiated Fields .....	2120-AI06
2069	+Transport Airplane Fuel Tank Flammability Reduction .....	2120-AI23
2070	Aging Aircraft Safety—Development of TC and STC Holder Data .....	2120-AI32
2071	+Drug Enforcement Assistance .....	2120-AI43
2072	+Part 145: Repair Stations—Ratings and Quality System .....	2120-AI53
2073	+Experimental Permit for Suborbital Reusable Launch Vehicles .....	2120-AI56
2074	Special Requirements for Special Use Transport Category Airplanes .....	2120-AI61
2075	+Security-Related Considerations in the Design and Operation of Transport Category Airplanes .....	2120-AI66
2076	Passenger Facility Charge Program, Debt Service, Air Carrier Bankruptcy, and Miscellaneous Changes .....	2120-AI68
2077	+Congestion Management Rule for LaGuardia Airport .....	2120-AI70
2078	Aircraft Engine Standards for Life-Limited Parts .....	2120-AI72
2079	Airworthiness Standards; Engine Bird Ingestion .....	2120-AI73
2080	Airworthiness Standards: Safety Analysis .....	2120-AI74

## DOT

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

Sequence Number	Title	Regulation Identifier Number
2081	Fire Penetration Resistance of Thermal Acoustic Insulation Installed on Transport Category Airplanes .....	2120-AI75

+ DOT-designated significant regulation

## Federal Aviation Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2082	Part 95 Instrument Flight Rules .....	2120-AA63
2083	Airworthiness Directives .....	2120-AA64
2084	Standard Instrument Approach Procedures .....	2120-AA65
2085	Airspace Actions .....	2120-AA66
2086	+National Air Tour Safety Standards .....	2120-AF07
2087	+Licensing and Safety Requirements for Launch .....	2120-AG37
2088	Flight Simulation Device Qualification .....	2120-AH07
2089	+Transponder Continuous Operation .....	2120-AH67
2090	Area Navigation (RNAV) and Miscellaneous Amendments .....	2120-AH77
2091	Airman and Medical Certificate Disqualification Based on Alcohol Violations and Refusals To Submit to Drug or Alcohol Testing .....	2120-AH82
2092	+Revisions to Cockpit Voice Recorder and Digital Flight Data Recorder Regulations .....	2120-AH88
2093	Issuance of Standard Airworthiness Certificates for Aircraft Manufactured From Spare and Surplus Parts .....	2120-AH90
2094	+Extended Operations (ETOPS) of Multi-engine Airplanes .....	2120-AI03
2095	+Flightdeck Door Monitoring and Crew Discreet Alerting System .....	2120-AI16
2096	Safety Standards for Flight Guidance Systems .....	2120-AI41
2097	Miscellaneous Changes to Commercial Space Transportation Regulations .....	2120-AI45
2098	Safety Approvals .....	2120-AI50
2099	+Congestion and Delay Reduction at Chicago O'Hare International Airport .....	2120-AI51
2100	Civil Penalty Inflation Adjustment Revisions .....	2120-AI52
2101	+Human Space Flight Requirements for Crew & Space Flight Participants .....	2120-AI57
2102	+Special Training Required for Pilots Who Fly Under Visual Flight Rules and Are Within 100 NM of the Washington, DC, Air Defense Identification Zone (DC ADIZ) .....	2120-AI63
2103	FAA-Approved Child Restraint Systems .....	2120-AI76

+ DOT-designated significant regulation

## Federal Aviation Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
2104	Airplane Performance and Handling Qualities in Icing Conditions .....	2120-AI14
2105	+Washington, DC, Metropolitan Area Special Flight Rules Area .....	2120-AI17
2106	+Enhanced Airworthiness Program for Airplane Systems (EAPAS) and SFAR 88 .....	2120-AI31
2107	Thermal Acoustic Insulation Installed on Transport Category Airplanes .....	2120-AI64

+ DOT-designated significant regulation

## Federal Aviation Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2108	+Drug Enforcement Assistance .....	2120-AD16
2109	Air Traffic Control Radar Beacon System and Mode S Transponder Requirements in the National Airspace System .....	2120-AE81
2110	Revisions to the Industry Drug and Alcohol Testing Regulations .....	2120-AH14
2111	Noise Stringency Increase for Single-Engine Propeller-Driven Small Airplanes .....	2120-AH44
2112	Service Difficulty Reports .....	2120-AI08

**DOT**

Federal Aviation Administration—Completed Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
2113	+Process for Requesting Waiver of Mandatory Separation Age for Certain Federal Aviation Administration (FAA) Air Traffic Controllers .....	2120-AI18
2114	Supplemental Oxygen .....	2120-AI65
2115	Maintenance Recording Requirements .....	2120-AI67
2116	Federal Register Dispositions for Petitions for Exemption .....	2120-AI69
2117	Modification of the Dimensions of the Grand Canyon National Park Flight Rules Area and Flight Free Zones .....	2120-AI71

+ DOT-designated significant regulation

Federal Highway Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2118	+National Standards for Traffic Control Devices; the Manual on Uniform Traffic Control Devices for Streets and Highways; Maintaining Traffic Sign Retroreflectivity .....	2125-AE98
2119	+Express Lane Demonstration Project .....	2125-AF07
2120	+Projects of National and Regional Significance .....	2125-AF08
2121	+Metropolitan Transportation Planning .....	2125-AF09
2122	Temporary Traffic Control Devices .....	2125-AF10
2123	Worker Visibility .....	2125-AF11
2124	+Design-Build Contracting .....	2125-AF12
2125	+Surface Transportation Project Delivery Pilot Program .....	2125-AF13
2126	+Parks, Recreation Areas, Wildlife and Waterfowl Refuges, and Historical Sites .....	2125-AF14
2127	Environmental Review of Activities That Support the Deployment of ITS Projects .....	2125-AF15
2128	Traffic Control Devices on Federal-Aid and Other Streets and Highways; Standards .....	2125-AF16
2129	Size and Weight Enforcement and Regulations .....	2125-AF17
2130	Construction and Maintenance .....	2125-AF18

+ DOT-designated significant regulation

Federal Highway Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2131	Design Standards for Highways; Interstate System .....	2125-AF06

Federal Highway Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2132	Project Authorization and Agreements .....	2125-AF05

Federal Motor Carrier Safety Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2133	+Qualifications of Drivers; Diabetes Standard .....	2126-AA95

+ DOT-designated significant regulation

## DOT

## Federal Motor Carrier Safety Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2134	+Medical Certification Requirements as Part of the CDL .....	2126-AA10
2135	+Railroad-Highway Grade Crossing Safety .....	2126-AA18
2136	+New Entrant Safety Assurance Process .....	2126-AA59
2137	+Penalties, Inspection, and Decal Display Requirements for Mexico-Domiciled Motor Carriers .....	2126-AA72
2138	+Brokers of Household Goods Transportation by Motor Vehicle .....	2126-AA84
2139	+Inspection, Repair, and Maintenance of Intermodal Container Chassis .....	2126-AA86
2140	+Electronic On-Board Recorders for Hours-of-Service Compliance .....	2126-AA89
2141	+National Registry of Certified Medical Examiners .....	2126-AA97
2142	+Revocation of Operating Authority .....	2126-AA99
2143	+Consumer Complaint Information .....	2126-AB01
2144	+Commercial Driver's License Testing and Learner's Permit Standards .....	2126-AB02

+ DOT-designated significant regulation

## Federal Motor Carrier Safety Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2145	+Hours of Service of Drivers; Supporting Documents .....	2126-AA76
2146	Cargo Securement Standards .....	2126-AA88
2147	+Parts and Accessories Necessary for Safe Operations; Surge Brake Requirements .....	2126-AA91
2148	Amendments To Implement Certain Provisions of SAFETEA-LU .....	2126-AA96

+ DOT-designated significant regulation

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

Sequence Number	Title	Regulation Identifier Number
2149	+Unified Registration System .....	2126-AA22
2150	General Jurisdiction Over Freight Forwarder Service .....	2126-AA25
2151	+Application by Certain Mexico-Domiciled Motor Carriers To Operate Beyond U.S. Municipalities and Commercial Zones on the U.S.-Mexico Border .....	2126-AA34
2152	+Safety Monitoring System and Compliance Initiative for Mexico-Domiciled Motor Carriers Operating in the United States .....	2126-AA35
2153	+Certification of Safety Auditors, Safety Investigators, and Safety Inspectors .....	2126-AA64
2154	+Limitations on the Issuance of Commercial Driver Licenses With a Hazardous Materials Endorsement .....	2126-AA70
2155	+Enforcement of Operating Authority Requirements .....	2126-AA78
2156	Motor Carrier Reports .....	2126-AA92
2157	+Interstate Van Operations (Camionetas) .....	2126-AA98
2158	+Patterns of Safety Violations by Carrier Management .....	2126-AB00
2159	Intrastate Operations of Interstate Motor Carriers .....	2126-AB03

+ DOT-designated significant regulation

## Federal Motor Carrier Safety Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2160	+Commercial Learner Permits .....	2126-AA03
2161	Safety Fitness Procedures; Safety Ratings .....	2126-AA37
2162	Qualifications of Motor Carriers To Self-Insure Their Operations and Fees To Support the Approval and Compliance Process; Withdrawal .....	2126-AA82
2163	+Motor Carriers of Property; Exemption From Filing Financial and Operating Statistics .....	2126-AA93
2164	Commercial Driver's License (CDL) Standards; School Bus Endorsement .....	2126-AA94

+ DOT-designated significant regulation

DOT

National Highway Traffic Safety Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2165	Review: Side Impact Protection .....	2127-AF54

National Highway Traffic Safety Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2166	Vehicles Built in Two or More Stages—Standard 201 .....	2127-AI93
2167	+Reduced Stopping Distance Requirements for Truck Tractors .....	2127-AJ37
2168	+Electronic Stability Control (ESC) .....	2127-AJ77
2169	Conforming Civil and Criminal Penalties to Statutory Requirements .....	2127-AJ83
2170	Motorcyclist Safety Grant Program .....	2127-AJ86
2171	Schedule of Fees .....	2127-AJ87

+ DOT-designated significant regulation

National Highway Traffic Safety Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2172	+Upgrade Door Retention Performance .....	2127-AH34
2173	Child Restraint System Webbing Strength .....	2127-AI66
2174	+Event Data Recorders .....	2127-AI72
2175	Incorporation of EuroSID II Dummy Into 49 CFR Part 572 .....	2127-AI89
2176	Part 571.3 Definitions, Designated Seating Position .....	2127-AI94
2177	+5th Percentile Dummy Belted Barrier Crash Test Requirements—Standard 208 .....	2127-AI98
2178	+Side Impact Protection Upgrade—FMVSS No. 214 .....	2127-AJ10
2179	Incorporation of SID-II's Side Impact Crash Test Dummy Into Part 572 .....	2127-AJ16
2180	Modernize FMVSS 114, "Theft Protection" .....	2127-AJ31
2181	FMVSS 213, Addition of 10-Year-Old Test Dummy .....	2127-AJ44
2182	Subpart T Hybrid III-10C Dummy, 10-Year-Old Child .....	2127-AJ49
2183	Buses Manufactured in Two or More Stages; Certification of Buses Manufactured in More Than One Stage .....	2127-AJ56
2184	Cargo Carrying Capacity of Motor Home and Travel Trailers .....	2127-AJ57
2185	FMVSS No. 208, CRS Installation Procedure for LATCH-Equipped Seats .....	2127-AJ59
2186	Procedures for Participating In and Receiving Data From the National Driver Register Problem Driver Pointer System Pursuant to a Personnel Security Investigation and Determination .....	2127-AJ66
2187	Amendment to Grant Criteria for Alcohol-Impaired Driving Countermeasures Programs .....	2127-AJ73
2188	Administrative Rewrite of FMVSS No. 108; Lamps, Reflective Devices, and Associated Equipment .....	2127-AJ75
2189	New Car Assessment Program; Safety Labeling .....	2127-AJ76
2190	Response to Petitions for Reconsideration, FMVSS No. 118; Power-Operated Window, Partition, and Roof Panel Systems .....	2127-AJ78
2191	FMVSS No. 101, Petition for Reconsideration of Final Rule .....	2127-AJ81
2192	Definition of Low Speed Vehicles (LSV) Response to Petitions for Reconsideration .....	2127-AJ85

+ DOT-designated significant regulation

National Highway Traffic Safety Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
2193	+Rear Convex Cross-View Mirrors .....	2127-AG41
2194	+Roof Crush Resistance .....	2127-AG51
2195	Review: Redesigned Air Bags .....	2127-AH13

+ DOT-designated significant regulation

## DOT

## National Highway Traffic Safety Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2196	+Light Truck Average Fuel Economy Standards, Model Year 2008 and Possibly Beyond .....	2127-AJ61
2197	Tire Safety-Petitions for Reconsideration of FMVSS No. 139 .....	2127-AJ65
2198	Amendment to Incentive Grant Criteria for Occupant Protection Programs .....	2127-AJ72
2199	Petitions for Reconsideration of FMVSS No. 102; Transmission Shift Lever Sequence, Starter Interlock, and Transmission Braking Effect .....	2127-AJ74
2200	Anthropomorphic Test Devices, Hybrid III 6-Year-Old Weighted Child Test Dummy .....	2127-AJ79
2201	Amending FMVSS No. 224, Rear Impact Protection, in Response to NTEA Petition for Reconsideration for Trailers and Semi-Trailers With Liftgates .....	2127-AJ80
2202	FMVSS No. 202, Response to Petitions for Reconsideration for Additional Lead Time (Part 1 of 2) .....	2127-AJ84

+ DOT-designated significant regulation

## Federal Railroad Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2203	+Passenger Train Emergency Systems .....	2130-AB72
2204	+Grant Program for Local Rail Line Relocation and Improvement Projects .....	2130-AB74
2205	Amendments to 49 CFR Part 218—Railroad Operating Practices: Handling Equipment, Switches, and Derails .....	2130-AB76

+ DOT-designated significant regulation

## Federal Railroad Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2206	+Locomotive Crashworthiness .....	2130-AB23
2207	+Occupational Noise Exposure for Railroad Operating Employees .....	2130-AB56
2208	Passenger Equipment Safety Standards; Miscellaneous Amendments and Attachments of Safety Appliances on Passenger Equipment .....	2130-AB67
2209	Track Safety Standards; Inspection of Joints in Continuous Welded Rail (CWR) .....	2130-AB71
2210	+Use of Locomotive Horns at Highway-Rail Grade Crossings .....	2130-AB73
2211	+Assessment of Fees on Commuter Railroads for Use of Northeast Corridor Infrastructure .....	2130-AB75

+ DOT-designated significant regulation

## Federal Railroad Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
2212	+Amendments to Design Standards for Pressurized Railroad Tank Cars .....	2130-AB69
2213	Amendments to Enforcement Procedures .....	2130-AB70

+ DOT-designated significant regulation

## Federal Railroad Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2214	Standards for Development and Use of Processor-Based Signal and Train Control Systems .....	2130-AA94
2215	Retention of Current Monetary Threshold for Reporting Rail Equipment Accidents/Incidents During Calendar Year 2003 and Until Further Amended .....	2130-AB57
2216	Revision of Method for Calculating Monetary Threshold for Reporting Rail Equipment Accidents/Incidents .....	2130-AB65
2217	Reflectorization of Rail Freight Rolling Stock .....	2130-AB68

DOT

Federal Transit Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2218	+Major Capital Investment Projects—New/Small Starts .....	2132-AA81
2219	+Metropolitan and Statewide Transportation Planning .....	2132-AA82
2220	+Protection of Parks, Wildlife and Waterfowl Refuges, and Historical Sites .....	2132-AA83
2221	+Public Transportation Security Grants—SAFETEA-LU .....	2132-AA84
2222	+Charter Bus Operations .....	2132-AA85
2223	Environmental Review of Activities That Support the Deployment of ITS Projects .....	2132-AA87
2224	+Emergency Procedures for Public Transportation Systems .....	2132-AA89

+ DOT-designated significant regulation

Federal Transit Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
2225	Drug and Alcohol Testing .....	2132-AA86
2226	Medical Transportation Demonstration Grant Program .....	2132-AA88

Federal Transit Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2227	Organizations, Functions, and Procedures ( <b>Completion of a Section 610 Review</b> ) .....	2132-AA79
2228	Buy America Requirements From SAFETEA-LU .....	2132-AA80

Saint Lawrence Seaway Development Corporation—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2229	Seaway Regulations and Rules: Periodic Update, Various Categories .....	2135-AA22

Pipeline and Hazardous Materials Safety Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2230	+Hazardous Materials: Requirements for Storage of Explosives During Transportation .....	2137-AE06

+ DOT-designated significant regulation

Pipeline and Hazardous Materials Safety Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2231	Hazardous Materials: Miscellaneous Packaging Amendments .....	2137-AD89
2232	+Pipeline Safety: Protecting High Consequence Areas From Rural Petroleum Gathering Lines and Low Stress Lines .....	2137-AD98
2233	+Hazardous Materials: Enhancing Rail Transportation Safety and Security for Hazardous Materials Shipments .....	2137-AE02
2234	Integrity Management: Program Modifications and Clarifications .....	2137-AE07
2235	Hazardous Materials; Miscellaneous Amendments .....	2137-AE10
2236	Registration and Fee Assessment Program .....	2137-AE11
2237	+Hazardous Materials: Enforcement Regulations .....	2137-AE13



## DOT

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

Sequence Number	Title	Regulation Identifier Number
2238	Pipeline Safety: Distribution Integrity Management .....	2137-AE15

+ DOT-designated significant regulation

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

Sequence Number	Title	Regulation Identifier Number
2239	Hazardous Materials: Revision of Requirements for Carriage by Aircraft .....	2137-AD18
2240	+Hazardous Materials: Transportation of Oxygen Cylinders and Oxygen Generators Aboard Aircraft .....	2137-AD33
2241	+Hazardous Materials: Safety Requirements for External Product Piping on Cargo Tanks Transporting Flammable Liquids .....	2137-AD36
2242	+Hazardous Materials; Transportation of Lithium Batteries .....	2137-AD48
2243	Pipeline Safety: Annual Update of Standards Incorporated by Reference .....	2137-AD68
2244	Hazardous Materials Regulations: Aluminum Cylinders—Revised Requalification and Use Criteria for the DOT 3 AL Cylinder Made of Aluminum Alloy 6351-TG .....	2137-AD78
2245	Hazardous Materials: Requirements for UN Standard Cylinders ( <b>Rulemaking Resulting From a Section 610 Review</b> ) .....	2137-AD91
2246	+Hazardous Materials: Infectious Substances; Harmonization With the United Nations .....	2137-AD93
2247	+Prohibition on the Transportation of Primary Lithium Batteries Aboard Passenger Aircraft .....	2137-AE05
2248	Pipeline Safety: Design and Construction Requirements To Reduce Internal Corrosion in Gas Transmission Pipelines .....	2137-AE09
2249	Incorporation of Statutorily Mandated Revisions to the Hazardous Materials Regulations .....	2137-AE12
2250	Hazardous Materials: Increase in Civil and Criminal Penalties .....	2137-AE14

+ DOT-designated significant regulation

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

Sequence Number	Title	Regulation Identifier Number
2251	Hazardous Materials: Security Requirements for Motor Carriers Transporting Hazardous Materials .....	2137-AD70
2252	Hazardous Materials: Revision of Requirements for Authorization of Use of International Standards .....	2137-AE01

## Pipeline and Hazardous Materials Safety Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2253	Gas Gathering Line Definition and Safety Rules .....	2137-AB15
2254	+Safeguarding Food From Contamination During Transportation .....	2137-AC00
2255	+Hazardous Materials: Requirements for Lighters and Lighter Refills .....	2137-AD88
2256	Pipeline Safety: Criteria for Direct Assessment of Gas and Hazardous Liquid Pipelines .....	2137-AD97

+ DOT-designated significant regulation

## Maritime Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2257	Maintenance and Repair Reimbursement Pilot Program .....	2133-AB68

**DOT**

Maritime Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2258	Launch Barge Waiver Program .....	2133-AB67

Maritime Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2259	Application Fee for Administrative Waivers of the Coastwise Trade Laws .....	2133-AB50

Bureau of Transportation Statistics—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2260	Submission of Aviation Data Via the Internet .....	2139-AA11

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

**Proposed Rule Stage**

**2037. +ACCOMMODATIONS IN AIR TRAVEL FOR DEAF, HARD OF HEARING, AND DEAF-BLIND INDIVIDUALS**

**Priority:** Other Significant

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

**CFR Citation:** 14 CFR 382

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	02/23/06	71 FR 9285
NPRM Comment Period End	04/24/06	
Final Rule	10/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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**RIN:** 2105-AD41

**2038. SHORT-TERM LENDING PROGRAM (STLP)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 332

**CFR Citation:** 49 CFR 22

**Legal Deadline:** None

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

guarantee short-term revolving lines of credit for certified DBEs.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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**RIN:** 2105-AD50

**2039. TRANSPORTATION FOR INDIVIDUALS WITH DISABILITIES MISCELLANEOUS AMENDMENTS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 49 CFR 37

**Legal Deadline:** None

## DOT—OST

## Proposed Rule Stage

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

**Timetable:**

Action	Date	FR Cite
NPRM	02/27/06	71 FR 9761
NPRM Comment Period End	04/28/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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

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**RIN:** 2105-AD54

**2040. • PROCEDURES FOR TRANSPORTATION WORKPLACE DRUG AND ALCOHOL TESTING PROGRAMS: REVISION OF SUBSTANCE ABUSE PROFESSIONAL CREDENTIAL REQUIREMENT**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 49 CFR 40

**Legal Deadline:** None

**Abstract:** This rule implements a SAFETEA-LU requirement that the Department conduct a rulemaking to include certified marriage and family therapists among the credentialed professionals eligible to perform substance abuse professional (SAP)

services in the DOT drug and alcohol testing program.

**Timetable:**

Action	Date	FR Cite
NPRM	03/10/06	71 FR 12331
NPRM Comment Period End	04/10/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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**RIN:** 2105-AD57

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

## Final Rule Stage

**2041. +USE OF OXYGEN BY AIR CARRIER PASSENGERS**

**Priority:** Other Significant

**Legal Authority:** 49 USC 41705

**CFR Citation:** 14 CFR 382

**Legal Deadline:** None

**Abstract:** This rulemaking would address the carriage and use of certain respiratory devices (i.e., ventilators, respirators, continuous positive airway pressure (CPAP) machines and certain portable oxygen concentrators) by passengers aboard commercial aircraft. It would also address difficulties experienced by passengers needing supplemental oxygen on airline flights, including costs associated with in-flight medical oxygen.

**Timetable:**

Action	Date	FR Cite
NPRM	09/07/05	70 FR 53108
NPRM Comment Period Extended	10/21/05	70 FR 61241
NPRM Comment Period End	11/07/05	

Action	Date	FR Cite
End of Extended Comment Period	01/30/06	
Final Rule	10/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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**RIN:** 2105-AC29

**2042. AMERICANS WITH DISABILITIES ACT ACCESSIBILITY STANDARDS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 552a

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

**Legal Deadline:** None

**Abstract:** The Department of Transportation is proposing to amend its rules implementing the Americans with Disabilities Act (ADA) by adopting as its standards revised accessibility guidelines proposed by the Access Board. The Access Board published an NPRM to revise and update the accessibility guidelines for the ADA and Architectural Barriers Act (ABA) in the November 16, 1999 issue of the Federal Register, and published final rules in July 2004. The Department's final rules will incorporate the new ADAAG as well as technical amendments the Access Board plans to make in spring 2005.

**Timetable:**

Action	Date	FR Cite
NPRM	08/08/00	65 FR 48444

## DOT—OST

## Final Rule Stage

Action	Date	FR Cite
NPRM Comment Period End	09/07/00	
Final Action	04/00/06	

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

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

**RIN:** 2105-AC86**2043. +NONDISCRIMINATION ON THE BASIS OF DISABILITY IN AIR TRAVEL****Priority:** Other Significant**Legal Authority:** 14 USC 41702; 14 USC 41705; 14 USC 41712**CFR Citation:** 14 CFR 382**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	11/04/04	69 FR 64364
Comment Period Extended	01/28/05	70 FR 4058
NPRM Comment Period End	02/02/05	
Comment Period End	03/04/05	
Final Rule	10/00/06	

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

dms.dot.gov

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

**RIN:** 2105-AC97**2044. DEBARMENT AND SUSPENSION (NONPROCUREMENT) REQUIREMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 103-355, sec 2455; 108 Stat. 3327; 31 USC 6101 note; EO 11738 (3 CFR 1973 Comp., p.799); EO 12549 (3 CFR, 1986 Comp., p. 189)**CFR Citation:** 49 CFR 29**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	10/05/05	70 FR 58175
NPRM Comment Period End	11/04/05	
Final Rule	05/00/06	

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

**Agency Contact:** David Tochen, Deputy Assistant General Counsel for Environmental, Civil Rights, and General Law, Department of Transportation, Office of the Secretary, 400 7th Street SW., Washington, DC 20590  
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**RIN:** 2105-AD46**2045. • +PRICE ADVERTISING****Priority:** Other Significant**Legal Authority:** 49 USC 41712**CFR Citation:** 14 CFR 399**Legal Deadline:** None

**Abstract:** This rule would propose four alternative enforcement approaches to the current OST rule, which provides that the failure to state in an airfare advertisement the entire price to be paid by a consumer for the advertised air transportation is a violation of 49 U.S.C. 41712. A review of this rule is justified because the Department has adopted a significant number of policies with respect to section 399.84 outlining when enforcement action will not be pursued. Four options will be considered. The first will be to retain the rule while codifying the Department's related enforcement policies. This option would maintain the status quo and there are no additional costs or benefits associated with this option. The second option would be to retain the rule as written and announce that the rule will be enforced as written in the future. Many sellers of air transportation are already in compliance with the rule as written and the costs associated with achieving compliance by the others should be minimal. Consumers may benefit from this option by getting more uniform displays of fare information but may be harmed by having less access to information on Government taxes and fees that are now separately stated in some fare advertising. The third option would be to revise the policy statement to eliminate most or all requirements for airfare advertisements but to require that consumers be apprised of the total purchase price before the purchase is made. The fourth option would be to rescind the rule and let market forces regulate airfare advertising. This option would cost sellers nothing, since they may continue to advertise as they currently do, but it would enable them to further innovate in the marketing of air transportation and create new efficiencies that may lead to lower costs and, possibly, prices. Consumers may benefit from these lower prices while they will still have complete, albeit slightly less obvious, information on fares.

**Timetable:**

Action	Date	FR Cite
NPRM	12/14/05	70 FR 73960

## DOT—OST

## Final Rule Stage

Action	Date	FR Cite
NPRM Comment Period End	02/13/06	
Final Rule	08/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No  
**Government Levels Affected:** None  
**URL For More Information:**  
dms.dot.gov  
**URL For Public Comments:**  
dms.dot.gov

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DC 20590  
Phone: 202 366-4723  
**RIN:** 2105-AD56

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

## Long-Term Actions

**2046. +ACCESSIBILITY OF  
PASSENGER VESSELS TO  
INDIVIDUALS WITH DISABILITIES**

**Priority:** Other Significant

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

**CFR Citation:** 49 CFR 37

**Legal Deadline:** None

**Abstract:** The Department's Americans with Disabilities Act (ADA) final rule, published September 6, 1991, reserved portions of the rule concerning passenger vessels. The ADA covers passenger vessels, but issuing accessibility requirements for vessels involves complex issues unlike those affecting land transportation. This rulemaking would address these issues and propose feasible requirements to make passenger vessels accessible to, and usable by, individuals with disabilities. Timing of this rulemaking is dependent on action by the Architectural and Transportation Barriers Compliance Board (Access Board) to adopt accessibility guidelines for passenger vessels.

**Timetable:**

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

Next Action Undetermined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:**  
Undetermined

**Federalism:** Undetermined

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

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

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Email: bob.ashby@ost.dot.gov  
**RIN:** 2105-AB87

**2047. +AVIATION DATA  
REQUIREMENTS REVIEW AND  
MODERNIZATION PROGRAM**

**Priority:** Other Significant

**Legal Authority:** 49 USC 40101; 49  
USC 41101; 49 USC 41708; 49 USC  
41709; 49 USC 41301; 49 USC 41501;  
49 USC 41701

**CFR Citation:** 14 CFR 241; 14 CFR 250;  
14 CFR 298; 14 CFR 374a; 14 CFR 234

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
ANPRM	07/15/98	63 FR 38128
ANPRM Comment Period End	09/14/98	
Reply Comment Period End	10/13/98	
NPRM	02/17/05	70 FR 8139

Action	Date	FR Cite
NPRM Comment Period Extended	04/18/05	70 FR 20098
NPRM Comment Period End	04/18/05	
Extended NPRM Comment Period End	07/18/05	

Next Action Undetermined

**Regulatory Flexibility Analysis Required:** No

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

**Government Levels Affected:**  
Undetermined

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

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

**Agency Contact:** Todd Homan, Acting  
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Office of the Secretary, Office of  
Aviation Analysis, DOT/OST, 400  
Seventh Street, SW, Washington, DC  
20590  
Phone: 202 366-9605

**RIN:** 2105-AC71

**2048. MENTOR/PROTÉGÉ PROGRAM**

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

**Legal Authority:** PL 95-507

**CFR Citation:** 13 CFR 124; 49 CFR 26

**Legal Deadline:** None

**Abstract:** This rulemaking would provide motivation and encouragement to firms to assist small businesses (SB), including HUBZone small businesses (HUBZone), small disadvantaged businesses (SDB), and small women-owned businesses (WOSB), in enhancing their business operations and increasing their capacities. This action would assist the Department of Transportation in meeting its mandated small business contracts and

DOT—OST

Long-Term Actions

subcontract goals, foster the establishment of long-term business relationships between these entities and prime contractors, and increase the overall number of these entities that receive DOT contract and subcontract consideration and awards.

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal, State

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

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

**Agency Contact:** Ferguise L Mayronne, Senior Program Analyst, Department of Transportation, Office of the Secretary, 400 7th Street SW., Washington, DC 20590

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**RIN:** 2105-AD20

**2049. +REVIEW OF DATA FILED BY CERTIFICATED OR COMMUTER AIR CARRIERS TO SUPPORT CONTINUING FITNESS DETERMINATIONS INVOLVING CITIZENSHIP ISSUES**

**Priority:** Other Significant

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

**CFR Citation:** 14 CFR 204; 14 CFR 399

**Legal Deadline:** None

**Abstract:** This rulemaking would clarify policies that may be used during initial and continuing fitness reviews of U.S. carriers when citizenship is at issue. It would add a new section to 14 CFR part 399 that clarifies how the Department will interpret actual control of a U.S. air carrier during fitness reviews. It would also affect how we interpret the circumstances influencing a determination of actual control, allowing easier access to international capital markets. The rulemaking would also make minor amendments to 14 CFR part 204 to update existing language in part 204.

**Timetable:**

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

Action	Date	FR Cite
NPRM	11/07/05	70 FR 67389
NPRM Comment Period End	01/06/06	
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

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

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**RIN:** 2105-AD25

**2050. PROCEDURES FOR TRANSPORTATION WORKPLACE DRUG AND ALCOHOL TESTING PROGRAMS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 49 CFR 40

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

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

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

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**RIN:** 2105-AD26

**2051. PROCEDURES FOR TRANSPORTATION WORKPLACE DRUG AND ALCOHOL TESTING PROGRAMS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 49 CFR 40

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

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

**Agency Contact:** Jim L Swart, Drug and Alcohol Policy Advisor, Department of Transportation, Office of the Secretary, 400 7th Street SW., Washington, DC 20590

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**RIN:** 2105-AD47

## DOT—OST

## Long-Term Actions

**2052. PARTICIPATION BY DISADVANTAGED BUSINESS ENTERPRISES IN AIRPORT CONCESSIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 47107; 42 USC 2000d; 49 USC 322; EO 12138**CFR Citation:** 49 CFR 26; 49 CFR 23**Legal Deadline:** None**Abstract:** This action seeks further comment on the issue of business size standards for the Department of Transportation's airport concession disadvantaged business enterprise (ACDBE) program. It also requests comment on issues such as additional measures to combat fraud and abuse in the program and to provide additional flexibility for airports in implementing the program.**Timetable:**

Action	Date	FR Cite
SNPRM	03/22/05	70 FR 14520
SNPRM Comment Period End	06/20/05	
SNPRM Comment Period Extended	07/15/05	70 FR 40973
Extended SNPRM Comment Period End	08/19/05	

Next Action Undetermined

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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

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**RIN:** 2105-AD51**2053. PROCEDURES FOR TRANSPORTATION WORKPLACE DRUG AND ALCOHOL TESTING PROGRAMS****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 49 USC 102, 301, 322, 5331, 20140, 31306, 45101 et seq**CFR Citation:** 49 CFR 40**Legal Deadline:** None**Abstract:** The Department of Transportation is proposing to amend certain provisions of its drug and alcohol testing procedures to change instructions to laboratories, medical review officers, and employers with respect to adulterated, substituted, diluted, and invalid specimen results. These proposed changes are intended

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

**Timetable:**

Action	Date	FR Cite
NPRM	10/31/05	70 FR 62276
NPRM Comment Period End	12/30/05	

Next Action Undetermined

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:** Local**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Jim L Swart, Drug and Alcohol Policy Advisor, Department of Transportation, Office of the Secretary, 400 7th Street SW., Washington, DC 20590

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**RIN:** 2105-AD55

## Department of Transportation (DOT)

## Office of the Secretary (OST)

## Completed Actions

**2054. +FEES AND CHARGES FOR SPECIAL SERVICES****Priority:** Other Significant**Legal Authority:** 49 USC 40101; 49 USC 46101; 31 USC 9701**CFR Citation:** 14 CFR 389**Legal Deadline:** None**Abstract:** This rulemaking would have revised 14 CFR Part 389 to bring the fees we charge to beneficiaries of certain economic, aviation-related licensing services in line with the costs incurred to provide those services. It also would have removed or updated obsolete provisions and organizational references included in the existing regulations. This rulemaking has been withdrawn because the Department

believes the cost studies used to develop its proposed fees are no longer timely.

**Timetable:**

Action	Date	FR Cite
NPRM	01/21/99	64 FR 3229
NPRM Comment Period End	03/22/99	
Withdrawn	11/10/05	70 FR 68388

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** John Miller, Analyst., Department of Transportation, Office of the Secretary, Office of Aviation Analysis, DOT/OST, 400 Seventh Street SW., Washington, DC 20590**RIN:** 2105-AC47**2055. TRANSPORTATION ACQUISITION REGULATION****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 301**CFR Citation:** 12 CFR 1201 to 1253**Legal Deadline:** None**Abstract:** This rule will update the Transportation Acquisition Regulation (TAR) to reflect changes to the TAR,

## DOT—OST

## Completed Actions

to reflect organizational changes in the Department, to incorporate recent statutory changes and government mandates, and to accomplish editorial changes for clarification. This rule is considered nonsignificant because it is an administrative action.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	02/07/05	70 FR 6506
Interim Final Rule Comment Period End	03/09/05	
Interim Final Rule Effective	04/08/05	
Final Action	12/27/05	70 FR 76417
Final Action Effective	01/26/06	

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

**Agency Contact:** Elaine Wheeler, Senior Procurement Analyst, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590  
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**RIN:** 2105-AD28**2056. PROTECTION OF SENSITIVE SECURITY INFORMATION (SSI)****Priority:** Substantive, Nonsignificant**Legal Authority:** 46 USC 70102 to 70106; 49 USC 114, 5103, 44901 to 44907; 49 USC 44913 to 44914, 44916 to 44918, 44935 to 44936; 49 USC 44942, 46105**CFR Citation:** 49 CFR 15; 49 CFR 1520**Legal Deadline:** None

**Abstract:** This is a nonsignificant technical amendment to the existing DOT/TSA SSI rule that would correct an unintended limitation in parties that have a need to know SSI. The amendment authorizes the sharing of vulnerability assessments and certain other SSI with covered persons who meet the need to know requirements regardless of mode of transportation. This rulemaking is related to a May 18, 2004, significant interim final rule [69 FR 28066] published by TSA under RIN 1652-AA08.

**Timetable:**

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

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

**Agency Contact:** Mr. Michael Bates, Senior Attorney, Office of General Counsel, DOT, Department of Transportation, Office of the Secretary, 400 7th Street SW. C-10, Rm 10102, Washington, DC 20590  
Phone: 202 366-4710  
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**RIN:** 2105-AD33**2057. +PETITION OF THE NATIONAL AIR CARRIER ASSOCIATION FOR RULEMAKING****Priority:** Other Significant**Legal Authority:** 49 USC 40101; 49 USC 40102; 49 USC 40109; 49 USC 40113; ...**CFR Citation:** 14 CFR 212**Legal Deadline:** None

**Abstract:** The Department sought comment on a proposal to revise its rules on charter operations. This proposal arose from a petition filed by the National Air Carrier Association (NACA). NACA sought to make changes to the definitions and standards the Department uses to determine whether to grant or deny foreign air carrier requests to conduct certain types of international charter flights in 14 CFR part 212. The Department granted NACA's petition, and made some, but not all of the changes sought by NACA. The Department made revisions to definitions in part 212 relating to charter types, and modified the Department's current charter application form so as to require updated reciprocity information as well as numbers of U.S.-homeland services vs. U.S.-non-homeland services. The Department did not adopt NACA's requests to impose a reciprocity standard that would have ensured substantially equivalent opportunities

for U.S. carriers in the homeland of the applicant, or would have accorded U.S. carriers a right of first refusal over foreign carrier requests to conduct certain U.S.-originating charter operations.

**Timetable:**

Action	Date	FR Cite
NPRM	01/21/05	70 FR 3158
NPRM Comment Period End	03/09/05	
Final Rule	02/03/06	71 FR 5780
Final Rule Effective	04/04/06	

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

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

**RIN:** 2105-AD38**2058. NAVIGATION OF FOREIGN CIVIL AIRCRAFT WITHIN THE UNITED STATES (14 CFR PART 375)****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 40102; 49 USC 40103; 49 USC 41703**CFR Citation:** 14 CFR 375**Legal Deadline:** None

**Abstract:** Part 375 of the Department's regulations, 14 CFR part 375 provides for the operation in the United States of foreign civil aircraft that are not engaged in common carriage. Persons or entities seeking to operate foreign civil aircraft within the United States involving the carriage of persons, property and mail for remuneration or hire must obtain a foreign aircraft permit from the Department under that Part. On May 16, 2003, the National Business Aircraft Association (NBAA), a trade association that represents many business aircraft operators throughout the United States, wrote to the Department requesting a policy determination that certain types of operations that its representative



## DOT—OST

## Completed Actions

companies might perform using U.S.-registered foreign civil aircraft (such as carriage of a company's own officials and guests, or aircraft time-sharing, interchange or joint ownership arrangements between companies) do not, in fact, constitute operations for remuneration or hire within the meaning of part 375. The NBAA noted that a favorable response would eliminate the need for the companies involved to secure a permit for such operations. This rulemaking amends 14 CFR part 375 to clarify those circumstances under which companies operating U.S.-registered foreign civil aircraft are not deemed to be involved in air commerce for remuneration or hire and, therefore, are not required under part 375 to obtain a foreign aircraft permit.

**Timetable:**

Action	Date	FR Cite
NPRM	02/07/05	70 FR 6382
NPRM Comment Period End	04/08/05	
Final Action	03/28/06	71 FR 15325
Final Action Effective	04/27/06	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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

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**RIN:** 2105-AD39

### 2059. +DISPLAY OF JOINT OPERATIONS IN CARRIER-OWNED COMPUTER RESERVATIONS SYSTEMS REGULATIONS (PART 256)

**Priority:** Other Significant**Legal Authority:** 49 USC 41712**CFR Citation:** 14 CFR 256**Legal Deadline:** None

**Abstract:** This rulemaking would terminate rules prohibiting airlines that own, control, or operate a computer reservations system from denying

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

**Timetable:**

Action	Date	FR Cite
NPRM	04/04/05	70 FR 16990
NPRM Comment Period End	05/04/05	
Final Rule	02/21/06	71 FR 8800
Final Rule Effective	03/23/06	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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**Related RIN:** Related to 2105-AC65**RIN:** 2105-AD44

### 2060. DISCLOSURE OF CODE SHARING AND LONG-TERM WET LEASE ARRANGEMENTS

**Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 41712**CFR Citation:** 14 CFR 257**Legal Deadline:** None

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

the markets being advertised. This action is taken in response to a petition for rulemaking filed by United Airlines, Inc.

**Timetable:**

Action	Date	FR Cite
NPRM	01/13/05	70 FR 2372
NPRM Comment Period End	03/14/05	
Final Action	08/04/05	70 FR 44848
Final Action Effective	09/06/05	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Joanne Petrie,

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**RIN:** 2105-AD49

### 2061. MANAGEMENT AND TECHNICAL ASSISTANCE PROGRAM (M&TA)

**Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 332**CFR Citation:** 49 CFR 35**Legal Deadline:** None

**Abstract:** In accordance with the Office of Small and Disadvantaged Business Utilization and Minority Resource Center (OSDBU/MRC), the Department had considered proposing a rulemaking action to establish a Management and Technical Assistance Program (M&TA) to assist disadvantaged business enterprises (DBEs). However, after further evaluation OSDBU has determined that rulemaking is not needed at this time.

**Timetable:**

Action	Date	FR Cite
Terminated	02/22/06	

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

dms.dot.gov

## DOT—OST

## Completed Actions

**URL For Public Comments:**

dms.dot.gov

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RIN: 2105-AD52

**2062. TIME ZONE BOUNDARIES IN THE STATE OF INDIANA****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 261**CFR Citation:** 49 CFR 71**Legal Deadline:** None

**Abstract:** Indiana Senate Enrolled Act 127 requires the Governor of Indiana to petition the Department to conduct

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

**Timetable:**

Action	Date	FR Cite
Notice	08/17/05	70 FR 48460
NPRM	10/31/05	70 FR 62288

Action	Date	FR Cite
NPRM Comment Period End	11/30/05	
Final Rule	01/20/06	71 FR 3228
Final Rule Effective	04/02/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

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

**Agency Contact:** Joanne Petrie, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590  
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RIN: 2105-AD53

BILLING CODE 4910-62-S

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

## Prerule Stage

**2063. +CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS (SECTION 610 REVIEW)****Priority:** Other Significant

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

**CFR Citation:** 14 CFR 23**Legal Deadline:** None

**Abstract:** The FAA intends to conduct a 610 review (a review under section 610 of the Regulatory Flexibility Act) of this part and RIN 2120-AG93 has been added to the Agenda to reflect this review. The FAA carries out its responsibility to promote safety of flight of civil aircraft in air commerce by prescribing minimum standards governing the design and construction of aircraft, aircraft engines and propellers and appliances as may be required in the interest of safety. The

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

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

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

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

RIN: 2120-AG93

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

**Proposed Rule Stage**

**2064. +REVISIONS TO DIGITAL FLIGHT DATA RECORDER REGULATIONS FOR B-737 AIRPLANES AND FOR PART 125 OPERATORS**

**Priority:** Other Significant

**Legal Authority:** 49 USC 106(g); 49 USC 40113; 49 USC 40119; 49 USC 44101; 49 USC 44701 to 44702; 49 USC 44705; 49 USC 44709 to 44711; 49 USC 44713; 49 USC 44716 to 44717; 49 USC 44722; 49 USC 44901; 49 USC 44903 to 44904; 49 USC 44912; 49 USC 46105; 49 USC 1155; 49 USC 40103; 49 USC 40120; 49 USC 44111; 49 USC 44711; 49 USC 44712; 49 USC 44715; 49 USC 46306; 49 USC 46316; 49 USC 46504; 49 USC 46506–46507; 49 USC 47122; 49 USC 47508; 49 USC 47528–47531

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

**Legal Deadline:** None

**Abstract:** This rulemaking would amend the digital flight data recorder (DFDR) regulations for transport category airplanes to add a requirement for all Boeing 737 (B-737) series airplanes to record additional flight data parameters. It is based on safety recommendations issued by the National Transportation Safety Board (NTSB) following the investigation of the 1994 USAir Flight 427 accident. This rulemaking is significant because of substantial public interest. A final rule had been scheduled for August 11, 2000. Since publication of the NPRM, the FAA has mandated significant changes to the rudder system on 737s. Accordingly, the proposed rule would apply to a different set of airplanes than originally anticipated. The FAA is requesting comment on this change in applicability and is requesting updated economic information about the installation of the proposed monitoring equipment.

**Timetable:**

Action	Date	FR Cite
NPRM	11/18/99	64 FR 63139
NPRM Comment Period End	12/20/99	
Supplemental NPRM	12/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Project Number: AIR-99-272R.

**ANALYSIS:** Regulatory Evaluation, 11/18/99, 64 FR 63139

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

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

**Agency Contact:** Timothy Shaver, Avionic Systems Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
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**RIN:** 2120-AG87

**2065. SAFE, EFFICIENT USE AND PRESERVATION OF THE NAVIGABLE AIRSPACE**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 14 CFR 77

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/06	

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

**Small Entities Affected:** No

**Government Levels Affected:** None

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

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

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

**Agency Contact:** Ellen Crum, Air Traffic Rules Procedures Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
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**RIN:** 2120-AH31

**2066. PERFORMANCE AND HANDLING QUALITIES REQUIREMENTS FOR ROTORCRAFT**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 14 CFR 27; 14 CFR 29

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/06	

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

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Project Number: ASW-95-223-A

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

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

**Agency Contact:** Jeff Trang, Federal Aviation Administration, Department of

## DOT—FAA

## Proposed Rule Stage

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**RIN:** 2120-AH87

**2067. +AGING AIRCRAFT PROGRAM (WIDESPREAD FATIGUE DAMAGE)**

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

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

**Legal Authority:** 49 USC 106(g); 49 USC 40113; 49 USC 40119; 49 USC 41706; 49 USC 44101; 49 USC 44701 to 4702; 49 USC 44705; 49 USC 44709 to 44715; 49 USC 44713; 49 USC 44716 to 44717; 49 USC 44722; 49 USC 46105; 49 USC 1372; PL 107-71, Sec 104

**CFR Citation:** 14 CFR 121; 14 CFR 129

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Brent Bandley, ANM-120L, Department of Transportation, Federal Aviation

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**RIN:** 2120-AI05

**2068. HIGH-INTENSITY RADIATED FIELDS**

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

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

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

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	02/01/06	71 FR 5553
NPRM Comment Period End	05/02/06	
Final Rule	09/00/07	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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**RIN:** 2120-AI06

**2069. +TRANSPORT AIRPLANE FUEL TANK FLAMMABILITY REDUCTION**

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

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

**CFR Citation:** 14 CFR 25

**Legal Deadline:** None

**Abstract:** This rulemaking will require that flammability reduction means be incorporated into existing airplanes, newly manufactured airplanes, and new designs. It establishes new design standards for future and pending applications for type certification as well as new operating rules for retrofitting existing airplanes.

**Timetable:**

Action	Date	FR Cite
NPRM	11/23/05	70 FR 70922
NPRM Comment Period Extended	03/21/06	71 FR 14122
NPRM Comment Period End	03/23/06	
NPRM Comment Period End	05/08/06	
Final Rule	03/00/07	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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**RIN:** 2120-AI23

**2070. AGING AIRCRAFT SAFETY—DEVELOPMENT OF TC AND STC HOLDER DATA**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 106(g); 49 USC 40113; 49 USC 44701; 49 USC 44702; 49 USC 44704; 40119; 41706; 44101; 44705; 44709 to 44711; 44713; 44716 to 44717; 44722; 44901; 44903 to 44904; 44912; 45101 to 45105; 46105; 46301; 49 USC 1372; Pub l 107-17 sec 104

## DOT—FAA

## Proposed Rule Stage

**CFR Citation:** 14 CFR 25; 14 CFR 121; 14 CFR 129

**Legal Deadline:** None

**Abstract:** This rulemaking would require FAA design approval holders to make available to operators damage tolerance data for repairs and alterations to fatigue critical airplane structure. This rulemaking is needed to support operator compliance with the recently adopted requirement to include damage tolerance inspections and procedures in their maintenance programs, and to take into account the possible adverse effects of repairs and alterations on fatigue critical structure. The intended effect of this rule is to ensure the continued airworthiness of fatigue critical airplane structure by requiring design approval holders to support operator compliance with specified damage tolerance requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

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

**Agency Contact:** Greg Schneider, Federal Aviation Administration, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, WA 98055  
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**RIN:** 2120-AI32

**2071. +DRUG ENFORCEMENT ASSISTANCE**

**Priority:** Other Significant

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

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

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

**Abstract:** This rulemaking would amend airmen certification and aircraft registration requirements. Two years

after the final rule becomes effective, paper pilots' certificates may no longer be used to exercise piloting privileges. Five years after the final rule becomes effective, certain other paper airmen certificates, such as those of flight engineers and mechanics, may no longer be used to exercise the privileges authorized by those certificates. To exercise the privileges after those respective dates, the airmen would have to hold upgraded, counterfeit-resistant plastic certificates. Student pilots would not be affected. In addition, those who transfer ownership of U.S. registered aircraft would have five days from the transaction to notify the FAA Aircraft Registry. Those who apply for aircraft registration would have to include their printed or typed name with their signature. These changes are responsive to concerns raised in the FAA Drug Enforcement Assistance Act. The purpose of the changes is to upgrade the quality of data and documents to assist Federal, State, and local agencies to enforce the Nation's drug laws.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

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

**Agency Contact:** Mark Lash, Civil Aviation Registry, Department of Transportation, Federal Aviation Administration, 6500 South MacArthur Boulevard, Oklahoma City, OK 73169  
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**RIN:** 2120-AI43

**2072. +PART 145: REPAIR STATIONS—RATINGS AND QUALITY SYSTEM**

**Priority:** Other Significant

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

**CFR Citation:** 14 CFR 145

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

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

**Agency Contact:** Herbert E. Daniel, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
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**RIN:** 2120-AI53

**2073. +EXPERIMENTAL PERMIT FOR SUBORBITAL REUSABLE LAUNCH VEHICLES**

**Priority:** Other Significant

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

**CFR Citation:** 14 CFR 461

**Legal Deadline:** NPRM, Statutory, December 23, 2005.  
Final, Statutory, June 23, 2006.

**Abstract:** This rulemaking will define the process and standards for the issuance and maintenance of an experimental permit. An experimental permit will authorize the launch of developmental reusable suborbital rockets. The purpose of an

## DOT—FAA

## Proposed Rule Stage

experimental permit is to allow launches of developmental reusable suborbital rockets with less regulatory burden on the launch operator than would otherwise be the case with a traditional license.

**Timetable:**

Action	Date	FR Cite
NPRM	03/31/06	71 FR 16251
NPRM Comment Period End	05/30/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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Phone: 202 267-8760  
Email: randy.repcheck@faa.gov

**RIN:** 2120-AI56

**2074. SPECIAL REQUIREMENTS FOR SPECIAL USE TRANSPORT CATEGORY AIRPLANES**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 14 CFR 25

**Legal Deadline:** None

**Abstract:** This rule will amend the airworthiness standards for transport category airplanes by adding new cabin interior criteria for operators of private use airplanes. These standards may be used instead of the specific requirements that affect transport category airplanes operated by air carriers. These standards will supplement the requirements for operation under the air traffic and general operating rules. This rule is intended to provide alternative criteria for transport category airplanes that are operated for private use, while continuing to provide an acceptable level of safety for those operations.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Alan Sinclair, Airframe and Cabin Safety Branch, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue SW, Renton, WA 98055  
Phone: 425 227-1320

Fax: 425 227-1320

Email: alan.sinclair@faa.gov

**RIN:** 2120-AI61

**2075. ● +SECURITY-RELATED CONSIDERATIONS IN THE DESIGN AND OPERATION OF TRANSPORT CATEGORY AIRPLANES**

**Priority:** Other Significant

**Legal Authority:** 49 USC 40113; 49 USC 44701; 49 USC 44702; 49 USC 44704; 49 USC 103(g)

**CFR Citation:** 14 CFR 121; 14 CFR 25

**Legal Deadline:** None

**Abstract:** This rulemaking would implement certain security-related requirements governing the design of transport category airplanes. The requirements would provide improved airplane design features and greater protection of the cabin, flightdeck, and cargo compartments from the detonation of explosive or incendiary devices, penetration by projectiles, and intrusion by unauthorized persons. The FAA would also require operators to establish a "least risk bomb location" on all affected airplanes and to incorporate certain information into relevant operator's manuals. This rule would adopt several International Civil Aviation Organization standards and harmonize FAA and international regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Jeff Gardlin, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, WA 98055-4056  
Phone: 425 227-2136  
Email: jeff.gardlin@faa.gov

**RIN:** 2120-AI66

**2076. ● PASSENGER FACILITY CHARGE PROGRAM, DEBT SERVICE, AIR CARRIER BANKRUPTCY, AND MISCELLANEOUS CHANGES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 40116 to 40117; 49 USC 47106; 49 USC 47111 to 47116; 49 USC 47524; 49 USC 47526; 49 USC 106(g)

**CFR Citation:** 14 CFR 158

**Legal Deadline:** None

**Abstract:** This action proposes to change the passenger facility charge program to add more eligible uses for revenue, protect such revenue in bankruptcy proceedings, and eliminate charges to passengers on military charters. These proposed actions respond to Vision 100 Century of Aviation the Reauthorization Act. In addition, the proposed action would revise current reporting requirements to reflect technological improvements; promulgate some existing practices and policies into current regulations; and clarify and update existing references and regulations. This proposal would further streamline the existing policies of the passenger facility charge program.

**Timetable:**

Action	Date	FR Cite
NPRM	02/01/06	71 FR 5188
NPRM Comment Period End	04/03/06	
Final Rule	08/00/07	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Sheryl Scarborough, Federal Aviation Administration, Department of Transportation, Federal Aviation Administration, 800

## DOT—FAA

## Proposed Rule Stage

Independence Avenue SW.,  
Washington, DC 20591  
Phone: 202 267-8825  
Fax: 202 267-5302  
Email: sheryl.scarborough@faa.gov

RIN: 2120-AI68

### 2077. ● +CONGESTION MANAGEMENT RULE FOR LAGUARDIA AIRPORT

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

**Legal Authority:** 49 USC 106(g); 49 USC 40103; 49 USC 40106; 49 USC 40109; 49 USC 40113; 49 USC 40113; 49 USC 44502; 49 USC 44514; 49 USC 44701; 49 USC 44701; 49 USC 44719; 49 USC 46301

**CFR Citation:** 14 CFR 93

**Legal Deadline:** None

**Abstract:** This rulemaking will address the potential for increased congestion and delay at New York's LaGuardia Airport (LGA) when the High Density Rule (HDR) expires there on January 1, 2007. The rule would establish an operational limit on the number of aircraft landing and taking off at the airport. To offset the effect of this limit, the proposed rule would increase utilization of the airport by encouraging the use of larger aircraft through implementing an airport-wide, average aircraft size requirement designed to increase the number of passengers that may use the airport within the overall proposed operational limits.

#### Timetable:

Action	Date	FR Cite
NPRM	07/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

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

**Agency Contact:** Molly W Smith, Federal Aviation Administration, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-3344  
Email: molly.w.smith@faa.gov

RIN: 2120-AI70

### 2078. ● AIRCRAFT ENGINE STANDARDS FOR LIFE-LIMITED PARTS

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 14 CFR 33

**Legal Deadline:** None

**Abstract:** This rulemaking would amend the certification standards for original and amended type certificates for aircraft engines by modifying the standards for engine life limited parts. The rule would establish new and uniform standards for the design and testing of life limited parts for aircraft engines certificated by the FAA, the European Aviation Safety Agency (EASA), and the Joint Aviation Authorities (JAA), and would add new standards for the design of reciprocating engine turbocharger rotors. The rule would also harmonize 14 CFR part 33 requirements with EASA and JAA requirements.

#### Timetable:

Action	Date	FR Cite
NPRM	04/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Project No. ANE-01-205-A

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

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

**Agency Contact:** Tim Mouzakis, Federal Aviation Administration, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 781 238-7114  
Email: timoleon.mouzakis@faa.gov

RIN: 2120-AI72

### 2079. ● AIRWORTHINESS STANDARDS; ENGINE BIRD INGESTION

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 14 CFR 33

**Legal Deadline:** None

**Abstract:** The FAA is proposing to amend the aircraft turbine engine type certification standards to reflect recent analysis of the threat flocking birds present to turbine engine aircraft. These proposed changes also harmonize FAA, Joint Aviation Authority (JAA), and European Aviation Safety Agency (EASA) bird ingestion standards for aircraft turbine engines type certificated by the United States and the JAA/EASA countries, and simplify airworthiness approvals for import and export. These changes are necessary to establish uniform international standards that provide an adequate level of safety for aircraft turbine engines with respect to the current large flocking bird threat.

#### Timetable:

Action	Date	FR Cite
NPRM	04/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Project No. ANE-01-206-A

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

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

**Agency Contact:** Marc Bouthiller, Federal Aviation Administration, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 781 238-7196  
Email: marc.bouthiller@faa.gov

RIN: 2120-AI73

### 2080. ● AIRWORTHINESS STANDARDS: SAFETY ANALYSIS

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 14 CFR 33

**Legal Deadline:** None

**Abstract:** The FAA is proposing to amend the safety analysis type certification standard for turbine aircraft engines. This proposal harmonizes the FAA's type certification standard for safety analysis with the corresponding standards of the Joint

## DOT—FAA

## Proposed Rule Stage

Aviation Authorities (JAA) and the European Aviation Safety Agency (EASA). The proposed rule would establish a nearly uniform safety analysis standard for turbine aircraft engines certified in the United States under part 33 of title 14 of the Code of Federal Regulations (14 CFR part 33) and in European countries under Joint Aviation Requirements-Engines (JAR-E) and Certification Specifications-Engines (CS-E), thereby simplifying airworthiness approvals for import and export.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Project No. ANE-99-011-A

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Ann Azevedo, Federal Aviation Administration,

Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 781 238-7117  
Email: ann.azevedo@faa.gov

**RIN:** 2120-AI74

**2081. • FIRE PENETRATION RESISTANCE OF THERMAL ACOUSTIC INSULATION INSTALLED ON TRANSPORT CATEGORY AIRPLANES**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 14 CFR 121

**Legal Deadline:** None

**Abstract:** This rule would extend the date for operators to comply with the fire penetration resistance requirements of thermal/acoustic insulation used in airplanes manufactured after September 2, 2007. The extension is from September 2, 2007, to September 2,

2008. This rule is needed to allow airframe manufacturers enough time, after finalizing an acceptable certification test facility, to select and certificate appropriate installations.

**Timetable:**

Action	Date	FR Cite
NPRM	04/03/06	71 FR 16678
NPRM Comment Period End	06/02/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Project no. ANM-06-085-R

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Jeff Gardlin, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, WA 98055-4056  
Phone: 425 227-2136  
Email: jeff.gardlin@faa.gov

**RIN:** 2120-AI75

## Department of Transportation (DOT)

## Final Rule Stage

## Federal Aviation Administration (FAA)

**2082. PART 95 INSTRUMENT FLIGHT RULES**

**Priority:** Routine and Frequent

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

**CFR Citation:** 14 CFR 95

**Legal Deadline:** None

**Abstract:** This is a nonsignificant body of regulations which prescribes altitudes governing the operation of aircraft under Instrument Flight Rules (IFR) on Air Traffic System (ATS) routes, or other direct routes, which have a designated Minimum Enroute Altitude (MEA). In addition, it designates mountainous areas and changeover points as they relate to route altitudes. These regulations are an established body of technical requirements that are issued routinely and frequently to maintain operational

efficiency. Total actions expected-270. 10/00/2005 - 10/00/2006.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Peter Dula, Federal Aviation Administration, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-8212  
Email: peter.dula@faa.gov

**RIN:** 2120-AA63

**2083. AIRWORTHINESS DIRECTIVES**

**Priority:** Routine and Frequent

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

**CFR Citation:** 14 CFR 39

**Legal Deadline:** None

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



## DOT—FAA

## Final Rule Stage

are nonsignificant. Total actions expected - 550. 10/01/2005-11/2006.

**Timetable:**

Action	Date	FR Cite
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Actions Will Continue Through	10/00/06	
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**Regulatory Flexibility Analysis Required:** No

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

**Government Levels Affected:** None

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

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

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

**RIN:** 2120-AA64

**2084. STANDARD INSTRUMENT APPROACH PROCEDURES**

**Priority:** Routine and Frequent

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

**CFR Citation:** 14 CFR 97

**Legal Deadline:** None

**Abstract:** Standard Instrument Approach Procedures (SIAP) provide for instrument letdown to airports in the United States. They are a nonsignificant body of regulations that are complex and technical in nature and require routine and frequent rulemaking to maintain efficiency. The FAA issues, revises, and cancels SIAPs by adopting amendments that are incorporated into 14 CFR part 97. Contemporaneously with publication in the Federal Register, the SIAPs are made available to the Aeronautical Charting and Cartography Office in the FAA and other publishers of aeronautical charts where they are published as approach procedure charts or "approach plates." These charts are made available to the members of the aviation community for use by pilots in making instrument approaches. Total actions expected - 3300. 10/00/2004-10/00/2005.

**Timetable:**

Action	Date	FR Cite
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Actions Will Continue Through	10/00/06	
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**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

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

**Agency Contact:** Peter Dula, Federal Aviation Administration, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-8212  
Email: peter.dula@faa.gov

**RIN:** 2120-AA65

**2085. AIRSPACE ACTIONS**

**Priority:** Routine and Frequent

**Legal Authority:** 49 USC 106(g); 49 USC 40103; 49 USC 40113; 49 USC 40120; EO 10854

**CFR Citation:** 14 CFR 71; 14 CFR 73; 14 CFR 75

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
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NPRM	01/22/02	67 FR 57943
NPRM Comment Period End	03/08/02	
NPRM Revision Comment Period End	10/28/04	69 FR 62832
Actions Will Continue Through	12/13/04	
	10/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

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

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

**RIN:** 2120-AA66

**2086. +NATIONAL AIR TOUR SAFETY STANDARDS**

**Priority:** Other Significant

**Legal Authority:** 49 USC 44709; 49 USC 44711; 49 USC 44712; 49 USC 44713; 49 USC 44715; 49 USC 44716; 49 USC 106(g); 49 USC 40103; 49 USC 40113; 49 USC 40120; 49 USC 44101; 49 USC 44111; 49 USC 44701; 49 USC 44702; 49 USC 44705

**CFR Citation:** 14 CFR 91; 14 CFR 135; 14 CFR 61; 14 CFR 119; 14 CFR 121; 14 CFR 136; 14 CFR 119; 14 CFR 121; 14 CFR 136; 14 CFR 61

**Legal Deadline:** None

**Abstract:** This rulemaking will consider new regulations for air tour and sightseeing operations that are currently allowed to operate under less stringent regulations than those applied to other types of commercial operations. Hot air balloons and gliders would not be included in this amendment.

**Timetable:**

Action	Date	FR Cite
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NPRM	10/23/03	68 FR 60571
NPRM Comment Period End	04/19/04	69 FR 2529
Final Action	09/00/06	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** Project Number: AFS-91-012R. RIN 2120-AF61 which was proposed as a new item for this agenda was a duplicate of this rulemaking and has been terminated. This rulemaking was previously titled "Sightseeing Operations."

**ANALYSIS:** Regulatory Evaluation, 07/00/2003

**URL For More Information:**

## DOT—FAA

## Final Rule Stage

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Alberta Brown, Air Transportation Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-8321

**RIN:** 2120-AF07**2087. +LICENSING AND SAFETY REQUIREMENTS FOR LAUNCH****Priority:** Other Significant**Legal Authority:** 49 USC 70101 to 70119**CFR Citation:** 14 CFR 415; 14 CFR 417**Legal Deadline:** None

**Abstract:** This action would establish requirements for licensing the conduct of a launch from a non-Federal launch site. The law requires anyone who proposes to conduct a launch within the United States, or a U.S. citizen proposing to conduct a launch from a site outside the United States, to obtain a license from DOT. This action would govern obtaining a license to conduct such a launch. Currently, commercial rocket launches take place from Federal Government installations operated by the Department of Defense and NASA.

**Timetable:**

Action	Date	FR Cite
NPRM	10/25/00	65 FR 63922
NPRM Comment Period End	02/22/01	
SNPRM	07/30/02	67 FR 49456
SNPRM Comment Period End	10/28/02	
NPRM: Additional Information	08/27/02	67 FR 54978
Comment Period Extended	04/14/05	70 FR 19720
Final Action	07/00/06	

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

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

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Rene Rey, Licensing and Safety Division, Office of Commercial Space, Department of Transportation, Federal Aviation Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 385-4805

**RIN:** 2120-AG37**2088. FLIGHT SIMULATION DEVICE QUALIFICATION****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 106(g); 49 USC 40113; 49 USC 44701 to 44703; 49 USC 44707; 49 USC 44709; 49 USC 44711; 49 USC 45102 to 45103; 49 USC 45301 to 45302; 49 USC 44701; 44702 et seq**CFR Citation:** 14 CFR 1; 14 CFR 11; 14 CFR 60; 14 CFR 61; 14 CFR 63; 14 CFR 141; 14 CFR 142; 14 CFR 121**Legal Deadline:** None

**Abstract:** The FAA is amending the regulations to establish flight simulation training device qualification requirements in a new part. The new part consolidates and updates flight simulation training device requirements that currently exist in different parts of the FAA's regulations and in advisory circulars. In addition, the FAA is requiring that sponsors have a Quality Management System. This rule will ensure that users of flight simulation training devices receive training in devices that closely match the performance and handling characteristics of the aircraft being simulated.

**Timetable:**

Action	Date	FR Cite
NPRM	09/25/02	67 FR 20284
NPRM Comment Period Extended	11/15/02	67 FR 69149
Notice of On-Line Public Forum	11/21/02	67 FR 70184
NPRM Comment Period End	12/24/02	
NPRM Extended Comment Period End	02/24/03	
Final Action	04/00/06	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Edward Cook, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 1701 Columbia Avenue, College Park, GA 30337  
Phone: 404 305-6100

**RIN:** 2120-AH07**2089. +TRANSPONDER CONTINUOUS OPERATION****Priority:** Other Significant**Legal Authority:** 49 USC 106(g); 49 USC 40113; 49 USC 40119; 49 USC 44701 to 44702; 49 USC 44705; 49 USC 44709 to 44711; 49 USC 44713; 49 USC 44716 to 44717; 49 USC 44722; 49 USC 44901; 49 USC 44903 to 44904; 49 USC 44912; 49 USC 45101 to 45105; 49 USC 46105; 49 USC 44713**CFR Citation:** 14 CFR 21**Legal Deadline:** None

**Abstract:** This rulemaking would amend the instrument and equipment requirements for airplanes operated in domestic, flag, and supplemental operations. Specifically, the rulemaking would require affected airplanes to have the capability to help assure immediate activation of the designated air traffic control (ATC) hijack alert code, and continuous transmission of that code to ATC during a hijack situation. This action would respond to the heightened threat to U.S. civil aviation. The FAA believed that this capability would help provide ATC personnel with more time to initiate a national security response to a potential airplane hijack situation. However, following a review of the comments, the FAA is considering withdrawing the NPRM because of uncertainty about whether it is justified. The FAA had previously scheduled a withdrawal for publication on October 14, 2003.

**Timetable:**

Action	Date	FR Cite
NPRM	01/14/03	68 FR 1942
NPRM Comment Period End	03/17/03	
Final Action	12/00/06	

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

dms.dot.gov

## DOT—FAA

## Final Rule Stage

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Richard Jennings, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 1895 Phoenix Boulevard, Suite 450, Atlanta, GA 30349

Phone: 770 703-6090

**RIN:** 2120-AH67**2090. AREA NAVIGATION (RNAV) AND MISCELLANEOUS AMENDMENTS****Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 106(g); 49 USC 1155; 49 USC 40103 to 40105; 49 USC 40113; 49 USC 40119 to 40120; 49 USC 41706; 49 USC 44101; 49 USC 44111; 49 USC 44113; 49 USC 44701 to 44702; 49 USC 44705; 49 USC 44709 to 44713; 49 USC 44715 to 44717; 49 USC 44722; 49 USC 44901 to 44904; 49 USC 44906; 49 USC 44912; 49 USC 46105; 49 USC 46306; 49 USC 46315; 49 USC 46316; 49 USC 465504; 49 USC 46506 to 46507; 49 USC 47122; 49 USC 47508; 49 USC 47528 to 47531

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

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	12/17/02	67 FR 77326
NPRM Comment Period End	01/31/03	
NPRM Comment Period Reopened	04/08/03	68 FR 16992
Comment Period End	07/07/03	
Final Action	06/00/06	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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

**RIN:** 2120-AH77**2091. AIRMAN AND MEDICAL CERTIFICATE DISQUALIFICATION BASED ON ALCOHOL VIOLATIONS AND REFUSALS TO SUBMIT TO DRUG OR ALCOHOL TESTING****Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 106(g); 49 USC 1155; 49 USC 40103; 49 USC 40113; 49 USC 40120; 49 USC 44701-44703; 44707; 44709-44711; 45102-45103; 45301-45302; ...

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

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	11/30/04	69 FR 74897
NPRM Comment Period End	03/14/05	
Final Rule	04/00/06	

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

**Additional Information:** Project No. AAM-00-606

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Sherry deVries, Office of Aerospace Medicine, Department of Transportation, Federal Aviation

Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-8693

**RIN:** 2120-AH82**2092. +REVISIONS TO COCKPIT VOICE RECORDER AND DIGITAL FLIGHT DATA RECORDER REGULATIONS****Priority:** Other Significant

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

**CFR Citation:** 14 CFR 121; 14 CFR 125; 14 CFR 135; 14 CFR 129; 14 CFR 23; 14 CFR 25; 14 CFR 27; 14 CFR 29; 14 CFR 91

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	02/28/05	70 FR 9752
NPRM Comment Period End	04/29/05	
Comment Period Extended	04/27/05	70 FR 21688
NPRM Comment Period Extended to	06/28/05	
Final Rule	01/00/07	

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

**Additional Information:** On 12/15/05, OMB "cleared" this rulemaking, subject to minor changes, mostly editorial. Actual clearance should date from 1/12/06, when the revised version was resubmitted to OMB.

DOT—FAA

Final Rule Stage

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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

RIN: 2120-AH88

### 2093. ISSUANCE OF STANDARD AIRWORTHINESS CERTIFICATES FOR AIRCRAFT MANUFACTURED FROM SPARE AND SURPLUS PARTS

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 14 CFR 21

**Legal Deadline:** None

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

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

**Timetable:**

Action	Date	FR Cite
ANPRM	04/03/03	68 FR 16217
ANPRM Comment Period End	06/02/03	
NPRM	02/15/05	70 FR 7830
NPRM Comment Period End	04/18/05	
Supplemental NPRM	11/10/05	70 FR 68374
Supplemental NPRM Comment Period End	12/12/05	
Final Rule	07/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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

RIN: 2120-AH90

### 2094. +EXTENDED OPERATIONS (ETOPS) OF MULTI-ENGINE AIRPLANES

**Priority:** Other Significant

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

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

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	11/14/03	68 FR 64730
NPRM Comment Period End	05/15/04	69 FR 551
Final Action	06/00/06	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Robert Reich, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-7262  
Email: robert.reich@faa.gov

RIN: 2120-AI03

### 2095. +FLIGHTDECK DOOR MONITORING AND CREW DISCREET ALERTING SYSTEM

**Priority:** Other Significant

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

**CFR Citation:** 14 CFR 121

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	09/21/05	70 FR 55491

## DOT—FAA

## Final Rule Stage

Action	Date	FR Cite
NPRM Comment	11/21/05	
Period End		
Final Rule	03/00/07	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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

**RIN:** 2120-AI16**2096. SAFETY STANDARDS FOR FLIGHT GUIDANCE SYSTEMS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 106(g); 49 USC 40113; 49 USC 44701; 49 USC 44702**CFR Citation:** 14 CFR 25**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	08/13/04	69 FR 50240
NPRM Comment	10/12/04	
Period End		
Final Rule	04/00/06	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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

**RIN:** 2120-AI41**2097. MISCELLANEOUS CHANGES TO COMMERCIAL SPACE TRANSPORTATION REGULATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 70101 to 70121**CFR Citation:** 14 CFR 401; 14 CFR 404; 14 CFR 413; 14 CFR 415; 14 CFR 420**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	05/19/05	70 FR 29164
NPRM Comment	07/18/05	
Period End		
Final Rule	12/00/06	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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

Email: michelle.murray@faa.gov

**RIN:** 2120-AI45**2098. SAFETY APPROVALS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 70101 to 70121**CFR Citation:** 14 CFR 414**Legal Deadline:** None

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

**Timetable:**

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

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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

**RIN:** 2120-AI50

DOT—FAA

Final Rule Stage

**2099. +CONGESTION AND DELAY REDUCTION AT CHICAGO O'HARE INTERNATIONAL AIRPORT****Priority:** Economically Significant. Major under 5 USC 801.**Legal Authority:** 49 USC 106(g); 49 USC 40103; 49 USC 40106; 49 USC 40109; 49 USC 40113; 49 USC 44502; 49 USC 44514; 49 USC 44701; 49 USC 44719; 49 USC 46301**CFR Citation:** 14 CFR 93**Legal Deadline:** None**Abstract:** This rulemaking will create operational limits on the number of peak hour arrivals at O'Hare International Airport (ORD) as an interim measure to manage congestion and delays. This final rule replaces the Administrator's August 2004 order with slightly different requirements. The final rule will alter and extend the limitations on arrivals into O'Hare while we continue to consider various market-based mechanisms to allocate capacity and evaluate the impact of the O'Hare modernization plan (OM) and its goal of increasing capacity. The final rule is intended to be temporary and sunset on March 7, 2008.**Timetable:**

Action	Date	FR Cite
NPRM	03/25/05	70 FR 15520
NPRM Comment Period End	05/24/05	
Final Rule	06/00/06	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Lorelei Peter, Federal Aviation Administration, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-3134  
Email: lorelei.peter@faa.gov**RIN:** 2120-AI51**2100. CIVIL PENALTY INFLATION ADJUSTMENT REVISIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 18 USC 6002; 28 USC 2461 (note); 40113 to 40114; 44103 to

44106; 44702 to 44703; 44709 to 44710; 44713; 44718; 44725; 46101 to 46110; 46301 to 46316; 46318; 46501 to 46502; 46504 to 46507; 47106; 47111; 47122; 47306; 47531 to 47532; 49 USC 106(g); 5121 to 5124

**CFR Citation:** 14 CFR 13**Legal Deadline:** None**Abstract:** This rulemaking adjusts certain civil monetary penalties authorized for violations of statutes we enforce. The Federal Civil Monetary Inflation Adjustment Act of 1990, Public Law (Pub. L.) 101-410, as amended by the Debt Collection Improvement Act of 1996, Pub. L. 104-134, which is codified at 28 U.S.C. 2461 note, requires Federal agencies to adjust the minimum and maximum amounts of civil monetary penalties for inflation to preserve their deterrent impact. Under these laws, each agency must make an initial inflationary adjustment for all applicable civil monetary penalties, and must make further adjustments of these penalty amounts at least once every four years.**Timetable:**

Action	Date	FR Cite
Final Rule	10/00/06	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Joyce Redos, Regulations Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-7158**RIN:** 2120-AI52**2101. +HUMAN SPACE FLIGHT REQUIREMENTS FOR CREW & SPACE FLIGHT PARTICIPANTS****Priority:** Other Significant**Legal Authority:** 49 USC 70101 to 70121**CFR Citation:** 14 CFR 401; 14 CFR 431; 14 CFR 432; 14 CFR 440; 14 CFR 450; 14 CFR 415; 14 CFR 435; 14 CFR 460**Legal Deadline:** NPRM, Statutory, December 23, 2005.

Final, Statutory, June 23, 2006.

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

Action	Date	FR Cite
NPRM	12/29/05	70 FR 77261
NPRM Comment Period End	02/27/06	
Final Rule	08/00/06	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Ken Wong, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-8465  
Email: ken.wong@faa.gov**RIN:** 2120-AI57**2102. +SPECIAL TRAINING REQUIRED FOR PILOTS WHO FLY UNDER VISUAL FLIGHT RULES AND ARE WITHIN 100 NM OF THE WASHINGTON, DC, AIR DEFENSE IDENTIFICATION ZONE (DC ADIZ)****Priority:** Other Significant**Legal Authority:** 49 USC 106(g); 49 USC 40103; 49 USC 40113; 49 USC 40120; 49 USC 44101; 49 USC 44111; 49 USC 44701 to 44103; 49 USC 44707; 49 USC 44709-44711; 49 USC 44711; 49 USC 44712; 49 USC 44716; 49 USC 44717; 49 USC 44722; 49 USC 45102 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; 47508; 49 USC 47528 to 47531; 49 USC 106(g); articles 12 and 29 of Convention on International Civil Aviation (61 stat 1180); 49 USC 44715; 49 USC 1155**CFR Citation:** 14 CFR 61; 14 CFR 91**Legal Deadline:** None**Abstract:** This rule will establish training requirements for any pilot who flies under visual flight rules within 100 nautical miles of Ronald Reagan

## DOT—FAA

## Final Rule Stage

Washington National Airport's omnidirectional range/distance measuring equipment. The training primarily focuses on the procedures for flying in and around Washington, DC's special flight rules area and flight restricted zone.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	04/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Peter Dula, Federal Aviation Administration, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-8212

Email: peter.dula@faa.gov

**RIN:** 2120-AI63

**2103. • FAA-APPROVED CHILD RESTRAINT SYSTEMS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 106(g); 49 USC 40113; 49 USC 40119; 49 USC 41706; 49 USC 44101

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

**Legal Deadline:** None

**Abstract:** This rulemaking will amend certain operating regulations to allow passengers or operators to furnish and use more types of Child Restraint Systems (CRS) on aircraft. This rule will allow the use of CRSs that meet the aviation standards of Technical Standard Order C-100b, Child Restraint Systems, or are approved for use by the FAA under 21.305 (d). This is in addition to the provisions in the current rules that allow passengers and operators to furnish and use CRSs that meet Federal Motor Vehicle Safety

Standard No. 213 (FMVSS No. 213), meet the standards of the United Nations, or are approved by a foreign government. The intended effect of this regulation is to increase the number of CRS options that are available for children on aircraft, while maintaining high standards for certification and approval. In addition, more CRS options may increase the voluntary use of CRSs on aircraft and, in turn, improve children's safety.

**Timetable:**

Action	Date	FR Cite
Final Action	04/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Nancy Claussen, Department of Transportation, Federal Aviation Administration, 2800 44th Street., Suite 450, Phoenix, AZ 85008  
Phone: 602 379-4864

**RIN:** 2120-AI76

## Department of Transportation (DOT)

## Long-Term Actions

## Federal Aviation Administration (FAA)

**2104. AIRPLANE PERFORMANCE AND HANDLING QUALITIES IN ICING CONDITIONS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 14 CFR 25

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	11/04/05	70 FR 67278
NPRM Comment Period End	02/02/06	
Final Rule	06/00/07	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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

**RIN:** 2120-AI14

**2105. +WASHINGTON, DC, METROPOLITAN AREA SPECIAL FLIGHT RULES AREA**

**Priority:** Other Significant

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

**CFR Citation:** 14 CFR 93

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**URL For More Information:**

## DOT—FAA

## Long-Term Actions

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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

**RIN:** 2120-AI17**2106. +ENHANCED AIRWORTHINESS PROGRAM FOR AIRPLANE SYSTEMS (EAPAS) AND SFAR 88****Priority:** Other Significant

**Legal Authority:** 49 USC 106(g); 49 USC 1155; 49 USC 1372; 49 USC 40103; 49 USC 40119; 49 USC 40120; 49 USC 106(g); 49 USC 40103; 49 USC 40113; 49 USC 40119 to 40120; 49 USC 41706; 49 USC 4401; 49 USC 44111; 49 USC 44701 to 44705; 49 USC 44709 to 44713; 49 USC 44715 to 44717

**CFR Citation:** 14 CFR 1; 14 CFR 25; 14 CFR 91; 14 CFR 121; 14 CFR 125; 14 CFR 129

**Legal Deadline:** None

**Abstract:** This rulemaking would change wiring system and fuel tank system requirements for transport category airplanes. It would organize and clarify design requirements for wire systems, by moving existing regulatory references to wiring into a single section of the regulations specifically for wiring and adding new certification rules to address aging issues in wire systems. This rulemaking would require holders of type certificates for certain transport category airplanes to conduct analyses and make necessary changes to existing Instruction for Continued Airworthiness (ICA) to improve maintenance procedures for wire systems. It would require operators to incorporate those ICA for wiring into

their maintenance or inspection programs. It would also clarify requirements of certain existing operational rules for operators to incorporate ICA for fuel tank systems into their maintenance or inspection programs. The intent of this rule is to help ensure the continued safety of commercial airplanes by improving the design, installation, and maintenance of their electrical wiring systems as well as by aligning those requirements as closely as possible with the requirements for fuel tank system safety.

**Timetable:**

Action	Date	FR Cite
NPRM	10/06/05	70 FR 58507
NPRM Comment Period End	02/03/06	
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No**Government Levels Affected:** None**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Fred Sobeck, Federal Aviation Administration, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-7355  
Fax: 202 267-7335  
Email: frederick.sobeck@faa.gov

**RIN:** 2120-AI31**2107. • THERMAL ACOUSTIC INSULATION INSTALLED ON TRANSPORT CATEGORY AIRPLANES****Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 40103; 49 USC 40113; 49 USC 40119; 49 USC 40120; 49 USC 44101; 49 USC 44111; 49 USC 44701 to 44702; 49 USC 44705; 49 USC 44709; 49 USC 44711 to 44713;

49 USC 44715 to 44717; 49 USC 44722; 49 USC 44901; 49 USC 44903 to 44904; 49 USC 44912; 49 USC 46105; 49 USC 46306; 49 USC 46315; 49 USC 46316; 49 USC 46502; 49 USC 46504; 49 USC 46506 to 46507; 49 USC 47122; 49 USC 47508; 49 USC 47528 to 47531 ; 49 USC 106(g)

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

**Legal Deadline:** None

**Abstract:** This rule will modify the requirements for improved flammability characteristics of thermal/acoustic insulation used as replacements on airplanes manufactured before September 2, 2005. Since publishing a final rule on July 31, 2003, the FAA has learned the requirements covered materials that do not have a significant effect on airplane fire safety. In many cases, compliant replacements are not readily available. This rule will focus on the requirements on materials that have a greater effect on safety and are readily available.

**Timetable:**

Action	Date	FR Cite
Final Rule	12/30/05	70 FR 77747
Final Rule Comment End	02/28/06	
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No**Government Levels Affected:** None**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Jeff Gardlin, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, WA 98055-4056  
Phone: 425 227-2136  
Email: jeff.gardlin@faa.gov

**RIN:** 2120-AI64**Department of Transportation (DOT)  
Federal Aviation Administration (FAA)****Completed Actions****2108. +DRUG ENFORCEMENT ASSISTANCE****Priority:** Other Significant

**Legal Authority:** 49 USC 106(g); 49 USC 5121 to 5124; 49 USC 40113 to

40114; 49 USC 44101 to 44108; 49 USC 44110 to 44111; 49 USC 44702 to 44703; 49 USC 44704; 49 USC 44709 to 44710; 49 USC 44713; 49 USC 46101 to 46110; 49 USC 46301 to 46316; 49

USC 46501 to 46502; 49 USC 46504 to 46507; 49 USC 47106; 49 USC 47111

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

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



## DOT—FAA

## Completed Actions

**Abstract:** The FAA is withdrawing an NPRM to revise certain requirements concerning registration of aircraft, certification of pilots, and penalties for registration and certification violations. We are withdrawing the document because the relief that the NPRM would have provided has been achieved by other means or is addressed in an NPRM described elsewhere in the regulatory agenda (RIN 2120-AI43).

**Timetable:**

Action	Date	FR Cite
NPRM	03/12/90	55 FR 9270
NPRM Comment Period End	05/11/90	
Withdrawn	12/05/05	70 FR 72403

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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

**RIN:** 2120-AD16

### 2109. AIR TRAFFIC CONTROL RADAR BEACON SYSTEM AND MODE S TRANSPONDER REQUIREMENTS IN THE NATIONAL AIRSPACE SYSTEM

**Priority:** Substantive, Nonsignificant

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

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

**Abstract:** The FAA is considering withdrawing the NPRM based on comments and the availability of ground sensors, which now are largely in place. In addition, improvements in communication technology have expanded the need for Mode S in an increasingly congested airspace

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

**Timetable:**

Action	Date	FR Cite
NPRM	05/23/96	61 FR 26036
NPRM Correction	06/17/96	61 FR 30551
NPRM Comment Period End	07/22/96	
Withdrawn	10/07/05	70 FR 58966

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

Number: AFS-92-297R.

**ANALYSIS:** Regulatory Evaluation, 05/23/96, 61 FR 26036

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Daniel V Meier Jr., Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-3749

**RIN:** 2120-AE81

### 2110. REVISIONS TO THE INDUSTRY DRUG AND ALCOHOL TESTING REGULATIONS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 106(g); 49 USC 40113; 49 USC 40119; 49 USC 44101; 49 USC 44701 to 44702; 49 USC 44705; 49 USC 44709 to 44711; 49 USC 44713; 49 USC 44716 to 44717; 49 USC 44722; 49 USC 44901; 49 USC 44903 to 44904; 49 USC 44912; 49 USC 46105; 49 USC 46301

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

**Abstract:** In Notice 02-04, published on February 28, 2002, the FAA proposed to make it clear that each person who performs a safety-sensitive function directly or by contract (including by subcontract at any tier) for an employer is subject to drug and alcohol testing. The comment period closed on July 29, 2002. Several commenters stated that the change was more than clarifying

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

**Timetable:**

Action	Date	FR Cite
NPRM	02/28/02	67 FR 9366
NPRM Comment Period Extended	05/29/02	67 FR 37361
NPRM Comment Period End	05/29/02	
NPRM Extended Comment Period End	07/29/02	
Final Action	01/12/04	69 FR 1840
Supplemental NPRM	05/17/04	69 FR 27980
Supplemental NPRM Comment Period	08/16/04	
Final Rule	01/10/06	71 FR 1665

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Diane Wood, Manager, Drug Abatement Branch, Office of Aerospace Medicine, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-8442

**RIN:** 2120-AH14

### 2111. NOISE STRINGENCY INCREASE FOR SINGLE-ENGINE PROPELLER-DRIVEN SMALL AIRPLANES

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 14 CFR 36**Legal Deadline:** None

**Abstract:** The FAA is proposing a change to the noise limits for propeller-driven small airplanes. The FAA, the European Joint Aviation Authorities (JAA), and representatives from the United States and European propeller-driven small airplane industries

## DOT—FAA

## Completed Actions

developed the ICAO Annex 16 noise limit change in a joint effort. The proposed change would provide nearly uniform noise certification standards for airplanes certificated in the United States and in the JAA countries.

**Timetable:**

Action	Date	FR Cite
NPRM	02/11/04	69 FR 6856
NPRM Comment Period End	06/10/04	
Final Action	01/04/06	71 FR 527
Final Action Effective	02/03/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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

**RIN:** 2120-AH44

**2112. SERVICE DIFFICULTY REPORTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 106(g); 49 USC 40113; 49 USC 40119; 49 USC 44101; 49 USC 44701 to 44702; 49 USC 44705; 49 USC 44707; 49 USC 44709 to 44713; 49 USC 44715 to 44717; 49 USC 44722; 49 USC 44901; 49 USC 44903 to 44904; 49 USC 44912; 49 USC 46105; 49 USC 41706; 49 USC 44709 to 44711; 49 USC 44709 to 44711; 49 USC 44713; 49 USC 44716 to 44717; 49 USC 45101 to 45105; 49 USC 46105; 49 USC 46301

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

**Legal Deadline:** None

**Abstract:** This rulemaking will withdraw a final rule published on September 15, 2000. That final rule would have amended the reporting requirements for certificate holders concerning failures, malfunctions, and defects of aircraft, aircraft engines, systems, and components. We are withdrawing this rule to allow the FAA

time to re-examine the service difficulty report (SDR) program and consider the comments received since the final rule was published. In this action we are also adopting several amendments that improve the functioning of the SDR program.

**Timetable:**

Action	Date	FR Cite
NPRM	11/30/04	
Proposal To Withdraw Final Rule	11/30/05	70 FR 54453
Final Action Effective	12/29/05	70 FR 76974

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Emilio Estrada, Federal Aviation Administration, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-5571  
Email: emilio.estrada@faa.gov

**RIN:** 2120-AI08

**2113. +PROCESS FOR REQUESTING WAIVER OF MANDATORY SEPARATION AGE FOR CERTAIN FEDERAL AVIATION ADMINISTRATION (FAA) AIR TRAFFIC CONTROLLERS**

**Priority:** Other Significant

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

**CFR Citation:** 14 CFR 65

**Legal Deadline:** None

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

obligated to grant any exemptions. The rule is intended to clarify the means by which requests may be submitted and considered. This rule is significant for DOT purposes.

**Timetable:**

Action	Date	FR Cite
Final Action	01/07/05	70 FR 1634
Disposition of comments	03/02/06	71 FR 10607

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Wanda Reyna, ATO Workforce Services, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-3056  
Email: wanda.reyna@faa.gov

**RIN:** 2120-AI18

**2114. • SUPPLEMENTAL OXYGEN**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 40113; 49 USC 40119; 49 USC 41706; 49 USC 44101; 49 USC 44701 to 44702; 49 USC 44705; 49 USC 44709 to 44711; 49 USC 44713; 49 USC 44716 to 44717; 49 USC 44722; 49 USC 44901; 49 USC 44912; 49 USC 45101 to 45105; 49 USC 46105; 49 USC 46301; 49 USC 106(g)

**CFR Citation:** 14 CFR 121

**Legal Deadline:** None

**Abstract:** This rule will amend the regulation on the use of pilot supplemental oxygen. The amendment changes the altitude to above 35,000 feet above sea level; if one pilot leaves his control station of the airplane, the remaining pilot must put on and use his oxygen mask. It will also eliminate the needless use of oxygen that is not otherwise required to provide for safety in air carrier operations. This will reduce needless expenditures to replace oxygen equipment that is subject to excessive wear and tear.

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	01/11/06	71 FR 1688
Withdrawal of Direct Final Rule	01/11/06	71 FR 1688

## DOT—FAA

## Completed Actions

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Michael J Coffey, Federal Aviation Administration, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-5229  
Email: michael.coffey@faa.gov

**RIN:** 2120-AI65**2115. • MAINTENANCE RECORDING REQUIREMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 44713**CFR Citation:** 14 CFR 121; 14 CFR 135**Legal Deadline:** None

**Abstract:** This rulemaking will amend the FAA regulations dealing with recording of maintenance data for large, transport category, propeller-driven aircraft. It changes the requirement for recording engine and propeller "total time in service" for certain aircraft operated under part 121. These relieving changes are necessary to correct an oversight in the rule when it was originally drafted in 1996. The amendment removes the requirement to record total time in service for engines and propellers installed on certain aircraft certificated for cargo operations. We are also amending, section of part 21 and 135 to remove three erroneous regulatory citations referring to sections previously deleted in part 121 and 135.

**Timetable:**

Action	Date	FR Cite
Final Rule	01/04/06	71 FR 533

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Emilio Estrada, Federal Aviation Administration,

Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-5571  
Email: emilio.estrada@faa.gov

**RIN:** 2120-AI67**2116. • FEDERAL REGISTER DISPOSITIONS FOR PETITIONS FOR EXEMPTION****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 44701**CFR Citation:** 14 CFR 11**Legal Deadline:** None

**Abstract:** This rule amends FAA regulations dealing with how the FAA notifies petitioners of its decisions on petitions for exemption. This rule removes the requirement to publish dispositions for petitions for exemption in the Federal Register. This change is intended to streamline our process. Publishing dispositions in the Federal Register is unnecessary because petitioners are notified in writing of FAA's decision and the decision, is placed in the public docket, which is available via the Internet.

**Timetable:**

Action	Date	FR Cite
Final Rule	01/10/06	71 FR 1483
Final Rule Effective	02/09/06	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Ida Klepper, Federal Aviation Administration, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-9677  
Email: ida.klepper@faa.gov

**RIN:** 2120-AI69**2117. • MODIFICATION OF THE DIMENSIONS OF THE GRAND CANYON NATIONAL PARK FLIGHT RULES AREA AND FLIGHT FREE ZONES****Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 40103; 49 USC 40113; 49 USC 40120; 49 USC 44101; 49 USC 44101; 49 USC 44111; 49 USC 44701; 49 USC 44709; 49 USC 44711; 49 USC 44712; 49 USC 44715; 49 USC 44716; 49 USC 44717; 49 USC 44722; 49 USC 46306; 49 USC 46315; 49 USC 46316; 49 USC 46502; 49 USC 46504; 49 USC 46506 to 46507; 49 USC 47122; 49 USC 47508; 49 USC 47528 to 47531; 49 USC 106(g)

**CFR Citation:** 14 CFR 93**Legal Deadline:** None

**Abstract:** This action delays the effective date of the implementation of the Airspace Modification Final Rule for the east end of the GGNP until February 20, 2011. In a case decided in August 2002, the U.S. District Court of Appeals for the District of Columbia returned the Grand Canyon rules to the FAA for further consideration of ways to ensure the substantial restoration of natural quiet. After several attempts in resolving the routes issue in the east end, in February 2003, the FAA delayed the east end routes and airspace until February 20, 2006. Because of an ongoing mediation action, which is considering among other things the routes in the east end, the FAA finds it necessary to delay the effective date for implementation of the airspace for the east end until February 20, 2011.

**Timetable:**

Action	Date	FR Cite
Final Rule	02/24/06	71 FR 9439
Final Rule Effective	02/20/11	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Gene Kirkendall, Federal Aviation Administration, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, Washington, DC 20591

## DOT—FAA

## Completed Actions

Phone: 202 385-4510

Email: gene.kirkendall@faa.gov

RIN: 2120-AI71

BILLING CODE 4910-13-S

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

## Proposed Rule Stage

**2118. +NATIONAL STANDARDS FOR TRAFFIC CONTROL DEVICES; THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS; MAINTAINING TRAFFIC SIGN RETROREFLECTIVITY**
**Priority:** Other Significant**Legal Authority:** 23 USC 101(a); 23 USC 104; 23 USC 105; 23 USC 109(d); 23 USC 114(a); 49 CFR 1.48(b)**CFR Citation:** 23 CFR 655**Legal Deadline:** None

**Abstract:** This action would update the standards for retroreflectivity of traffic signs. Section 406(a) of the Department of Transportation and Related Agencies Appropriations Act of 1993, requires the Secretary of Transportation to revise the MUTCD to include a standard for a minimum level of retroreflectivity that must be maintained for traffic signs. The FHWA is interested in establishing standards for nighttime visibility of traffic signs. The FHWA will develop these standards by considering the results of research, engineering practices, and comments received in response to this notice of proposed amendments.

**Timetable:**

Action	Date	FR Cite
NPRM	07/30/04	69 FR 45623
NPRM Comment Period Extended	10/22/04	69 FR 62007
NPRM Comment Period End	10/28/04	
NPRM Extension of Comment Period End	02/01/05	
Supplemental NPRM	06/00/06	

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

**Additional Information:** The FHWA, at the request of the American Association of State Highway and Transportation Officials (AASHTO) and the National Committee on the Uniform Traffic Control Devices (NCUTCD), extended the comment period until February 1,

2005. The notice announcing the extension of the comment period was published in the Federal Register on October 22, 2004.

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

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

RIN: 2125-AE98

**2119. ● +EXPRESS LANE DEMONSTRATION PROJECT**
**Priority:** Other Significant**Legal Authority:** PL 109-59 (SAFETEA-LU) sec 1604**CFR Citation:** Not Yet Determined**Legal Deadline:** NPRM, Statutory, February 6, 2006.

**Abstract:** Pursuant to SAFETEA-LU, this rulemaking would establish requirements, standards, or performance specifications for automated toll collection systems implemented under the Express Lanes Demonstration Project.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/06	

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

**Agency Contact:** Jeff Paniati, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-0408  
Email: jeff.paniati@fhwa.dot.gov

RIN: 2125-AF07

**2120. ● +PROJECTS OF NATIONAL AND REGIONAL SIGNIFICANCE**
**Priority:** Other Significant**Legal Authority:** PL 109-59 (SAFETEA-LU) sec 1301**CFR Citation:** 23 CFR 505**Legal Deadline:** Final, Statutory, February 6, 2006.

**Abstract:** This rulemaking would, pursuant to SAFETEA-LU, establish the manner in which the Secretary will evaluate and rate the transportation infrastructure projects based on the results of preliminary engineering, project justification, and the degree of non-Federal financial commitment.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/06	

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

**Agency Contact:** Rolf Schmitt, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-9258  
Email: rolf.schmitt@fhwa.dot.gov

RIN: 2125-AF08

**2121. ● +METROPOLITAN TRANSPORTATION PLANNING**
**Priority:** Other Significant**Legal Authority:** PL 109-59 (SAFETEA-LU) sec 3005; 23 USC 134; 49 USC 5303**CFR Citation:** 23 CFR 450; 49 CFR 613**Legal Deadline:** NPRM, Statutory, February 6, 2006.

**Abstract:** This rulemaking would, pursuant to SAFETEA-LU, set standards for the annual listing of

## DOT—FHWA

## Proposed Rule Stage

projects for which Federal funds have been obligated in the preceding year and to specify the types of data to be included in such list, including sufficient information about each project to identify its type, location, and amount obligated.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/06	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Larry Anderson, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-2374  
Email: larry.anderson@fhwa.dot.gov

**RIN:** 2125-AF09**2122. • TEMPORARY TRAFFIC CONTROL DEVICES****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 109-59 (SAFETEA-LU) sec 1110**CFR Citation:** 23 CFR 655**Legal Deadline:** None

**Abstract:** Pursuant to SAFETEA-LU, this regulation proposes to establish the conditions for the appropriate use of, and expenditure of funds for, uniformed law enforcement officers, positive protective measures between workers and motorized traffic, and installation and maintenance of temporary traffic control devices during construction, utility, and maintenance operations.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/06	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Chung Eng, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-8043  
Email: chung.eng@fhwa.dot.gov

**RIN:** 2125-AF10**2123. • WORKER VISIBILITY****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 109-59 (SAFETEA-LU) sec 1402**CFR Citation:** 23 CFR 635

**Legal Deadline:** NPRM, Statutory, August 10, 2006, This rulemaking must be completed by 8/10/06.

**Abstract:** Pursuant to SAFETEA-LU, this regulation proposes to require workers whose duties place them on or in close proximity to a Federal-aid Highway to wear high visibility garments.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/06	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Regina McElroy, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-9216  
Email: regina.mcelroy@fhwa.dot.gov

**RIN:** 2125-AF11**2124. • +DESIGN-BUILD CONTRACTING****Priority:** Other Significant**Legal Authority:** 23 USC 112; sec 1503 of PL 109-59**CFR Citation:** 23 CFR 636

**Legal Deadline:** NPRM, Statutory, November 8, 2005.

**Abstract:** Pursuant to SAFETEA-LU, this rulemaking would eliminate the prohibition on States issuing requests for proposals, proceeding with awards of design-build contracts, or issuing notices to proceed with preliminary

design work under design-build contracts prior to compliance with section 102 of the National Environmental Policy Act of 1969 (NEPA) and requiring State Departments of Transportation or local transportation agencies to receive approval from the Secretary of Transportation before carrying out such activity. This rulemaking would also preclude a design-build contractor from proceeding with final design or construction of any permanent improvement prior to completion of the section 102 NEPA process.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/06	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Gerald Yakowenko, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-1562  
Email: gerald.yakowenko@fhwa.dot.gov

**RIN:** 2125-AF12**2125. • +SURFACE TRANSPORTATION PROJECT DELIVERY PILOT PROGRAM****Priority:** Other Significant**Legal Authority:** PL 109-59 (SAFETEA-LU sec 6005)**CFR Citation:** 23 CFR 773

**Legal Deadline:** NPRM, Statutory, May 8, 2006.

**Abstract:** This rulemaking would establish requirements relating to information required to be contained in any application of a State to participate in the Surface Transportation Project Delivery Pilot Program.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/06	

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

## DOT—FHWA

## Proposed Rule Stage

**Government Levels Affected:** State

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

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

**Agency Contact:** Ruth Rentch,  
Department of Transportation, Federal  
Highway Administration, 400 Seventh  
Street SW., Washington, DC 20590  
Phone: 202 366-2034  
Email: ruth.rentch@fhwa.dot.gov

**RIN:** 2125-AF13

### 2126. ● +PARKS, RECREATION AREAS, WILDLIFE AND WATERFOWL REFUGES, AND HISTORICAL SITES

**Priority:** Other Significant

**Legal Authority:** 23 USC 138; 49 USC  
303; PL 109-59 (sec 6009 of  
SAFETEA-LU)

**CFR Citation:** 23 CFR 771; 23 CFR 774;  
49 CFR 622

**Legal Deadline:** NPRM, Statutory,  
August 10, 2006.

**Abstract:** This FHWA/FTA joint rulemaking would clarify the factors to be considered and the standards to be applied in determining the prudence and feasibility of alternatives under section 4(f) (138 of title 23, U.S. Code, and section 303 of title 49, U.S. Code). Section 4(f) properties include certain parks, recreation areas, wildlife and waterfowl refuges, and historic sites described in section 4(f) of the Department of Transportation Act of 1966 (Pub. L. 89-670). Section 4(f) generally prohibits the use of such properties for transportation projects unless the Secretary of Transportation finds there is no feasible and prudent alternative and all possible planning to minimize the harm is undertaken.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/06	

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

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

**Agency Contact:** Diane Mobley,  
Department of Transportation, Federal  
Highway Administration, 400 Seventh  
Street SW., Washington, DC 20590

Phone: 202 366-1366  
Email: diane.mobley@fhwa.dot.gov

**RIN:** 2125-AF14

### 2127. ● ENVIRONMENTAL REVIEW OF ACTIVITIES THAT SUPPORT THE DEPLOYMENT OF ITS PROJECTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** sec 6010 of PL 109-59

**CFR Citation:** 23 CFR 771

**Legal Deadline:** NPRM, Statutory,  
August 10, 2006, This rulemaking must  
be initiated by 8/10/06.

**Abstract:** Pursuant to SAFETEA-LU, this rulemaking would establish categorical exclusions for activities that support the deployment of intelligent transportation infrastructure and systems from the requirement that an environmental assessment or an environmental impact statement be prepared under section 102 of the National Environmental Policy Act of 1969 (NEPA) in compliance with the standards for categorical exclusions established by NEPA.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/06	

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State

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

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

**Agency Contact:** Aung Gye,  
Department of Transportation, Federal  
Highway Administration, 400 Seventh  
Street SW., Washington, DC 20590  
Phone: 202 366-2167  
Email: aung.gye@fhwa.dot.gov

**RIN:** 2125-AF15

### 2128. ● TRAFFIC CONTROL DEVICES ON FEDERAL-AID AND OTHER STREETS AND HIGHWAYS; STANDARDS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 23 USC 101(a), 104,  
109, 114(a), 217, 315 and 402; 23 CFR  
1.32; and 49 CFR 1

**CFR Citation:** 23 CFR 655

**Legal Deadline:** None

**Abstract:** This rulemaking would revise the FHWA regulations that prescribe procedures for obtaining basic uniformity of traffic control devices on Federal-aid and other streets and highways. This rulemaking also would make some nomenclature changes, provide clarification on the meaning of substantial conformance and roads open to public travel, and would remove certain outdated references.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/06	

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State

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

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

**Agency Contact:** Hari Kalla,  
Department of Transportation, Federal  
Highway Administration, 400 Seventh  
Street SW., Washington, DC 20590  
Phone: 202 366-5915  
Email: hari.kalla@fhwa.dot.gov

**RIN:** 2125-AF16

### 2129. ● SIZE AND WEIGHT ENFORCEMENT AND REGULATIONS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 109-59, 119 Stat  
1144

**CFR Citation:** 23 CFR 657; 23 CFR 658

**Legal Deadline:** None

**Abstract:** This rulemaking would update the regulations governing the enforcement of commercial vehicle size and weight to incorporate provisions enacted in SAFETEA-LU, remove and correct outdated references, and amend the definitions of recreational vehicles and nondivisible vehicles or loads.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/06	

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State

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

**URL For Public Comments:**

## DOT—FHWA

## Proposed Rule Stage

dms.dot.gov

**Agency Contact:** William Mahorney, Department of Transportation, Federal Highway Administration, 400 7th Street SW., Washington, DC 20590  
Phone: 202 366-6817  
Email: bill.mahorney@fhwa.dot.gov  
**RIN:** 2125-AF17

**2130. • CONSTRUCTION AND MAINTENANCE****Priority:** Substantive, Nonsignificant**Legal Authority:** 23 USC 106(d), 106(f), 112(b), 302, 307, and 315; 49 CFR 18; sec 1904(a)(1) of PL 109-59; 23 USC 106(d), 106(f), 112(b), 302, 307a**CFR Citation:** 23 CFR 627.; 635**Legal Deadline:** None**Abstract:** This rulemaking would revise certain provisions in 23 CFR part 635, subpart D, to comply with section 5514 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) that requires the FHWA to ensure that the States provide for competition with respect to the specification of alternative types of culvert pipes.**Timetable:**

Action	Date	FR Cite
NPRM	06/00/06	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** State**URL For More Information:** dms.dot.gov**URL For Public Comments:** dms.dot.gov**Agency Contact:** Jerry Yakowenko, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-1562  
Email: gerald.yakowenko@fhwa.dot.gov**RIN:** 2125-AF18

## Department of Transportation (DOT)

## Final Rule Stage

## Federal Highway Administration (FHWA)

**2131. • DESIGN STANDARDS FOR HIGHWAYS; INTERSTATE SYSTEM****Priority:** Substantive, Nonsignificant**Legal Authority:** 23 USC 109, 315, 402; sec 1073 of PL 102-240, 105 Stat 1914; 49 CFR**CFR Citation:** 23 CFR 625**Legal Deadline:** None**Abstract:** FHWA proposes to amend the design standards that apply to highway construction and reconstruction on the Interstate System. In January 2005, the American Association of State Highway and

Transportation Officials (AASHTO) updated its publication entitled "A Policy on Design Standards Interstate System, January 2005." The FHWA proposes to replace the 1991 edition of this publication with the 2005 edition.

**Timetable:**

Action	Date	FR Cite
NPRM	11/30/05	70 FR 71792
NPRM Comment Period End	01/30/06	
Final Action	05/00/06	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** State**URL For More Information:** dms.dot.gov**URL For Public Comments:** dms.dot.gov**Agency Contact:** Jon Obenberger, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-2221  
Email: jon.obenberger@fhwa.dot.gov**RIN:** 2125-AF06

## Department of Transportation (DOT)

## Completed Actions

## Federal Highway Administration (FHWA)

**2132. PROJECT AUTHORIZATION AND AGREEMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 23 USC 106, 109, 115, 315, 320, and 402(a); 23 CFR 1.32; and 49 CFR 1.48(b)**CFR Citation:** 23 CFR 630**Legal Deadline:** None**Abstract:** The FHWA would revise the regulations relating to the obligation of Federal funds for Federal-aid highway projects authorized under title 23, United States Code. This rule would reduce amounts obligated on Federal-aid highway projects when the FHWA determines that the project is not advancing or when the amount of

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

**Timetable:**

Action	Date	FR Cite
NPRM	07/11/05	70 FR 39692
NPRM Comment Period End	09/09/05	
Final Action	01/31/06	71 FR 4992
Final Action Effective	03/02/06	

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

## DOT—FHWA

## Completed Actions

**Agency Contact:** Dale Gray,  
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**RIN:** 2125-AF05

**BILLING CODE** 4910-22-S

## Department of Transportation (DOT)

## Prerule Stage

## Federal Motor Carrier Safety Administration (FMCSA)

**2133. • +QUALIFICATIONS OF DRIVERS; DIABETES STANDARD**

**Priority:** Other Significant

**Legal Authority:** sec 4129 of PL 109-59 (2005)

**CFR Citation:** 49 CFR 391

**Legal Deadline:** None

**Abstract:** This rulemaking action would amend FMCSA's medical qualifications standards to allow drivers with insulin-treated diabetes mellitus to operate commercial motor vehicles in interstate commerce, without seeking an exemption from the FMCSRs. This action is in response to

section 4129 of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU).

**Timetable:**

Action	Date	FR Cite
ANPRM	03/17/06	71 FR 13801
ANPRM Comment	06/15/06	
Period End		

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** Docket No. FMCSA-2005-23151

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

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

**Agency Contact:** Dr. Maggi Gunnels,  
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Department of Transportation, Federal  
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**RIN:** 2126-AA95

## Department of Transportation (DOT)

## Proposed Rule Stage

## Federal Motor Carrier Safety Administration (FMCSA)

**2134. +MEDICAL CERTIFICATION REQUIREMENTS AS PART OF THE CDL**

**Priority:** Other Significant

**Legal Authority:** sec 215, PL 106-159; 113 Stat. 1748, 1767 (1999); 49 USC 31305 note and 31502

**CFR Citation:** 49 CFR 383, 384, and 391

**Legal Deadline:** None

**Abstract:** This rulemaking would provide for Federal medical certification as part of the commercial drivers license (CDL), as required by Section 215 of the Motor Carrier Safety Improvement Act. Incorporating medical certification status information from the medical examiners certificate into the State-administered CDLIS driver recordkeeping processes would improve highway safety by preventing medically uncertified individuals from obtaining or retaining a CDL, and enable detection of uncertified drivers as part of enforcement. It would also eliminate the requirement for CDL operators to carry their medical examiners certificate in addition to their CDL.

**Timetable:**

Action	Date	FR Cite
ANPRM	07/15/94	59 FR 36338
ANPRM Comment	11/14/94	
Period End		
NPRM	07/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

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

**Government Levels Affected:** Undetermined

**Additional Information:** Docket No. FMCSA-97-2210.

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

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

**Agency Contact:** Dr. Mary D. Gunnels,  
Chief, Physical Qualifications Division  
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**RIN:** 2126-AA10

**2135. +RAILROAD-HIGHWAY GRADE CROSSING SAFETY**

**Priority:** Other Significant

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

**CFR Citation:** 49 CFR 392

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

**Abstract:** This rulemaking would prohibit operators of commercial motor vehicles (CMVs) from driving onto a railroad grade crossing unless there is sufficient space to drive completely through the crossing without stopping. It is intended to reduce the incidence of collisions between trains and CMVs. This rulemaking action is required by the Hazardous Materials Transportation Authorization Act of 1994. This action is considered significant because of substantial public interest and safety issues. FMCSA is withdrawing this NPRM and will issue a new NPRM to address the congressional mandate.

**Timetable:**

Action	Date	FR Cite
NPRM	07/30/98	63 FR 40691
NPRM Comment	11/27/98	
Period End		



## DOT—FMCSA

## Proposed Rule Stage

Action	Date	FR Cite
Notice of public meeting	10/29/99	64 FR 58372
Date of Public Meeting	11/09/99	
Withdrawal	05/00/06	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Larry M Minor, Chief, Vehicle and Roadside Operations Division, Department of Transportation, Federal Motor Carrier Safety Administration, Office of Bus and Truck Standards and Operations, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-4009

**RIN:** 2126-AA18**2136. +NEW ENTRANT SAFETY ASSURANCE PROCESS****Priority:** Other Significant**Unfunded Mandates:** Undetermined**Legal Authority:** PL 106-159, sec 210; 113 Stat 1748 (1999); PL 107-87, sec 350; 49 USC 31144**CFR Citation:** 49 CFR 385**Legal Deadline:** None

**Abstract:** This rulemaking would change the New Entrant Safety Assurance Process by raising the standard of compliance for passing the new entrant safety audit. It also would make clarifying changes to some of the existing new entrant regulations. The rule also proposes a separate application procedure and safety oversight system for non-North America-domiciled motor carriers. The proposed rule would improve the Agency's ability to identify at-risk new entrant carriers and would ensure deficiencies in basic safety management controls are corrected before the new entrant is granted permanent registration. These changes would not impose additional operational requirements on any new entrant carrier. All new entrants would continue to receive educational information on how to comply with the safety regulations and be given an

opportunity to correct any deficiencies found. FMCSA recognizes many new entrants are small businesses that are unaware of these requirements and continue to need our assistance.

**Timetable:**

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

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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

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**RIN:** 2126-AA59**2137. +PENALTIES, INSPECTION, AND DECAL DISPLAY REQUIREMENTS FOR MEXICO-DOMICILED MOTOR CARRIERS****Priority:** Other Significant**Legal Authority:** sec 350, PL 107-87; 49 USC 31136 and 31502; sec 4137, PL 109-59 (2005)**CFR Citation:** 49 CFR 386; 49 CFR 396**Legal Deadline:** None

**Abstract:** This rulemaking would amend part 396 of the Federal Motor Carrier Safety Regulations (FMCSRs) to incorporate requirements, as codified in parts 365 and 385, that all CMVs operated by Mexico-domiciled motor carriers holding authority to transport property or passengers beyond the commercial zones of U.S. municipalities on the United States-Mexico border must display a Commercial Vehicle Safety Alliance (CVSA) decal issued by a certified

inspector. Adding this requirement to part 396 will enable FMCSA to assess civil penalties against Mexico-domiciled long-haul motor carriers that operate vehicles without the necessary CVSA decal. This rulemaking would also clarify that carriers will be required to obtain the necessary inspection decal before proceeding beyond border ports of entry or the nearby CMV safety inspection facility. By providing for more effective enforcement of the inspection decal requirements, this rule will help ensure that these motor carriers operate safe vehicles in the United States. This rulemaking is being redrafted to reflect changes made by recent reauthorization legislation.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/07	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Deborah M Freund, Senior Transportation Specialist, Department of Transportation, Federal Motor Carrier Safety Administration, Office of Bus and Truck Standards and Operations (MC-PSV), Room 8301, 400 Seventh Street SW., Washington, DC 20590

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**RIN:** 2126-AA72**2138. +BROKERS OF HOUSEHOLD GOODS TRANSPORTATION BY MOTOR VEHICLE****Priority:** Other Significant**Unfunded Mandates:** Undetermined**Legal Authority:** 49 USC 13501, 13901, and 13902**CFR Citation:** 49 CFR 371**Legal Deadline:** None

**Abstract:** This rulemaking would address the American Moving and Storage Associations petition for rulemaking and implement certain provisions of Subtitle B of SAFETEA-LU. FMCSA will determine in this rulemaking whether 49 CFR part 371

## DOT—FMCSA

## Proposed Rule Stage

needs to be amended to protect consumers against unscrupulous brokers of household goods.

**Timetable:**

Action	Date	FR Cite
ANPRM	12/22/04	69 FR 76664
ANPRM Comment Period End	02/22/05	
NPRM	08/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Additional Information:** Docket No. FMCSA-2004-17008.

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

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

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

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**RIN:** 2126-AA84

### 2139. +INSPECTION, REPAIR, AND MAINTENANCE OF INTERMODAL CONTAINER CHASSIS

**Priority:** Other Significant

**Unfunded Mandates:** Undetermined

**Legal Authority:** 49 USC 31136 ; 49 USC 31502; 49 USC 31151; sec 4118, PL 109-59 (2005)

**CFR Citation:** 49 CFR 385, 390, 393, amd 396; 49 CFR 386, 392

**Legal Deadline:** Final, Statutory, August 11, 2006.

**Abstract:** This rulemaking would require entities that offer intermodal container chassis for transportation in interstate commerce to: file a Motor Carrier Identification Report (Form MCS-150); display a USDOT identification number on each chassis offered for such transportation; establish a systematic inspection, repair and maintenance program to ensure the safe operating condition of each chassis offered for transportation and maintain documentation of the program; and provide a means for effectively responding to driver and motor carrier

complaints about the condition of intermodal container chassis. The rulemaking is considered significant because of substantial industry and congressional interest and because it involves other departmental modes. This rulemaking is being redrafted to reflect changes made by recent reauthorization legislation.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

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

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

**Agency Contact:** Deborah M Freund, Senior Transportation Specialist, Department of Transportation, Federal Motor Carrier Safety Administration, Office of Bus and Truck Standards and Operations (MC-PSV), Room 8301, 400 Seventh Street SW., Washington, DC 20590

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**Related RIN:** Related to 2126-AA38

**RIN:** 2126-AA86

### 2140. +ELECTRONIC ON-BOARD RECORDERS FOR HOURS-OF-SERVICE COMPLIANCE

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

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

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

**CFR Citation:** 49 CFR 395.15

**Legal Deadline:** None

**Abstract:** This rulemaking would amend FMCSA regulations concerning the use of electronic on-board recording devices as a way to document compliance with the Federal hours-of-service rules. The Agency is seeking information on issues to be considered in the development of improved performance specifications for these recording devices. This will help ensure that future requirements for the

use of on-board recorders are appropriate when applied to emerging technologies. This action is considered significant because of substantial industry and public interest and its importance in responding to a recent court decision.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** Undetermined

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

**Government Levels Affected:** None

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

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

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

**Agency Contact:** Deborah M Freund, Senior Transportation Specialist, Department of Transportation, Federal Motor Carrier Safety Administration, Office of Bus and Truck Standards and Operations (MC-PSV), Room 8301, 400 Seventh Street SW., Washington, DC 20590

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**RIN:** 2126-AA89

### 2141. • +NATIONAL REGISTRY OF CERTIFIED MEDICAL EXAMINERS

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

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

**Legal Authority:** sec 4116 of PL 109-59 (2005)

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** This rulemaking would establish training, testing, and certification standards for medical examiners responsible for certifying that interstate commercial motor vehicle drivers meet the applicable physical qualifications standards; provide a database (or National Registry) of medical examiners that

## DOT—FMCSA

## Proposed Rule Stage

meet the prescribed standards for use by motor carriers, drivers, and Federal and State enforcement personnel to use in determining whether a medical examiner is qualified to conduct examinations of interstate truck and bus drivers; require medical examiners to transmit electronically to FMCSA the name of drivers and a numerical identifier for each driver that is examined; and require medical examiners to transmit electronically the medical certificate for each CDL-holder that operates in interstate commerce to the State that issued the CDL. The rulemaking would also establish the process by which medical examiners that fail to meet or maintain the minimum standards would be removed from the National Registry. This action is in response to section 4116 of SAFETEA-LU.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/06	

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

**Agency Contact:** Dr. Maggi Gunnels, Chief, Physical Qualifications Division, Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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RIN: 2126-AA97

**2142. • +REVOCATION OF OPERATING AUTHORITY****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** sec 4104 of PL 109-59 (2005)**CFR Citation:** Not Yet Determined**Legal Deadline:** None

**Abstract:** This rulemaking would enable FMCSA to suspend the registration of a for-hire motor carrier, a freight forwarder, or a broker for failure to comply with certain regulations. In addition, this rule would enable FMCSA to revoke registration of

a for-hire motor carrier that has been prohibited from operating in interstate commerce for failure to comply with the safety fitness requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/07	

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

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

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RIN: 2126-AA99

**2143. • +CONSUMER COMPLAINT INFORMATION****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** sec 4214 of PL 109-59 (2005)**CFR Citation:** Not Yet Determined**Legal Deadline:** None

**Abstract:** The rulemaking would establish a system and a database for filing and logging consumer complaints relating to household goods motor carriers; require each motor carrier of household goods to submit a quarterly report of specific identified information; and develop a procedure to forward a complaint to the motor carrier and to the appropriate State authority. This rule responds to SAFETEA-LU.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/07	

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

**Agency Contact:** Darrell Ruban, Chief, Department of Transportation, Federal

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RIN: 2126-AB01

**2144. • +COMMERCIAL DRIVER'S LICENSE TESTING AND LEARNER'S PERMIT STANDARDS****Priority:** Other Significant. Major under 5 USC 801.

**Legal Authority:** 49 USC 31102 and 31136; PL 105-178, 112 Stat 414 (1998); PL 99-570, title XII, 100 Stat 3207 (1086); sec 4007(a)(1) of PL 102-240, Stat 1914, 2151; sec 4122 of PL 109-59 (2005)

**CFR Citation:** 49 CFR 380; 49 CFR 383; 49 CFR 384**Legal Deadline:** None

**Abstract:** This rulemaking would establish revisions to the commercial driver's license knowledge and skills testing standards as required by section 4019 of TEA-21 and new minimum Federal standards for States to issue commercial learner's permits (CLPs) based in part on the requirements of section 4122 of SAFETEA-LU. In addition to ensuring the applicant has the appropriate knowledge and skills to operate a commercial motor vehicle, this rule will establish the minimum information that must be on the CL document and the electronic driver's record. The rule will also establish maximum issuance and renewal periods, establish a minimum age limit, address issues related to a driver's State of Domicile, and incorporate previous regulatory guidance into the Federal regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/07	

**Regulatory Flexibility Analysis Required:** Yes**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** State

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

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

## DOT—FMCSA

## Proposed Rule Stage

dms.dot.gov

**Agency Contact:** James Davis, CDL Team Leader, Commercial Driver's License Division (MC-ESL),

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**RIN:** 2126-AB02

**Department of Transportation (DOT)  
Federal Motor Carrier Safety Administration (FMCSA)**

## Final Rule Stage

**2145. +HOURS OF SERVICE OF DRIVERS; SUPPORTING DOCUMENTS**

**Priority:** Other Significant

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

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

**Legal Deadline:** Final, Statutory, February 26, 1996.

**Abstract:** This rulemaking would amend the hours-of-service recordkeeping requirements to clarify what supporting documents motor carriers must have to validate hours of service records. It will clarify: That the duty of motor carriers is to verify the accuracy of drivers' hours of service (HOS) and records of duty status (RODS); 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. This rulemaking is considered significant because of substantial industry interest and safety.

**Timetable:**

Action	Date	FR Cite
NPRM	04/20/98	63 FR 19457
NPRM Comment Period End	06/19/98	
Supplemental NPRM With Request for Comments	11/03/04	69 FR 63997

Action	Date	FR Cite
Supplemental NPRM End of Comment Period	01/03/05	
Final Rule	07/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

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

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

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

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

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

**RIN:** 2126-AA76

**2146. CARGO SECUREMENT STANDARDS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 49 CFR 393

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

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

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

**Agency Contact:** Larry M Minor, Chief, Vehicle and Roadside Operations Division, Department of Transportation, Federal Motor Carrier Safety Administration, Office of Bus and Truck Standards and Operations, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-4009

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

**RIN:** 2126-AA88

**2147. +PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATIONS; SURGE BRAKE REQUIREMENTS**

**Priority:** Other Significant

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

**CFR Citation:** 49 CFR 393

**Legal Deadline:** None

**Abstract:** This rulemaking would amend the Federal Motor Carrier Safety Regulations (FMCSRs) to allow the use of automatic hydraulic inertia brake systems (surge brakes) on trailers operated in interstate commerce, in response to a petition for rulemaking from the Surge Brake Coalition. Currently, surge brakes are not considered by FMCSA to comply with the requirements that all brakes on a

## DOT—FMCSA

## Final Rule Stage

commercial motor vehicle (CMV) be capable of operating at all times, and that a single valve (or brake application control mechanism) apply the brakes on the towing unit and trailer, simultaneously. The intent of this rulemaking is to adopt performance-based brake system requirements to allow the use of surge brakes on certain combinations of CMVs, based upon engineering test data submitted by the Surge Brake Coalition.

**Timetable:**

Action	Date	FR Cite
NPRM	10/07/05	70 FR 58657
NPRM Comment Period End	12/06/05	
Final Rule	10/00/06	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Luke Loy, Office of Bus and Truck Standards and Operations, Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh St SW., Washington, DC 20590

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**RIN:** 2126-AA91**2148. • AMENDMENTS TO IMPLEMENT CERTAIN PROVISIONS OF SAFETEA-LU****Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 109-59, sec 4102 ; PL 109-59, sec 4103; PL 109-59, sec 4130 to 4133 ; PL 109-59, sec 4147 ; PL 109-59, sec 4202, 4205, 4207, 4208, and 4210; PL 109-59, sec 7120 ; PL 109-59, sec 4146

**CFR Citation:** 49 CFR 390 to 399**Legal Deadline:** None

**Abstract:** This rulemaking would adopt implementing regulations for provisions of SAFETEA-LU, which do not require a notice and comment rulemaking proceeding prior to implementation. Specifically, this rule would amend the regulations related to: Civil and criminal penalties for violations of out-of-service orders; civil penalties for motor carriers, freight forwarders, and brokers that deny FMCSA enforcement personnel access to their records and facilities; hours-of-service exemptions for operators of vehicles transporting agricultural commodities and farm supplies, operators of ground water well drilling rigs, operators of utility service vehicles, operators of vehicles providing transportation of passengers or property to movie production sites, and operators of vehicles transporting grapes west of Interstate 81 in the State of New York; relief from parts 390 to 399 of the FMCSRs for drivers of vehicles used primarily in the transportation of propane winter

heating fuel or drivers of vehicles used to respond to a pipeline emergency; statutory definitions of terms related to the Agency's household goods transportation regulations, household goods carrier operations, liability of carriers under receipts and bills of lading, arbitration requirements, and penalties for holding household goods hostage; and civil penalties for violations of the hazardous materials transportation regulations.

**Timetable:**

Action	Date	FR Cite
Final Rule	03/00/07	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Larry M Minor, Chief, Vehicle and Roadside Operations Division, Department of Transportation, Federal Motor Carrier Safety Administration, Office of Bus and Truck Standards and Operations, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-4009

**RIN:** 2126-AA96

## Department of Transportation (DOT)

## Long-Term Actions

## Federal Motor Carrier Safety Administration (FMCSA)

**2149. +UNIFIED REGISTRATION SYSTEM****Priority:** Other Significant

**Legal Authority:** PL 104-88; 109 Stat. 803, 888 (1995); 49 USC 13908; Sec. 4304 of PL 109-59 (2005)

**CFR Citation:** 49 CFR 360, 365, 366, 368, 387, and 390

**Legal Deadline:** Final, Statutory, August 10, 2006.

**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 system 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	

Action	Date	FR Cite
NPRM	05/19/05	70 FR 28990
NPRM Comment Period End	08/17/05	
Supplemental NPRM	06/00/07	

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** Federal, State

**Additional Information:** Docket No. FMCSA-97-2349.

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

## DOT—FMCSA

## Long-Term Actions

**Agency Contact:** Patricia Savage, Supervisory Transportation Specialist, Department of Transportation, Federal Motor Carrier Safety Administration, Office of Information Technology (MC-RIM), 400 Seventh Street SW., Washington, DC 20590  
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**RIN:** 2126-AA22

### 2150. GENERAL JURISDICTION OVER FREIGHT FORWARDER SERVICE

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 13903

**CFR Citation:** 49 CFR 373

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	01/28/97	62 FR 4096
NPRM Comment Period End	03/31/97	
Final Action	To Be Determined	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** David Goettee, Regulatory Development Division, Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh St SW., Washington, DC 20590  
Phone: 202 366-4097  
Email: david.goettee@fmcsa.dot.gov

**RIN:** 2126-AA25

### 2151. +APPLICATION BY CERTAIN MEXICO-DOMICILED MOTOR CARRIERS TO OPERATE BEYOND U.S. MUNICIPALITIES AND COMMERCIAL ZONES ON THE U.S.-MEXICO BORDER

**Priority:** Other Significant

**Legal Authority:** 5 USC 553 and 559; 16 USC 1456; 49 USC 13101, 13301,

and 13901 et seq.; 49 USC 31138 and 31144

**CFR Citation:** 49 CFR 365

**Legal Deadline:** None

**Abstract:** This rulemaking changes FMCSA regulations to govern applications by Mexican carriers to operate beyond municipalities and commercial zones at the United State-Mexico border. It also revises the application form, OP-1MX, to be filed by these Mexican motor carriers. The revised form requires additional information about the applicant's business and operating practices to allow the FMCSA to determine if the applicant can meet the safety standards established for operating in interstate commerce in the United States. Carriers that had previously submitted an application would have to submit the updated form. These changes are needed to implement part of the North American Free Trade Agreement (NAFTA). On January 16, 2003, the Ninth Circuit Court remanded this rule, along with two other NAFTA-related rules, to the Agency, requiring a full environmental impact statement and an analysis required by the Clean Air Act. On June 7, 2004, the Supreme Court reversed the Ninth Circuit and remanded the case, holding that FMCSA is not required to prepare the environmental documents as ruled by the Ninth Circuit. FMCSA is waiting for Interim Final Rule experience after the border opens before deciding what to do next on this rulemaking.

**Timetable:**

Action	Date	FR Cite
NPRM	05/03/01	66 FR 22371
NPRM Comment Period End	07/02/01	
Interim Final Rule (IFR)	03/19/02	67 FR 12702
Interim Final Rule Comment Period End	04/18/02	
Interim Final Rule Effective Date*	05/03/02	
Notice of Intent To Prepare an EIS	08/26/03	68 FR 51322
EIS Public Scoping Meetings	10/08/03	68 FR 58162
Final Action	To Be Determined	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Thomas Kozlowski, Department of Transportation, Federal Motor Carrier Safety Administration, Office of Safety Programs, Room 8314, 400 7th Street SW., Washington, DC 20590  
Phone: 202 366-4049

**RIN:** 2126-AA34

### 2152. +SAFETY MONITORING SYSTEM AND COMPLIANCE INITIATIVE FOR MEXICO-DOMICILED MOTOR CARRIERS OPERATING IN THE UNITED STATES

**Priority:** Other Significant

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

**CFR Citation:** 49 CFR 385

**Legal Deadline:** None

**Abstract:** This rule would implement a safety monitoring system and compliance initiative designed to evaluate the continuing safety fitness of all Mexico-domiciled carriers within 18 months after receiving a provisional Certificate of Registration or provisional authority to operate in the United States. It also would establish suspension and revocation procedures for provisional Certificates of Registration and operating authority, and incorporate criteria to be used by FMCSA in evaluating whether Mexico-domiciled carriers exercise basic safety management controls. The interim rule included requirements that were not proposed in the NPRM but which are necessary to comply with the FY-2002 DOT Appropriations Act. On January 16, 2003, the Ninth Circuit Court of Appeals remanded this rule, along with two other NAFTA-related rules, to the Agency, requiring a full environmental impact statement and an analysis required by the Clean Air Act. On June 7, 2004, the Supreme Court reversed the Ninth Circuit and remanded the case, holding that FMCSA is not required to prepare the environmental documents. FMCSA is waiting for Interim Final Rule experience after the border opens before deciding what to do next on this rulemaking.

**Timetable:**

Action	Date	FR Cite
NPRM	05/03/01	66 FR 22415

## DOT—FMCSA

## Long-Term Actions

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

**Regulatory Flexibility Analysis**

Required: Yes

**Small Entities Affected:** Governmental Jurisdictions, Organizations**Government Levels Affected:** State**Federalism:** This action may have federalism implications as defined in EO 13132.**Additional Information:** .**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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

Phone: 202 366-8577

Email: joelle.serot@fmcsa.dot.gov

**RIN:** 2126-AA35**2153. +CERTIFICATION OF SAFETY AUDITORS, SAFETY INVESTIGATORS, AND SAFETY INSPECTORS****Priority:** Other Significant**Legal Authority:** sec 211, PL 106-159; 113 Stat. 1754 (1999); sec 350, PL 107-87; 49 USC 31148**CFR Citation:** 49 CFR 385**Legal Deadline:** Final, Statutory, December 9, 2000.**Abstract:** This rulemaking requires that any safety inspection, audit, or review be conducted by a certified investigator. It specifically gives FMCSA authority to decertify an investigator, including a third-party investigator, for failure to meet the prescribed certification standards. It is required by section 211 of the Motor Carrier Safety Improvement Act. Based on comments to the IFR, the Agency will issue an

NPRM that addresses issues not clarified in the IFR.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/19/02	67 FR 12776
Interim Final Rule Comment Period End	05/20/02	
Interim Final Rule Effective Date Delayed	06/17/02	67 FR 41196
Interim Final Rule Date Effective	06/17/02	
Interim Final Rule: Ext. of Statutory Compliance Date	07/28/03	68 FR 44378
Notice; Environmental Assessment (EA)	10/02/03	68 FR 56863
EA Comment Period End	11/03/03	
Notice; statutory compliance date	12/23/03	68 FR 74287
NPRM	05/00/07	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** Docket Nos. FMCSA-2001-11060 and FMCSA-2003-15642.**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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

Phone: 202 366-8577

Email: joelle.serot@fmcsa.dot.gov

**RIN:** 2126-AA64**2154. +LIMITATIONS ON THE ISSUANCE OF COMMERCIAL DRIVER LICENSES WITH A HAZARDOUS MATERIALS ENDORSEMENT****Priority:** Other Significant**Legal Authority:** PL 107-56 sec 1012; 115 Stat. 272 (2001); 49 USC 5103a.**CFR Citation:** 49 CFR 383**Legal Deadline:** None**Abstract:** This rulemaking would prohibit States from issuing, renewing, transferring or upgrading a commercial driver's license (CDL) with a hazardous materials endorsement, unless the Transportation Security Administration

(TSA) has first conducted a background check on the applicant and determined the applicant does not pose a security risk warranting denial of the hazardous materials endorsement. FMCSA and TSA simultaneously published interim final rules. FMCSA has published another IFR corresponding to TSA's extension of compliance date. This action is considered significant because of substantial public and congressional interest, and national security.

**Timetable:**

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

**Regulatory Flexibility Analysis**

Required: No

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Robert Redmond, Senior Transportation Specialist, Department of Transportation, Federal Motor Carrier Safety Administration, Commercial Driver's License Division (MC-ESL), 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-5014

Email: robert.redmond@dot.gov

**RIN:** 2126-AA70**2155. +ENFORCEMENT OF OPERATING AUTHORITY REQUIREMENTS****Priority:** Other Significant**Legal Authority:** PL 106-159, sec 205; 113 Stat 1748, 1762 (1999); 49 USC 13902(e)**CFR Citation:** 49 CFR 350 and 392; 49 CFR 390

## DOT—FMCSA

## Long-Term Actions

**Legal Deadline:** None

**Abstract:** This rulemaking would require that a motor carrier who is subject to authority requirements at 49 U.S.C. 13902 may not operate a CMV in interstate commerce unless it has applied for and been granted operating authority by FMCSA. It also would prohibit motor carriers from operating beyond the scope of their authorization. Moreover, if vehicles are discovered operating in violation of such authority requirements, they would be placed out of service, and the carrier may be subject to additional penalties. This action makes State enforcement of authority requirements a condition of MCSAP eligibility.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:** Local, State

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

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

**Agency Contact:** David Mancl, Enforcement and Compliance Division, Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
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Email: david.mancl@fmcsa.dot.gov

**RIN:** 2126-AA78

### 2156. MOTOR CARRIER REPORTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Not Yet Determined

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** This final rule will transfer to FMCSA the Research and Innovative Technology Administration's (RITA's) regulations governing reports of motor carriers, which had been the responsibility of the former Bureau of

Transportation Statistics (BTS). This rule will also establish new part 369 [49 CFR Part 369].

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

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

**Agency Contact:** Alan W. Strasser, Office of Chief Counsel, Department of Transportation, Federal Motor Carrier Safety Administration, Room 8201, 400 Seventh Street SW., Washington, DC 20590  
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**RIN:** 2126-AA92

### 2157. • +INTERSTATE VAN OPERATIONS (CAMIONETAS)

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

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

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

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**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 nine 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	12/00/07	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

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

**Agency Contact:** Jeffrey Van Ness, Division of Vehicle and Roadside Operations (MC-PSV), Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-4009  
Email: jeffrey.vanness@fmcsa.dot.gov

**RIN:** 2126-AA98

### 2158. • +PATTERNS OF SAFETY VIOLATIONS BY CARRIER MANAGEMENT

**Priority:** Other Significant

**Legal Authority:** sec 4113 of PL 109-59 (2005)

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** This rulemaking would enable FMCSA to suspend, amend, or revoke the registration of a for-hire motor carrier if any of its officers has engaged in a pattern or practice of avoiding compliance or concealing non-compliance with Federal standards. In addition, this rule would allow FMCSA to deny an application of a for-hire motor carrier if any of the company's officers has a history of engaging in a pattern of non-compliance.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/07	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

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

**Agency Contact:** David Mancl, Enforcement and Compliance Division, Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 493-0442  
Email: david.mancl@fmcsa.dot.gov

**RIN:** 2126-AB00



## DOT—FMCSA

## Long-Term Actions

**2159. • INTRASTATE OPERATIONS OF INTERSTATE MOTOR CARRIERS****Priority:** Substantive, Nonsignificant**Legal Authority:** sec 4114 of PL 109–59 (2005)**CFR Citation:** Not Yet Determined**Legal Deadline:** None

**Abstract:** This rulemaking would allow FMCSA to use intrastate as well as interstate accident and safety data to judge the fitness of CMV operations. The rule adds a provision that prohibits owners/operators of CMVs operating in interstate commerce from engaging in transportation that affects interstate

commerce until the Secretary determines they are fit. If a State that receives MCSAP funds determines that an owner/operator is unfit to operate, FMCSA will prohibit the owner/operator from operating in interstate commerce until State determines fitness. A rule is necessary to alert the motor carrier industry of these new requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses**Government Levels Affected:** None**URL For More Information:** dms.dot.gov**URL For Public Comments:** dms.dot.gov

**Agency Contact:** Nikki McDavid, Office of Enforcement and Program Delivery, Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
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**RIN:** 2126–AB03

## Department of Transportation (DOT)

## Completed Actions

## Federal Motor Carrier Safety Administration (FMCSA)

**2160. +COMMERCIAL LEARNER PERMITS****Priority:** Other Significant**Legal Authority:** PL 99–570, title XII, 100 Stat 3207 (1986); 49 USC 31102 and 31136**CFR Citation:** 49 CFR 383, 384, 386, and 395**Legal Deadline:** None

**Abstract:** FMCSA has decided to withdraw this discretionary rulemaking because the proposed direction this effort was taking to establish Federal minimum standards for States to issue commercial learner's permits has been overtaken by other efforts, including the REAL ID Act, which requires national standards for driver's licenses, and SAFETEA-LU, which mandates that certain actions be taken before issuing a commercial learner's permit.

**Timetable:**

Action	Date	FR Cite
NPRM	08/22/90	55 FR 34478
NPRM Comment Period End	10/22/90	
Comment Period Extended to 11/30/90	10/23/90	55 FR 42741
Withdrawn	02/23/06	71 FR 9305

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** State**URL For More Information:** dms.dot.gov

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

**Agency Contact:** Robert Redmond, Senior Transportation Specialist, Department of Transportation, Federal Motor Carrier Safety Administration, Commercial Driver's License Division (MC–ESL), 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366–5014  
Email: robert.redmond@dot.gov

**RIN:** 2126–AA03**2161. SAFETY FITNESS PROCEDURES; SAFETY RATINGS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 31144**CFR Citation:** 49 CFR 385**Legal Deadline:** None

**Abstract:** FMCSA has decided to withdraw this discretionary rulemaking because the issues have not been sufficiently developed at this time. The Agency is currently undertaking a multi-year review of its compliance and enforcement programs entitled Comprehensive Safety Analysis 2010, and it must wait for the outcome of this review (69 FR 51748, 8/20/2004). This rulemaking would reinitiate the 1998 ANPRM that requested public comment on a future rating system that could be used to make safety fitness determinations and meet the demands of shippers, insurers, and other interested parties in evaluating motor carrier performance. The same or similar questions will be presented to the public again. There is a concern

that public comments may be significantly different today than in 1998 because of the time elapsed and the safety status (SafeStat) measurement system that was not available to the public in 1998.

**Timetable:**

Action	Date	FR Cite
ANPRM	07/20/98	63 FR 38788
ANPRM Comment Period End	09/18/98	
Notice of Public Listening Sessions	09/01/04	69 FR 51748
Withdrawn	11/07/05	70 FR 67405

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses**Government Levels Affected:** None**URL For More Information:** dms.dot.gov**URL For Public Comments:** dms.dot.gov

**Agency Contact:** Nikki McDavid, Office of Enforcement and Program Delivery, Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366–0831  
Email: nikki.mcdavid@fmcsa.dot.gov

**RIN:** 2126–AA37

## DOT—FMCSA

## Completed Actions

**2162. QUALIFICATIONS OF MOTOR CARRIERS TO SELF-INSURE THEIR OPERATIONS AND FEES TO SUPPORT THE APPROVAL AND COMPLIANCE PROCESS; WITHDRAWAL**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 49 CFR 387

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Withdrawn	10/20/05	70 FR 61111

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

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

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

**RIN:** 2126-AA82

**2163. +MOTOR CARRIERS OF PROPERTY; EXEMPTION FROM FILING FINANCIAL AND OPERATING STATISTICS**

**Priority:** Other Significant

**Legal Authority:** 49 USC 13541

**CFR Citation:** 49 CFR 369

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Terminated	12/22/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

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

**Agency Contact:** Alan W. Strasser, Office of Chief Counsel, Department of Transportation, Federal Motor Carrier Safety Administration, Room 8201, 400 Seventh Street SW., Washington, DC 20590

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Email: alan.strasser@fmcsa.dot.gov

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

**RIN:** 2126-AA93

**2164. • COMMERCIAL DRIVER'S LICENSE (CDL) STANDARDS; SCHOOL BUS ENDORSEMENT**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** sec 4140 of PL 109-59 (2005)

**CFR Citation:** 49 CFR 383 and 38

**Legal Deadline:** None

**Abstract:** In response to section 4140 of the Safe Accountable Flexible Efficient Transportation Equity Act of 2005: A Legacy for Users (SAFETEA-LU), FMCSA issued interim regulations on September 28, 2005 (70 FR 56589), that amend certain requirements to: Specify that a driver who passed knowledge and skills tests approved by FMCSA for a CDL school bus endorsement before September 30, 2002, has met the requirements for a school bus endorsement; extend the compliance date to permit States an additional year to administer knowledge and skills tests to all school bus drivers; and extend the expiration date for allowing States to waive the driving skills test also for an additional year. In a final rule issued on January 18, 2006 (71 FR 2897), FMCSA adopted the interim regulations as final and without change. This final rule is effective February 17, 2006.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	09/28/05	70 FR 56589
Interim Final Rule Effective	09/28/05	
Interim Final Rule Comment Period End	10/28/05	
Final Rule	01/18/06	71 FR 2897
Final Rule Effective	02/17/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State

**Additional Information:**  
<http://dms.dot.gov>

Docket Number 21603

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

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

**Agency Contact:** Dominick Spataro, Chief, CDL Division (MC-ESL), Department of Transportation, Federal Motor Carrier Safety Administration, Office of Safety Programs, 400 Seventh Street SW., Washington, DC 20590  
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**RIN:** 2126-AA94

**BILLING CODE 4910-EX-S**

## Department of Transportation (DOT)

Prerule Stage

## National Highway Traffic Safety Administration (NHTSA)

**2165. REVIEW: SIDE IMPACT PROTECTION****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.214**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Begin Review	10/01/94	
Phase II Evaluation Plan	12/08/99	64 FR 68717
Technical Report: Phase I	12/08/99	64 FR 68717
Comment Period End	04/06/00	
Summary and Discussion of Public Comments Sent to Docket: Phase 1	08/11/00	
End Review	12/00/06	

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

**Additional Information:** The Phase I evaluation report indicates that the test injury criterion TTI(d) has a statistically significant association with fatality risk

in actual side-impact crashes on the highway. In model years 1981-93 cars, models with low TTI(d) on the Federal motor vehicle safety standard no. 214 test tend to have low fatality risk. <http://dms.dot.gov>

**URL For More Information:** [dms.dot.gov](http://dms.dot.gov)**URL For Public Comments:** [dms.dot.gov](http://dms.dot.gov)

**Agency Contact:** Charles J Kahane, Chief, Evaluation Division, Office of Plans and Policy, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-2560

Fax: 202 366-2559

Email: [ckahane@nhtsa.dot.gov](mailto:ckahane@nhtsa.dot.gov)**RIN:** 2127-AF54

## Department of Transportation (DOT)

Proposed Rule Stage

## National Highway Traffic Safety Administration (NHTSA)

**2166. VEHICLES BUILT IN TWO OR MORE STAGES—STANDARD 201****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.201**Legal Deadline:** None

**Abstract:** This rulemaking would respond to a petition for rulemaking requesting the Agency to consider an amendment to FMVSS No. 201 Occupant Protection in Interior Impact as the requirements apply to vehicles manufactured in two or more stages. An interim final rule was published on June 18, 2002, (67 FR 41348) that amended the schedule for compliance by manufacturers of vehicles built in two or more stages with the upper interior head protection requirements of FMVSS No. 201.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/06	

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

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

Phone: 202 366-4917

Fax: 202 366-4329

Email: [lsummers@nhtsa.dot.gov](mailto:lsummers@nhtsa.dot.gov)**RIN:** 2127-AI93**2167. +REDUCED STOPPING DISTANCE REQUIREMENTS FOR TRUCK TRACTORS****Priority:** Other Significant**Legal Authority:** 49 CFR 1.50; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166; 49 USC 322**CFR Citation:** 49 CFR 571.121**Legal Deadline:** None

**Abstract:** This rulemaking would reduce stopping distance requirements for truck tractors equipped with air brake systems. Advances in heavy vehicle braking systems show that improved stopping performance is attainable for these vehicles. Such improvements would reduce the stopping distance disparity with light vehicles, and would result in fewer deaths and injuries and reduce property

damage due to fewer crashes between truck tractors and light vehicles.

**Timetable:**

Action	Date	FR Cite
NPRM	12/15/05	70 FR 74270
NPRM Comment Period End	04/14/06	
Final Rule	05/00/07	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For More Information:** [dms.dot.gov](http://dms.dot.gov)**URL For Public Comments:** [dms.dot.gov](http://dms.dot.gov)

**Agency Contact:** Jeffrey Woods, Safety Standards Engineer Office of Crash Avoidance Standards, Department of Transportation, National Highway Traffic Safety Administration, Vehicle Dynamics Division, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-2720

Fax: 202 366-4329

**RIN:** 2127-AJ37

## DOT—NHTSA

## Proposed Rule Stage

**2168. • +ELECTRONIC STABILITY CONTROL (ESC)**

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

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

**CFR Citation:** Not Yet Determined

**Legal Deadline:** NPRM, Statutory, October 1, 2006.

Final, Statutory, April 1, 2009.

In the Safe, Accountable, Flexible and Efficient Transportation Equity Act of 2005: Legacy for Users (SAFETEA-LU), Congress directed NHTSA to establish performance criteria to reduce the occurrence of rollovers consistent with stability enhancing technologies.

**Abstract:** This rulemaking would establish a new Federal motor vehicle safety standard to require electronic stability control (ESC) systems on all newly manufactured passenger cars and light trucks. The vast majority of rollovers occur in single-vehicle crashes involving loss of control. Crash data studies by NHTSA and other organizations worldwide show that ESC causes a dramatic reduction in single-vehicle crashes by assisting drivers in maintaining control in critical driving situations. NHTSA studies show a reduction in single-vehicle crashes of 35 percent to 67 percent and a reduction in single-vehicle crashes with rollover of over 70 percent. The requirement of ESC on cars and trucks could save thousands of lives annually.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Patrick Boyd, Division Chief, NVS-123, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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**RIN:** 2127-AJ77

**2169. • CONFORMING CIVIL AND CRIMINAL PENALTIES TO STATUTORY REQUIREMENTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 CFR 1.50; 49 USC 30165; 49 USC 30170; 49 USC 30505; 49 USC 32308; 49 USC 32309; 49 USC 32310; 49 USC 32507; 49 USC 32709; 49 USC 32912; 49 USC 33115; PL 101-410; PL 104-134

**CFR Citation:** 49 CFR 578.6

**Legal Deadline:** None

**Abstract:** This rulemaking would make adjustments to certain civil penalties pursuant to the Federal Civil Monetary Penalty Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996, and codify statutory provisions included in the Safe, Accountable, Flexible, Efficient Transportation Equity Act — a Legacy for Users (SAFETEA-LU), Public Law No. 109-59, 119 Stat. 1942 to 1943 (2005).

**Timetable:**

Action	Date	FR Cite
NPRM	03/09/06	71 FR 12156
NPRM Comment Period End	04/10/06	
Final Action	06/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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Email: mkido@nhtsa.dot.gov

**RIN:** 2127-AJ83

**2170. • MOTORCYCLIST SAFETY GRANT PROGRAM**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 109-59 sec 2010

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** This rulemaking would propose implementing regulations for

the section 2010 program. Section 2010 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Public Law 109-59, authorizes the Secretary of Transportation to make grants to States that adopt and implement effective programs to reduce the number of single- and multi-vehicle crashes involving motorcyclists.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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**RIN:** 2127-AJ86

**2171. • SCHEDULE OF FEES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 30141; 49 USC 322

**CFR Citation:** 49 CFR 594

**Legal Deadline:** Final, Statutory, September 30, 2006, Fee adjustment must be effective before the beginning of the next fiscal year.

The agency is required under 49 U.S.C. 30141(e) to review and adjust these fees at least every two years. The fees were last adjusted in September 2004.

**Abstract:** This rulemaking would amend NHTSA's regulations establishing fees authorized by 49 U.S.C. 30141 for the purpose of reimbursing the Government for certain costs incurred in administering the vehicle importation program. The amendments will adjust the fees to the level necessary for the Government to recover the Agency's actual costs. The Agency is required under 49 U.S.C. 30141(e) to review and adjust these fees at least every 2 years. The fees were last adjusted in September 2004.

## DOT—NHTSA

## Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/06	
Final Rule	07/00/06	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**URL For More Information:**  
dms.dot.gov**URL For Public Comments:**  
dms.dot.gov**Agency Contact:** Coleman Ray Sachs,  
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Division, Office of Vehicle SafetyCompliance, Department of  
Transportation, National Highway  
Traffic Safety Administration, Room  
6111, NVS-223, 400 Seventh Street  
SW., Washington, DC 20590  
Phone: 202 366-3151  
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Email: coleman.sachs@nhtsa.dot.gov  
**RIN:** 2127-AJ87

## Department of Transportation (DOT)

## Final Rule Stage

## National Highway Traffic Safety Administration (NHTSA)

**2172. +UPGRADE DOOR RETENTION PERFORMANCE****Priority:** Other Significant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.206**Legal Deadline:** Final, Statutory, February 1, 2008.**Abstract:** As part of the Agency's comprehensive approach to rollover, and to harmonize with the first global technical regulation, this rulemaking would upgrade the door retention requirements, add test requirements for sliding doors, add secondary latch requirements for doors other than hinged side doors and back doors, and provide a new test procedure for assessing inertial forces. This rulemaking would also respond to the requirements mandated in title X, subtitle C, section 10301, 30128 (c) (2) of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005: Legacy for Users (SAFETEA-LU).**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**URL For More Information:**  
dms.dot.gov**URL For Public Comments:**  
dms.dot.gov**Agency Contact:** George Mouchahoir,  
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Systems Division, Department of  
Transportation, National HighwayTraffic Safety Administration, 400  
Seventh Street SW., Washington, DC  
20590

Phone: 202 366-4919

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Email: gmouchahoir@nhtsa.dot.gov

**RIN:** 2127-AH34**2173. CHILD RESTRAINT SYSTEM WEBBING STRENGTH****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.213**Legal Deadline:** None**Abstract:** This rulemaking would propose minimum breaking strengths for child restraint systems webbing.**Timetable:**

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

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For More Information:**  
dms.dot.gov**URL For Public Comments:**  
dms.dot.gov**Agency Contact:** George Mouchahoir,  
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Systems Division, Department of  
Transportation, National Highway  
Traffic Safety Administration, 400  
Seventh Street SW., Washington, DC  
20590

Phone: 202 366-4919

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Email: gmouchahoir@nhtsa.dot.gov

**RIN:** 2127-AI66**2174. +EVENT DATA RECORDERS****Priority:** Other Significant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 563**Legal Deadline:** None**Abstract:** In the past several years, there has been considerable interest from the safety community in establishing requirements for event data recorders (EDRs). The Agency is considering what role NHTSA should take in implementing EDRs in motor vehicles. This rulemaking would establish requirements for EDRs in new vehicles if an EDR is in the vehicle. The requirement would include a minimum set of data to be collected and enhanced survivability in crashes. This rule is significant because of public interest.**Timetable:**

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

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

## DOT—NHTSA

## Final Rule Stage

**URL For Public Comments:**

dms.dot.gov

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

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RIN: 2127-AI72

**2175. INCORPORATION OF EUROSID II DUMMY INTO 49 CFR PART 572****Priority:** Substantive, Nonsignificant**Unfunded Mandates:** Undetermined

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

**CFR Citation:** 49 CFR 572**Legal Deadline:** None

**Abstract:** Incorporation of the EuroSID II, Side Impact Crash Test Dummy, into part 572 is being initiated to support the upgrade of FMVSS 214, Side Impact Regulation and to attain harmonization of crash test tools on a worldwide basis. The EuroSID is one of the alternative crash test tools being evaluated to upgrade FMVSS 214.

**Timetable:**

Action	Date	FR Cite
NPRM	09/15/04	69 FR 55550
NPRM Comment Period End	11/15/04	
Final Rule	05/00/06	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Stanley Backaitis, Engineer, Office of Crashworthiness Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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Email: sbackaitis@nhtsa.dot.gov

RIN: 2127-AI89

**2176. PART 571.3 DEFINITIONS, DESIGNATED SEATING POSITION****Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 49 CFR 571.3**Legal Deadline:** None

**Abstract:** This rulemaking would amend part 571.3 Definitions, to redefine the term “designated seating position” (DSP) in order to establish an objective criteria that is more enforceable.

**Timetable:**

Action	Date	FR Cite
NPRM	06/22/05	70 FR 36094
NPRM Comment Period End	08/22/05	
Final Rule	08/00/06	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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

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RIN: 2127-AI94

**2177. +5TH PERCENTILE DUMMY BELTED BARRIER CRASH TEST REQUIREMENTS—STANDARD 208****Priority:** Other Significant

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

**CFR Citation:** 49 CFR 571.208**Legal Deadline:** None

**Abstract:** This rulemaking would amend NHTSA’s occupant protection standard, FMVSS No. 208, to improve high speed crash protection to belted occupants of small stature who may sit in the full forward seat position. Current crash test requirements for the 5th percentile adult female dummy

include a 0-48 km/h belted rigid barrier crash test. The Agency is considering increasing the maximum crash test speed from 48 km/h to 56 km/h to be consistent with the 50th percentile adult male requirements that will take effect according to the second phase of the FMVSS No. 208 Advanced Air Bag Final Rule (65 FR 30680).

**Timetable:**

Action	Date	FR Cite
NPRM	08/06/03	68 FR 46539
NPRM Comment Period End	10/06/03	
Final Rule	06/00/06	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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

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RIN: 2127-AI98

**2178. +SIDE IMPACT PROTECTION UPGRADE—FMVSS NO. 214****Priority:** Economically Significant.

Major under 5 USC 801.

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

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

**CFR Citation:** 49 CFR 571.214**Legal Deadline:** Final, Statutory, July 1, 2008.

**Abstract:** Two Federal motor vehicle safety standards (FMVSS) — No. 201, “Occupant Protection in Interior Impact” and No. 214, “Side Impact Protection” — specify requirements for side impact protection. At present, FMVSS No. 214 specifies a moving deformable barrier (MDB) test addressing mainly the chest injury problem. The head injury reduction is partially addressed in FMVSS No. 201.

## DOT—NHTSA

## Final Rule Stage

This rulemaking would require in FMVSS No. 214 a vehicle-to-pole oblique impact test to reduce the number of fatal and serious head injuries, which are not addressed in FMVSS No. 201.

**Timetable:**

Action	Date	FR Cite
NPRM	05/14/04	69 FR 27990
Comment Period End	10/14/04	
Comment Period Extended	01/12/05	70 FR 2105
End of Extended Comment Period	04/12/05	
Final Rule	05/00/06	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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

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**Related RIN:** Related to 2127-AJ16,

Related to 2127-AI89

**RIN:** 2127-AJ10

**2179. INCORPORATION OF SID-IIS SIDE IMPACT CRASH TEST DUMMY INTO PART 572**

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

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

**CFR Citation:** 49 CFR 1.50

**Legal Deadline:** None

**Abstract:** This rulemaking would initiate incorporation of a small adult side impact crash test dummy into part 572 to support an upgrade of FMVSS No. 214. Subsequent to NHTSA's initiation of this rulemaking and related FMVSS No. 214 upgrade, the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005: Legacy for Users (SAFETEA-LU) directed NHTSA to complete

rulemaking on FMVSS No. 214 by July 1, 2008.

**Timetable:**

Action	Date	FR Cite
NPRM	12/08/04	69 FR 70947
NPRM Comment Period End	03/08/05	
Final Rule	05/00/06	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:**

Undetermined

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Stanley Backaitis, Engineer, Office of Crashworthiness Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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**Related RIN:** Related to 2127-AJ10

**RIN:** 2127-AJ16

**2180. MODERNIZE FMVSS 114, "THEFT PROTECTION"**

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

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

**CFR Citation:** 49 CFR 571.114

**Legal Deadline:** None

**Abstract:** Federal Motor Vehicle Safety Standard No. 114, "Theft Protection," specifies requirements to prevent theft and thus reduce the incidence of crashes resulting from the unauthorized use of motor vehicles. The standard also specifies requirements to reduce the incidence of rollaways of parked vehicles. NHTSA received a petition in October 2002 requesting that the Agency amend section 4.2.2 of the standard by removing provisions related to the override device covering, which the petitioner argued was unnecessarily design-restrictive. In response, NHTSA issued a NPRM on August 17, 2005 that proposed to grant the petition, and to amend and reorganize the regulatory text of the

standard to address current vehicle theft prevention system designs. The proposed requirements would not impose any new substantive requirements on vehicle manufacturers.

**Timetable:**

Action	Date	FR Cite
NPRM	08/17/05	70 FR 48362
NPRM Comment Period End	10/17/05	
Final Rule	04/00/06	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Gayle Dalrymple, Safety Engineer, Vehicle Controls and Adapted Vehicle Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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Email: gayle.dalrymple@nhtsa.dot.gov

**RIN:** 2127-AJ31

**2181. FMVSS 213, ADDITION OF 10-YEAR-OLD TEST DUMMY**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 30101 et seq, PL No 107-318

**CFR Citation:** 49 CFR 571.213

**Legal Deadline:** None

**Abstract:** This rulemaking would respond to sections 4(b) and 3(b)(2) of Anton's Law (Pub. L. 107-318), which directed NHTSA to initiate rulemaking on child restraint system safety, by amending FMVSS No. 213 to incorporate the Hybrid III ten-year-old dummy for child restraint systems rated for children up to 80 lbs.. Previously, the Agency extended the applicability of FMVSS No. 213 from restraints recommended for children up to 50 lbs. to restraints recommended for children up to 65 lbs.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

DOT—NHTSA

Final Rule Stage

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** George Mouchahoir, Team Leader, Special Vehicles and Systems Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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**RIN:** 2127-AJ44

**2182. SUBPART T HYBRID III-10C DUMMY, 10-YEAR-OLD CHILD**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 49 CFR 1.50

**Legal Deadline:** None

**Abstract:** Anton's Law, signed by the President on December 4, 2002, specified in section 4 that within 24 months the Secretary of Transportation shall develop and evaluate an anthropomorphic test device that simulates a 10-year old child for use in testing child restraints used in passenger motor vehicles. The evaluation and testing of such a device has been completed by NHTSA, and the Agency will propose to incorporate the Hybrid III ten-year old dummy into Part 572 for potential application in Federal motor vehicle safety standards (FMVSS) such as FMVSS No. 213, Child restraint systems. This proposal will include rationale for the dummy performance response requirements; detailed dummy design drawings and specifications; and a procedures manual for the dummy inspection, assembly, and disassembly.

**Timetable:**

Action	Date	FR Cite
NPRM	07/13/05	70 FR 40281
NPRM Comment	09/12/05	
Period End		
Final Rule	09/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Stanley Backaitis, Engineer, Office of Crashworthiness Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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**RIN:** 2127-AJ49

**2183. BUSES MANUFACTURED IN TWO OR MORE STAGES; CERTIFICATION OF BUSES MANUFACTURED IN MORE THAN ONE STAGE**

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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Phone: 202 366-2992

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**RIN:** 2127-AJ56

**2184. CARGO CARRYING CAPACITY OF MOTOR HOME AND TRAVEL TRAILERS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 49 CFR 571.120

**Legal Deadline:** None

**Abstract:** This rulemaking would respond to a petition for rulemaking requesting the Agency consider mandatory consumer information in the form of a label that will inform the consumer of the Cargo Carrying Capacity (CCC) of motor homes, travel trailers, and 5th wheel travel trailers. Such labeling will help the consumer make informed decisions during the purchasing process and act as a reference during cargo loading, which in turn may reduce instances of overloading and ultimately injuries and deaths resulting from crashes related to overloading. This rulemaking initially was a new proposed regulation, 49 CFR 575.102, with a RIN of 2127-AI50. However, because the Agency feels that the standard would be more enforceable if it is part of the FMVSS, it is now an amendment to FMVSS 120. Before publication of the NPRM, an additional section relative to the FMVSS No. 110 tire placard/label was added.

**Timetable:**

Action	Date	FR Cite
NPRM	08/31/05	70 FR 51707
NPRM Comment	10/31/05	
Period End		
NPRM Comment	11/30/05	70 FR 62086
Period Extended		
Final Rule	10/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**



## DOT—NHTSA

## Final Rule Stage

dms.dot.gov

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

**Agency Contact:** William Evans, Safety Standards Engineer, Department of Transportation, National Highway Traffic Safety Administration, Office of Crash Avoidance Stds., Vehicle Controls and Adapted Vehicle Division, 400 Seventh Street SW., Washington, DC 20590

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RIN: 2127-AJ57

### 2185. FMVSS NO. 208, CRS INSTALLATION PROCEDURE FOR LATCH-EQUIPPED SEATS

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 49 CFR 571.208

**Legal Deadline:** None

**Abstract:** This rulemaking would propose a test procedure for installing child restraint systems with LATCH-equipped hardware in the air bag suppression testing required by FMVSS No. 208. Currently, the list of child restraint systems in Appendix A of FMVSS No. 208 include some with LATCH-equipped hardware. However, the air bag suppression test procedures of FMVSS No. 208 do not include specific detail for attaching the LATCH hardware to the vehicle. The purpose of this notice is to propose additional regulatory text in the sections of FMVSS No. 208 that involve installing LATCH-equipped child restraint systems.

**Timetable:**

Action	Date	FR Cite
NPRM	05/19/05	70 FR 28878
NPRM Comment Period Extended	07/13/05	70 FR 40280
Extended Comment Period End	08/17/05	
Final Rule	08/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Louis Molino, Safety Standards Engineer, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Room 5320, Washington, DC 20590  
Phone: 202 366-1833  
Fax: 202 366-4329

RIN: 2127-AJ59

### 2186. PROCEDURES FOR PARTICIPATING IN AND RECEIVING DATA FROM THE NATIONAL DRIVER REGISTER PROBLEM DRIVER POINTER SYSTEM PURSUANT TO A PERSONNEL SECURITY INVESTIGATION AND DETERMINATION

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 108-375

**CFR Citation:** 23 CFR 1327

**Legal Deadline:** None

**Abstract:** This rulemaking would amend the National Driver Register regulations to implement an amendment made by the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (PL 108-375). The amendment allows an individual who has or is seeking access to national security information under Executive Order No. 12968, or an individual who is being investigated for Federal employment under Executive Order No. 10450 to request that NDR information be made available to a Federal department or agency that is authorized to investigate the individual.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	09/02/05	70 FR 52296
Interim Final Rule Comment Period End	11/05/05	
Final Action	04/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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RIN: 2127-AJ66

### 2187. • AMENDMENT TO GRANT CRITERIA FOR ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES PROGRAMS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 23 USC 410

**CFR Citation:** 23 CFR 1313

**Legal Deadline:** Final, Statutory, August 10, 2006, In SAFETEA-LU, Congress directed NHTSA to issue regulations implementing the revised alcohol-impaired driving countermeasures program.

**Abstract:** This rulemaking would make substantive amendments to 23 CFR 1313 to effectuate the revisions required by the Safe, Accountable, Flexible, Efficient Transportation Equity Act—a Legacy for Users (SAFETEA-LU) of 2005. Section 2007 of SAFETEA-LU revises and extends the alcohol-impaired driving countermeasures grant program under 23 U.S.C. section 410 and directs NHTSA to issue regulations implementing the revised program.

**Timetable:**

Action	Date	FR Cite
NPRM	01/03/06	71 FR 29
NPRM Comment Period End	02/02/06	
Final Rule	04/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Carmen Hayes, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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RIN: 2127-AJ73

## DOT—NHTSA

## Final Rule Stage

**2188. • ADMINISTRATIVE REWRITE OF FMVSS NO. 108; LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166; 49 USC 322; Delegation of Authority at 49 CFR 1.50**CFR Citation:** 49 CFR 571.108**Legal Deadline:** None

**Abstract:** Over the last few decades, FMVSS No. 108 has been modified when necessary to account for changes in lighting technology. The Agency has also replied to hundreds of requests for interpretation regarding FMVSS No. 108. Comments to the Agency indicate that this approach has resulted in confusion among regulated parties. In response to requests from industry to organize FMVSS No. 108 in a more understandable way, the Agency pursued an administrative rewrite project through an existing contract with Virginia Tech Transportation Institute. This action presents the newly organized text of FMVSS No. 108, including importing referenced requirements from applicable SAE standards directly into the text of FMVSS No. 108.

**Timetable:**

Action	Date	FR Cite
NPRM	12/30/05	70 FR 77454
NPRM Comment Period End	03/30/06	
Final Rule	12/00/06	

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

**Agency Contact:** David Hines, General Engineer Office of Crash Avoidance Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
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Email: [dhines@nhtsa.dot.gov](mailto:dhines@nhtsa.dot.gov)

**RIN:** 2127-AJ75**2189. • NEW CAR ASSESSMENT PROGRAM; SAFETY LABELING****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 1232(g); 15 USC 1232(h); PL 105-59 sec 10307(b)**CFR Citation:** None

**Legal Deadline:** Final, Statutory, September 1, 2007, The Secretary of Transportation is to issue regulations to ensure that the labeling requirements under SAFETEA-LU are implemented by September 1, 2007.

**Abstract:** Section 10307 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act—a Legacy for Users (SAFETEA-LU) (Pub. L. 105-59) amended the Automobile Information Disclosure Act under 15 U.S.C. section 1232, adding a safety rating label requirement. If a vehicle safety rating has been released by NHTSA through the New Car Assessment Program (NCAP), SAFETEA-LU requires that the information about safety ratings be included on the 15 U.S.C. section 1232 label. This rulemaking would incorporate the SAFETEA-LU labeling requirements for NCAP consumer information.

**Timetable:**

Action	Date	FR Cite
NPRM	01/30/06	71 FR 4854
NPRM Comment Period End	03/31/06	
Final Rule	11/00/06	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For More Information:** [dms.dot.gov](http://dms.dot.gov)**URL For Public Comments:** [dms.dot.gov](http://dms.dot.gov)

**Agency Contact:** Nathaniel Beuse, Chief, New Car Assessment Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-1740  
Email: [nbeuse@nhtsa.dot.gov](mailto:nbeuse@nhtsa.dot.gov)

**RIN:** 2127-AJ76**2190. • RESPONSE TO PETITIONS FOR RECONSIDERATION, FMVSS NO. 118; POWER-OPERATED WINDOW, PARTITION, AND ROOF PANEL SYSTEMS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166; 49 USC 322**CFR Citation:** 49 CFR 571.118

**Legal Deadline:** Final, Statutory, April 1, 2007, In SAFETEA-LU, Congress directed NHTSA to issue a new safety requirement for power window switches by April 1, 2007.

**Abstract:** Section 10308 of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005: Legacy for Users (SAFETEA-LU) directs NHTSA to amend FMVSS No. 118 to require that power windows in motor vehicles have switches that raise the window only when the switch is pulled up or out. We are implementing this mandate in conjunction with a response to petitions for reconsideration of an FMVSS No. 118 final rule that was published on September 15, 2004.

**Timetable:**

Action	Date	FR Cite
Final Action	04/00/06	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For More Information:** [dms.dot.gov](http://dms.dot.gov)**URL For Public Comments:** [dms.dot.gov](http://dms.dot.gov)

**Agency Contact:** Mike Pyne, Safety Standards Engineer, Office of Crash Avoidance NVS-123, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-4171

**Related RIN:** Related to 2127-AG36**RIN:** 2127-AJ78**2191. • FMVSS NO. 101, PETITION FOR RECONSIDERATION OF FINAL RULE****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 301**CFR Citation:** 49 CFR 571.101

## DOT—NHTSA

## Final Rule Stage

**Legal Deadline:** None

**Abstract:** This rulemaking would respond to an Alliance of Automobile Manufacturer's petition for reconsideration for the new requirements for FMVSS No. 101, Controls, Telltales, and Indicators. In response to one part of the Alliance petition, the effective date given in the final rule published August 17, 2005 (RIN 2127-AI09, 70 FR 48295), February 13, 2006, has been extended to September 1, 2006 (January 24, 2006, 71 FR 3786). Alliance has petitioned NHTSA to reconsider several technical aspects of the final rule. These will be addressed in another pending final rule.

**Timetable:**

Action	Date	FR Cite
Final Action	04/00/06	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Gayle Dalrymple, Safety Engineer, Vehicle Controls and Adapted Vehicle Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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Email: gayle.dalrymple@nhtsa.dot.gov

**Related RIN:** Related to 2127-AI09**RIN:** 2127-AJ81**2192. • DEFINITION OF LOW SPEED VEHICLES (LSV) RESPONSE TO PETITIONS FOR RECONSIDERATION****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 301**CFR Citation:** 49 CFR 571.3**Legal Deadline:** None

**Abstract:** This rulemaking would respond to two petitions for reconsideration of the Gross Vehicle Weight Rating (GVWR) limit on Low Speed Vehicles (LSV) published in a final rule on August 17, 2005 (RIN 2127-AJ12, 70 FR 48313). That final rule established a maximum GVWR of

2,500 lbs. for defining which vehicles may be classified as a LSV. The Agency has been petitioned to reconsider the GVWR limit and establish the GVWR limit at 3,000 lbs.

**Timetable:**

Action	Date	FR Cite
Reconsideration of Final Rule	04/00/06	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Gayle Dalrymple, Safety Engineer, Vehicle Controls and Adapted Vehicle Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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**RIN:** 2127-AJ85

## Department of Transportation (DOT)

## Long-Term Actions

## National Highway Traffic Safety Administration (NHTSA)

**2193. +REAR CONVEX CROSS-VIEW MIRRORS****Priority:** Other Significant

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

**CFR Citation:** 49 CFR 571.111**Legal Deadline:** None

**Abstract:** This rulemaking would upgrade the rearward visibility of commercial straight trucks. The Agency believes that requiring a rear detection system will reduce fatalities, injuries, and property damage by giving truck operators the ability to detect objects behind the truck. Various possible counter-measures are being examined now in follow-up testing, including visual and non-visual object detection systems.

**Timetable:**

Action	Date	FR Cite
Request for Comments	06/17/96	61 FR 30586

Action	Date	FR Cite
Comment Period End	10/15/96	
ANPRM	11/27/00	65 FR 70681
ANPRM Comment Period End	01/26/01	
NPRM	09/12/05	70 FR 53753
NPRM Comment Period End	11/14/05	
Next Action	Undetermined	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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

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Email: keith.brewer@nhtsa.dot.gov

**RIN:** 2127-AG41**2194. +ROOF CRUSH RESISTANCE****Priority:** Other Significant

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

**CFR Citation:** 49 CFR 571.216**Legal Deadline:** Final, Statutory, July 1, 2008.

**Abstract:** Mitigation of rollover fatal and serious injuries is one of the Agency's highest priorities. Rollover crashes constitute about 3 percent of passenger vehicle crashes, but about 1/3 of the fatalities. Since light trucks are more prone to rollover, and as their percentage of the U.S. fleet continues to increase, this crash mode continues to constitute a disproportionate segment of the Nation's highway safety problem. As part of the Agency's

## DOT—NHTSA

## Long-Term Actions

comprehensive approach to rollover, the Agency is considering whether an upgrade to the roof crush requirements is warranted. This rulemaking is significant because of public interest in vehicle safety.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** George Mouchahoir, Team Leader, Special Vehicles and

Systems Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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**Related RIN:** Related to 2127-AH74

**RIN:** 2127-AG51

**2195. REVIEW: REDESIGNED AIR BAGS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 49 CFR 571.208

**Legal Deadline:** None

**Abstract:** This standard was temporarily amended to make the unbelted test for vehicles with air bags less stringent and, in effect, make it easier for manufacturers to quickly depower their air bags. Redesigned air bags are likely to benefit out-of-position occupants and reduce drivers' arm injuries, but they might be less effective than earlier air bags for some

occupants. This regulation was selected for review because of public interest, potential benefits, and possibility of higher risk for some vehicle occupants.

**Timetable:**

Action	Date	FR Cite
Begin Review	05/01/98	
End Review	06/00/07	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Charles J Kahane, Chief, Evaluation Division, Office of Plans and Policy, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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**RIN:** 2127-AH13

## Department of Transportation (DOT)

## National Highway Traffic Safety Administration (NHTSA)

## Completed Actions

**2196. +LIGHT TRUCK AVERAGE FUEL ECONOMY STANDARDS, MODEL YEAR 2008 AND POSSIBLY BEYOND**

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

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

**Legal Authority:** 15 USC 2002; Delegation of Authority at 49 CFR 1.50

**CFR Citation:** 49 CFR 533

**Legal Deadline:** Final, Statutory, April 1, 2006, Model Year 2008.

**Abstract:** This rulemaking would address Corporate Average Fuel Economy (CAFE) Standards for light trucks for model year 2008 and possibly beyond, as appropriate.

**Timetable:**

Action	Date	FR Cite
NPRM	08/30/05	70 FR 51414
NPRM Comment Period End	11/22/05	

Action	Date	FR Cite
Final Action	04/06/06	71 FR 17566
Final Action Effective	08/04/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Energy Effects:** Statement of Energy Effects planned as required by Executive Order 13211.

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Kenneth R Katz, Lead Engineer, Consumer Program Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-4936

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Email: kkatz@nhtsa.dot.gov

**RIN:** 2127-AJ61

**2197. TIRE SAFETY—PETITIONS FOR RECONSIDERATION OF FMVSS NO. 139**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 106-414, November 1, 2000

**CFR Citation:** 49 CFR 571

**Legal Deadline:** None

**Abstract:** This rulemaking would respond to petitions for reconsideration of a final rule establishing new and more stringent tire performance requirements. The final rule increased the stringency of the existing high speed and endurance tests and added a low pressure performance test.

**Timetable:**

Action	Date	FR Cite
Final Rule	01/06/06	71 FR 877

## DOT—NHTSA

## Completed Actions

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** George Soodoo, Chief, Vehicle Safety Dynamics Division (NVS-122), Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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**RIN:** 2127-AJ65**2198. • AMENDMENT TO INCENTIVE GRANT CRITERIA FOR OCCUPANT PROTECTION PROGRAMS****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 109-203, sec 2004**CFR Citation:** 23 CFR part 1345**Legal Deadline:** None

**Abstract:** Amends regulation to note minor changes made to the program by passage of highway reauthorization legislation.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/14/05	70 FR 69078
Interim Final Rule Comment Period End	12/14/05	
Final Action	12/30/05	70 FR 77320

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** John Donaldson, Acting Assistant Chief Counsel, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-9511

**RIN:** 2127-AJ72**2199. • PETITIONS FOR RECONSIDERATION OF FMVSS NO. 102; TRANSMISSION SHIFT LEVER SEQUENCE, STARTER INTERLOCK, AND TRANSMISSION BRAKING EFFECT****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166; 49 USC 322**CFR Citation:** 49 CFR 571.102**Legal Deadline:** None

**Abstract:** This document responds to petitions for reconsideration to a final rule published in the Federal Register on July 1, 2005 (70 FR 38040), which amended the starter interlock portion of Standard No. 102, Transmission Shift Position Sequence, Starter Interlock, and Transmission Braking Effect. This amendment was necessary to allow for emerging technologies such as hybrid vehicles and vehicles with idle-stop technology, which promote fuel economy and minimize exhaust emissions. A petition for reconsideration from General Motors requests a delay in the effective date until September 1, 2007, and a petition from International Truck and Engine Corporation requests an amendment to the final rule to allow for hybrid systems on large trucks. In this rulemaking, NHTSA is granting both of these requests.

**Timetable:**

Action	Date	FR Cite
Final Action	12/22/05	70 FR 75961

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** William Evans, Safety Standards Engineer, Department of Transportation, National Highway Traffic Safety Administration, Office of Crash Avoidance Stds., Vehicle Controls and Adapted Vehicle Division, 400 Seventh Street SW., Washington, DC 20590

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**Related RIN:** Related to 2127-AI43**RIN:** 2127-AJ74**2200. • ANTHROPOMORPHIC TEST DEVICES, HYBRID III 6-YEAR-OLD WEIGHTED CHILD TEST DUMMY****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166; 49 USC 322; Delegation of Authority at 49 CFR 1.50**CFR Citation:** 49 CFR 572.165(b)(1) of subpart S**Legal Deadline:** None

**Abstract:** This notice responds to a petition submitted by First Technology Safety Systems (FTSS) asking the Agency to reconsider several aspects of a July 16, 2004, final rule that added a new subpart S to 49 CFR part 572, describing a Hybrid III 6-year-old weighted child test dummy. The specific items addressed include adjusting the Torso Flexion Test corridor, material specification references, and adding a weight tolerance to drawings.

**Timetable:**

Action	Date	FR Cite
Final Action	12/30/05	70 FR 77336

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Sean Doyle, Engineer, Office of Crashworthiness Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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Email: sean.doyle@nhtsa.dot.gov

**Related RIN:** Related to 2127-AI58**RIN:** 2127-AJ79**2201. • AMENDING FMVSS NO. 224, REAR IMPACT PROTECTION, IN RESPONSE TO NTEA PETITION FOR RECONSIDERATION FOR TRAILERS AND SEMI-TRAILERS WITH LIFTGATES****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 1392**CFR Citation:** 49 CFR 571.224

## DOT—NHTSA

## Completed Actions

**Legal Deadline:** None

**Abstract:** On December 17, 2004, the National Truck Equipment Association (NTEA) submitted a petition for reconsideration requesting to immediately stay the November 2004 final rule, contending that the final rule unintentionally excludes most trailers equipped with tuckunder liftgates from the exemption for special purpose vehicles. This rulemaking would amend the final rule to address the NTEA concerns.

**Timetable:**

Action	Date	FR Cite
Final Action	02/23/06	71 FR 9274

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** George Mouchahoir, Team Leader, Special Vehicles and Systems Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-4919

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Email: gmouchahoir@nhtsa.dot.gov

**Related RIN:** Related to 2127-AH75

**RIN:** 2127-AJ80

**2202. • FMVSS NO. 202, RESPONSE TO PETITIONS FOR RECONSIDERATION FOR ADDITIONAL LEAD TIME (PART 1 OF 2)**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 49 CFR 571.202

**Legal Deadline:** None

**Abstract:** This rulemaking would respond to petitions for reconsideration received in response to the final rule NHTSA published in the Federal Register (69 FR 74848) on December 14, 2004, upgrading Federal Motor Vehicle Safety Standard (FMVSS) No. 202, Head Restraints. The standard was upgraded to establish new requirements for height, backset, strength, position retention, and energy absorption in order to ensure that head restraints do not pose a risk of exacerbating whiplash injuries. The upgraded provisions were designated FMVSS No. 202a. Among the petition issues,

vehicle manufacturers requested additional lead time to design stowable rear seat head restraints that meet the revised FMVSS No. 202a. This notice would respond exclusively to the lead time aspect.

**Timetable:**

Action	Date	FR Cite
Reconsideration of Final Rule	03/09/06	71 FR 12145

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** David Sutula, Safety Standards Engineer, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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**Related RIN:** Related to 2127-AH09

**RIN:** 2127-AJ84

**BILLING CODE** 4910-59-S

**Department of Transportation (DOT)**

**Federal Railroad Administration (FRA)**

**Proposed Rule Stage**

**2203. • +PASSENGER TRAIN EMERGENCY SYSTEMS**

**Priority:** Other Significant

**Legal Authority:** 49 USC 20103, 20107

**CFR Citation:** 49 CFR 223; 49 CFR 238; 49 CFR 239

**Legal Deadline:** None

**Abstract:** This rulemaking would promote the safety of passengers and crew members in passenger train emergencies by enhancing FRA's regulations for passenger train emergency systems. The rulemaking will address passenger train emergency communication systems (public address and intercom systems), emergency evacuation systems (doors, emergency window exits, rescue access windows, and emergency roof access locations), and marking signage systems.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Anna Winkle, Department of Transportation, Federal Railroad Administration, 1120 Vermont Avenue NW., Washington, DC 20590  
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**RIN:** 2130-AB72

**2204. • +GRANT PROGRAM FOR LOCAL RAIL LINE RELOCATION AND IMPROVEMENT PROJECTS**

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

**Legal Authority:** PL 109-59

**CFR Citation:** 49 CFR 261

**Legal Deadline:** Other, Statutory, April 1, 2006, Temporary Rules. Final, Statutory, October 1, 2006.

**Abstract:** This rulemaking would address the establishment of a grant program authorizing the Secretary to provide financial assistance to States for local rail line relocation and improvement projects. Congress recently amended chapter 201 of title 49 of the United States Code section 9002 by adding section 20154 at the end of subchapter II. This rulemaking would create a new part to title 49 of the Code of Federal Regulations,

## DOT—FRA

## Proposed Rule Stage

establish regulations governing financial assistance under part 261, including the project selection criteria, and solicit applications for Capital Grants for Rail Line Relocation Projects. This rulemaking is required by section 9002 of the Safe Accountable, Flexible, Efficient Transportation Act: a Legacy for Users (SAFETEA-LU).

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

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

**Agency Contact:** Kathryn Shelton, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590  
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**RIN:** 2130-AB74

### 2205. • AMENDMENTS TO 49 CFR PART 218—RAILROAD OPERATING PRACTICES: HANDLING EQUIPMENT, SWITCHES, AND DERAILS

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

**Legal Authority:** 49 USC 20103

**CFR Citation:** 49 CFR 218

**Legal Deadline:** None

**Abstract:** This rulemaking would add requirements to the handling of railroad

equipment, switches, and derails. These requirements would prevent accidents and casualties that can result from the mishandling of equipment, switches, and derails, and would be minimum operating rule requirements. FRA's review of accident statistics prompts this rulemaking.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Alan Nagler, Department of Transportation, Federal Railroad Administration, 1120 Vermont Avenue NW., Washington, DC 20950  
Phone: 202 493-6049

**RIN:** 2130-AB76

## Department of Transportation (DOT) Federal Railroad Administration (FRA)

## Final Rule Stage

### 2206. +LOCOMOTIVE CRASHWORTHINESS

**Priority:** Other Significant

**Legal Authority:** 49 USC 20103

**CFR Citation:** 49 CFR 229

**Legal Deadline:** Final, Statutory, March 3, 1995.  
Report to Congress issued 9/18/96.

**Abstract:** This rulemaking will address the crashworthiness of locomotives pursuant to the Rail Safety Enforcement and Review Act of 1992. FRA investigated locomotive crashworthiness, as well as a variety of locomotive working conditions (See RIN 2130-AA89) and reported its finding to Congress. This rulemaking will establish comprehensive, minimum standards for locomotive crashworthiness. Locomotive crashworthiness protection is necessary because locomotive collisions can result in crew injuries and fatalities. These performance standards are intended to help protect locomotive cab occupants in the event of a locomotive collision. Examples of locomotive collision scenarios considered include collisions with another locomotive, the rear of another train, a piece of on-track equipment, a shifted load on a freight car on an adjacent parallel track, or a

highway vehicle at a rail-highway grade crossing. These crashworthiness standards must be met by demonstrating compliance with either the rule's performance standards or a FRA-approved design standard.

**Timetable:**

Action	Date	FR Cite
Open Meeting Notice	07/22/94	59 FR 37528
Notice	07/22/94	59 FR 37528
Report to Congress	09/18/96	
Report to Congress	09/18/96	
NPRM	11/02/04	69 FR 63890
NPRM Comment Period End	01/03/05	
NPRM Comment Period Extended	01/12/05	
Second NPRM Comment Period End	02/03/05	
Final Rule	05/00/06	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** This rulemaking was originally included in RIN 2130-AA89, Locomotive Cab Working Conditions.

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

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

**Agency Contact:** Melissa Porter, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 493-6034

**RIN:** 2130-AB23

### 2207. +OCCUPATIONAL NOISE EXPOSURE FOR RAILROAD OPERATING EMPLOYEES

**Priority:** Other Significant

**Legal Authority:** 49 USC 20103

**CFR Citation:** 49 CFR 229; 49 CFR 227

**Legal Deadline:** None

**Abstract:** This rulemaking amends FRA's occupational noise standards for railroad employees whose predominant noise exposure occurs in the locomotive cab. FRA's previous standard limited cab employee noise exposure to certain levels based on the duration of employee exposure. This rulemaking modifies that standard and also sets out additional requirements. The rulemaking requires railroads to conduct noise monitoring and to implement a hearing conservation program, which includes hearing tests

DOT—FRA

Final Rule Stage

(audiograms), training, and monitoring. The rulemaking also establishes design, build, and maintenance standards for new locomotives and maintenance requirements for existing locomotives. FRA expects that this rulemaking will reduce the likelihood of noise-induced hearing loss for railroad operating employees.

**Timetable:**

Action	Date	FR Cite
Report to Congress	09/18/96	
NPRM	06/23/04	69 FR 35146
NPRM Comment Period End	09/21/04	
Final Rule	05/00/06	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Christina McDonald, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 493-6032

**RIN:** 2130-AB56

### 2208. PASSENGER EQUIPMENT SAFETY STANDARDS; MISCELLANEOUS AMENDMENTS AND ATTACHMENTS OF SAFETY APPLIANCES ON PASSENGER EQUIPMENT

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 28 USC 2401, note; 49 CFR 1.49(c), (m); 49 USC 20102 to 03, 20107, 20133, 20137 to 38, 20143, 20701 to 03, 21301 to 02, 21304

**CFR Citation:** 49 CFR 229; 49 CFR 238**Legal Deadline:** None

**Abstract:** This rulemaking would clarify and amend existing regulations in an effort to address various mechanical issues relevant to the manufacture, efficient utilization, and safe operation of passenger equipment and trains that have arisen since FRAs original issuance of the Passenger Equipment Safety Standards. Miscellaneous amendments to FRA's existing regulations would include: (1) Clarifying the terminology related to piston travel indicators; (2) providing

alternative design and additional inspection criteria for new passenger equipment not designed to allow inspection of the application and release of the brakes from outside the equipment; (3) permitting some latitude in the use of passenger equipment with redundant air compressors when a limited number of the compressors become inoperative; and (4) recognizing current locomotive manufacturing techniques by proposing an alternative pneumatic pressure test for main reservoirs. FRA is also clarifying the existing regulatory requirements related to the attachment of safety appliances.

**Timetable:**

Action	Date	FR Cite
NPRM	12/08/05	70 FR 73070
NPRM Comment Period End	02/17/06	
Final Rule	11/00/06	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Thomas Herrmann, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 493-6036

**RIN:** 2130-AB67

### 2209. • TRACK SAFETY STANDARDS; INSPECTION OF JOINTS IN CONTINUOUS WELDED RAIL (CWR)

**Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 20142**CFR Citation:** 49 CFR 213

**Legal Deadline:** Final, Statutory, November 8, 2005, title 9, section 9005(b), SAFETEA-LU requires completion within 90 days. To be continued.

**Abstract:** This rulemaking would amend the Track Safety Standards (49 CFR part 213) to require track owners to file improved procedures for inspecting rail joint bars in continuous welded rail track. This rulemaking is required by section 9005(a) of the Safe Accountable, Flexible, Efficient Transportation Act: A Legacy for Users (SAFETEA-LU).

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/02/05	70 FR 66288
Interim Final Rule Effective	12/02/05	
Interim Final Rule Comment Period End	12/19/05	
Final Rule	08/00/06	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Christina McDonald, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 493-6032

**RIN:** 2130-AB71

### 2210. • +USE OF LOCOMOTIVE HORNS AT HIGHWAY-RAIL GRADE CROSSINGS

**Priority:** Other Significant**Legal Authority:** 49 USC 20153**CFR Citation:** 49 CFR 222; 49 CFR 229**Legal Deadline:** None

**Abstract:** This rulemaking would amend the final rule on the Use of Locomotive Horns at Highway-Rail Grade Crossings, in response to petitions for reconsideration that have been submitted by the Association of American Railroads, BNSF Railway Company, GE Transportation-Rail and Qwick Kurb, Inc. FRA also intends to make clarifying amendments to various provisions of the final rule.

**Timetable:**

Action	Date	FR Cite
Final Rule	04/27/05	70 FR 21844
Final Rule Effective	06/24/05	
Final Action	05/00/06	

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** Federal, Local, State**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**



## DOT—FRA

## Final Rule Stage

dms.dot.gov

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**Related RIN:** Previously reported as 2130-AA71

**RIN:** 2130-AB73

### 2211. • +ASSESSMENT OF FEES ON COMMUTER RAILROADS FOR USE OF NORTHEAST CORRIDOR INFRASTRUCTURE

**Priority:** Other Significant

**Legal Authority:** PL No. 109-115

**CFR Citation:** 49 CFR 247

**Legal Deadline:** Final, Statutory, September 30, 2006.

**Abstract:** This rulemaking would govern the assessment and collection of fees from each commuter rail authority that operates over the Northeast Corridor, which reflect that rail authority's use of the corridor and its share of maintenance and capital improvements. Any fees assessed will, however, be offset by any direct annual contributions that have already been made by that rail authority for Northeast Corridor capital and maintenance expenses. Revenues from collected fees will then be merged with the capital appropriation and will be provided to, and spent by, Amtrak for capital investment.

#### Timetable:

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

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:** Local, State

**Agency Contact:** Kathryn Shelton, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590  
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**RIN:** 2130-AB75

## Department of Transportation (DOT) Federal Railroad Administration (FRA)

## Long-Term Actions

### 2212. +AMENDMENTS TO DESIGN STANDARDS FOR PRESSURIZED RAILROAD TANK CARS

**Priority:** Other Significant

**Legal Authority:** 49 USC 20155

**CFR Citation:** 49 CFR 179

**Legal Deadline:** NPRM, Statutory, February 10, 2007.

**Abstract:** This rulemaking would amend the existing design standards for pressurized tank cars pursuant to section 9005 of SAFETEA-LU.

#### Timetable:

Action	Date	FR Cite
Proposed Rule	08/00/08	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

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

**Agency Contact:** Roberta Stewart, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 493-6027

**RIN:** 2130-AB69

### 2213. • AMENDMENTS TO ENFORCEMENT PROCEDURES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 5123

**CFR Citation:** 49 CFR 209

**Legal Deadline:** None

**Abstract:** This rulemaking would revise the existing civil and criminal penalty provisions for hazardous materials

violations pursuant to sections 7119 to 7121 of SAFETEA-LU.

#### Timetable:

Action	Date	FR Cite
Interim Final Rule	To Be Determined	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

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

**Agency Contact:** Roberta Stewart, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 493-6027

**RIN:** 2130-AB70

## Department of Transportation (DOT) Federal Railroad Administration (FRA)

## Completed Actions

### 2214. STANDARDS FOR DEVELOPMENT AND USE OF PROCESSOR-BASED SIGNAL AND TRAIN CONTROL SYSTEMS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 20103

**CFR Citation:** 49 CFR 234; 49 CFR 236; 49 CFR 209

**Legal Deadline:** None

**Abstract:** This rulemaking would govern the development, testing, and approval of Micro-processor Based Signal and Train Control Systems. FRA

has determined through the joint fact finding efforts of the Railroad Safety Advisory Committee (RSAC) that performance standards would facilitate the introduction of advanced technology, including systems that support the core functions of Positive Train Control (PTC). This rulemaking

## DOT—FRA

## Completed Actions

addresses technical standards for all processor-based signal and train control products, amending 49 CFR part 236.

**Timetable:**

Action	Date	FR Cite
NPRM	08/10/01	66 FR 42351
NPRM Comment Period End	11/08/01	
Final Rule	03/07/05	70 FR 11051
Final Rule Effective	06/06/05	
Correction	12/05/05	70 FR 72382

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Melissa Porter, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590  
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**RIN:** 2130-AA94

### 2215. RETENTION OF CURRENT MONETARY THRESHOLD FOR REPORTING RAIL EQUIPMENT ACCIDENTS/INCIDENTS DURING CALENDAR YEAR 2003 AND UNTIL FURTHER AMENDED

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 20103

**CFR Citation:** 49 CFR 225

**Legal Deadline:** None

**Abstract:** No comments were received in response to the interim final rule published under RIN 2130-AB57, on 12/30/2002. Subsequently, the interim final rule was completed by the final rule published in RIN 2130-AB65, on 12/20/2005. Therefore, RIN 2130-AB57 is being closed.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/30/02	67 FR 79533
Interim Final Rule Effective	01/01/03	
Merged with RIN 2130-AB65	12/20/05	70 FR 75414

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Roberta Stewart, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 493-6027

**Related RIN:** Related to 2130-AB65

**RIN:** 2130-AB57

### 2216. REVISION OF METHOD FOR CALCULATING MONETARY THRESHOLD FOR REPORTING RAIL EQUIPMENT ACCIDENTS/INCIDENTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 CFR 1.49; 49 USC 103; 49 USC 10901-02; 49 USC 20103; 49 USC 20107; 49 USC 21302; 49 USC 21311; 49 USC 2461, note; 49 USC 322(a)

**CFR Citation:** 49 CFR CFR 225.19

**Legal Deadline:** None

**Abstract:** This rulemaking amended the method for calculating the monetary threshold for reporting rail equipment accidents/incidents, and also established a new rail equipment accident/incident monetary reporting threshold at \$7,700 for calendar year 2006. This rulemaking also completes the interim final rule published in RIN 2130-AB57, on 12/30/2002, to which no comments were received.

**Timetable:**

Action	Date	FR Cite
NPRM	04/19/05	70 FR 20333
NPRM Comment Period End	06/20/05	
Final Rule	12/20/05	70 FR 75414

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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Phone: 202 493-6027

**RIN:** 2130-AB65

### 2217. REFLECTORIZATION OF RAIL FREIGHT ROLLING STOCK

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 20103; 49 USC 20148

**CFR Citation:** 49 CFR 224

**Legal Deadline:** None

**Abstract:** FRA first examined the use of reflectors in the early 1980s. The Federal Railroad Safety Authorization Act of 1994 (Pub. L. 103-440) required FRA to revisit the issue of railcar visibility. FRA conducted an additional study of railcar visibility which determined that technological advances in reflective material have made reflective material a feasible and cost-effective option in enhancing rail safety. FRA's cost-benefit analysis found that reflectors are a cost-effective method of enhancing railcar visibility. A stay of effectiveness was inadvertently issued under the old RIN 2130-AB41 in May 2005.

**Timetable:**

Action	Date	FR Cite
Final Rule	01/03/05	70 FR 144
Stay of Final Rule Effectiveness	05/26/05	70 FR 30378
Response to Final Rule Petitions for Reconsideration	10/28/05	70 FR 62166
Final Rule Effective	11/28/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** A stay of the effective date was published 05/26/05, 70 FR 30378.

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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**RIN:** 2130-AB68

BILLING CODE 4910-06-S

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

Proposed Rule Stage

**2218. • +MAJOR CAPITAL INVESTMENT PROJECTS—NEW/SMALL STARTS**
**Priority:** Other Significant**Legal Authority:** PL 109–59, sec 3011**CFR Citation:** 49 CFR 611**Legal Deadline:** Final, Statutory, April 7, 2006.

**Abstract:** This rulemaking would establish a simplified evaluation process for projects seeking less than \$75 million in New Starts funds. The rule will set out FTA's evaluation and rating process for proposed projects based on the results of project justification and local financial commitment. This action is mandated by SAFETEA-LU.

**Timetable:**

Action	Date	FR Cite
ANPRM	01/30/06	71 FR 4864
ANPRM Comment Period End	03/10/06	
NPRM	09/00/06	

**Regulatory Flexibility Analysis Required:** Yes**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** Local, State**URL For More Information:** dms.dot.gov**URL For Public Comments:** dms.dot.gov

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 Email: scott.biehl@fta.dot.gov

**RIN:** 2132-AA81
**2219. • +METROPOLITAN AND STATEWIDE TRANSPORTATION PLANNING**
**Priority:** Other Significant**Legal Authority:** 49 USC 3005**CFR Citation:** 49 CFR 613; 23 CFR 450**Legal Deadline:** Final, Statutory, February 6, 2006.

**Abstract:** This joint rulemaking with FHWA would set standards for the annual listing of projects for which Federal funds have been obligated in

the preceding year and specify the types of data to be included in the listing, including sufficient information about each project to identify its type, location, and amounts obligated. This rulemaking is mandated by SAFETEA-LU.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/06	

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

**Agency Contact:** Christopher VanWyk, Attorney Advisor, Department of Transportation, Federal Transit Administration, 400 Seventh Street SW., Washington, DC 20590  
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 Email: christopher.vanwyk@fta.dot.gov

**Related RIN:** Related to 2125-AF09**RIN:** 2132-AA82
**2220. • +PROTECTION OF PARKS, WILDLIFE AND WATERFOWL REFUGES, AND HISTORICAL SITES**
**Priority:** Other Significant**Legal Authority:** 23 USC 138; 49 USC 303; PL 109–59, sec 6009**CFR Citation:** 23 CFR 771; 23 CFR 774; 49 CFR 623**Legal Deadline:** Final, Statutory, August 10, 2006.

**Abstract:** This FTA/FHWA joint rulemaking would clarify the factors to be considered and the standards to be applied in determining the prudence and feasibility of alternatives under section 4(f) (138 of title 23, U.S. Code, and section 303 of title 49, U.S. Code). Section 4(f) properties include certain parks, recreation areas, wildlife and waterfowl refuges, and historic sites described in section 4(f) of the Department of Transportation Act of 1966 (Pub.L. 89-670). Section 4(f) generally prohibits the use of such properties for transportation projects unless the Secretary of Transportation finds there is no feasible and prudent alternative and all possible planning to minimize the harm is undertaken.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/06	

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

**Agency Contact:** Christopher VanWyk, Attorney Advisor, Department of Transportation, Federal Transit Administration, 400 Seventh Street SW., Washington, DC 20590  
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**Related RIN:** Related to 2125-AF14**RIN:** 2132-AA83
**2221. • +PUBLIC TRANSPORTATION SECURITY GRANTS—SAFETEA-LU**
**Priority:** Other Significant**Legal Authority:** PL 109–59, sec 3028**CFR Citation:** 6 CFR 35; 49 CFR 650**Legal Deadline:** Final, Statutory, February 6, 2006.

**Abstract:** This rulemaking would establish a security grant program for public transportation systems. The rule will address funding priorities, eligible activities, methods for awarding grants, and limitations on administrative expenses. The grant program will be funded by DHS with DOT providing technical assistance with developing the application and eligibility process.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/06	

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

**Agency Contact:** Bruce Walker, Attorney-Advisor, Department of Transportation, Federal Transit Administration, 400 Seventh Street SW., Washington, DC 20590  
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## DOT—FTA

## Proposed Rule Stage

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RIN: 2132-AA84

**2222. • +CHARTER BUS OPERATIONS**

**Priority:** Other Significant

**Legal Authority:** PL 109-59, sec 5032(d)

**CFR Citation:** 49 CFR 604

**Legal Deadline:** None

**Abstract:** This rulemaking would implement SAFETEA-LU requirements and statements in the Conference Report for SAFETEA-LU that FTA conduct a negotiated rulemaking on: (1) Potential limited conditions under which public transit agencies can provide community-based charter services directly to local governments and private non-profit agencies that would not otherwise be served in a cost-effective manner by private operators; (2) how the administration and enforcement of charter bus provisions can be better communicated to the public, including use of Internet technology; (3) improvement of the enforcement of violations of the charter bus regulations; (4) improvement of the charter complaint and administrative appeals process; (5) a potential new exception for emergency services such as evacuation and training for emergencies; (6) a new process for determining if there are private charter bus companies willing and able to provide service that would utilize electronic notification and response within 72 hours; (7) a new exception for transportation of Government employees, elected officials, and members of the transit industry to examine local transit operations, facilities, and public works; and (8) any other charter service issues the negotiated rulemaking committee decides to explore.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/07	

**Regulatory Flexibility Analysis Required:** Yes

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

**Government Levels Affected:** Local, State

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

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

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RIN: 2132-AA85

**2223. • ENVIRONMENTAL REVIEW OF ACTIVITIES THAT SUPPORT THE DEPLOYMENT OF ITS PROJECTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 109-59, sec 6010

**CFR Citation:** 23 CFR 771

**Legal Deadline:** NPRM, Statutory, August 10, 2006, This rulemaking must be initiated by 08/10/06.

**Abstract:** Pursuant to SAFETEA-LU, this rulemaking would establish categorical exclusions for activities that support the deployment of intelligent transportation infrastructure and systems from the requirement that an environmental assessment or an environmental impact statement be prepared under section 102 of the National Environmental Policy Act of 1969 (NEPA) in compliance with the standards for categorical exclusions established by NEPA.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State

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

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

**Agency Contact:** Christopher VanWyk, Attorney Advisor, Department of Transportation, Federal Transit Administration, 400 Seventh Street SW., Washington, DC 20590  
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RIN: 2132-AA87

**2224. • +EMERGENCY PROCEDURES FOR PUBLIC TRANSPORTATION SYSTEMS**

**Priority:** Other Significant

**Legal Authority:** 49 USC 5334(a)(11)

**CFR Citation:** 49 CFR 601

**Legal Deadline:** None

**Abstract:** This rulemaking would establish a new subpart in 601 of title 49 of the Code of Federal Regulations to address emergency relief procedures for granting relief from FTA regulations in times of national and regional emergencies.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

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

**Agency Contact:** Bonnie Graves, Attorney Advisor, Department of Transportation, Federal Transit Administration, 400 Seventh Street SW., Washington, DC 20590  
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RIN: 2132-AA89

**Department of Transportation (DOT)  
Federal Transit Administration (FTA)**
**Long-Term Actions**
**2225. • DRUG AND ALCOHOL TESTING**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 5331(a)(3)

**CFR Citation:** 49 CFR 655

**Legal Deadline:** None

**Abstract:** This rulemaking would make minor changes to FTA's drug and alcohol testing regulations and eliminates duplicative testing requirements. The proposed rule codifies FTA's interpretative guidance that certain public transportation providers may be in concurrent compliance with the FTA drug and alcohol testing requirements when they comply with the testing requirements of the U.S. Coast Guard.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/07	

**Regulatory Flexibility Analysis Required:** No

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

**Government Levels Affected:** None

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

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

**Agency Contact:** Bruce Walker, Attorney-Advisor, Department of Transportation, Federal Transit Administration, 400 Seventh Street SW., Washington, DC 20590  
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**RIN:** 2132-AA86

**2226. • MEDICAL TRANSPORTATION DEMONSTRATION GRANT PROGRAM**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 109-59, sec 5314(a)(6)

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** This rulemaking would create a demonstration grant program for eligible entities to apply for Federal financial assistance to provide

transportation services to individuals who need transportation to dialysis treatments and other treatments for renal disease.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Organizations

**Government Levels Affected:** None

**Federalism:** Undetermined

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

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

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**RIN:** 2132-AA88

**Department of Transportation (DOT)  
Federal Transit Administration (FTA)**
**Completed Actions**
**2227. ORGANIZATIONS, FUNCTIONS, AND PROCEDURES (COMPLETION OF A SECTION 610 REVIEW)**

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

**Legal Authority:** 49 USC 5307(d); 5308(b); 23 USC 134, 135, 142; 29 USC 794; 49 CFR 1.51

**CFR Citation:** 49 CFR 601

**Legal Deadline:** None

**Abstract:** The Federal Transit Administration (FTA) is amending part 601 of its regulations. This part describes the organization as an operating administration within the Department of Transportation and the general responsibilities and authority of the officials directing the various offices of which FTA is composed. Additionally, this part describes the sources and locations of available program information. The final rule reflects changes made necessary by the Agency's various office realignments and reassignments, among other things.

**Timetable:**

Action	Date	FR Cite
Final Action	11/04/05	70 FR 67318
Final Action Effective	11/04/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

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

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**RIN:** 2132-AA79

**2228. • BUY AMERICA REQUIREMENTS FROM SAFETEA-LU**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 109-59, sec 3023(i) and (k)

**CFR Citation:** 49 CFR 661

**Legal Deadline:** Final, Statutory, February 6, 2006.

**Abstract:** This rulemaking would clarify the Buy America requirements with respect to microprocessor waivers, remove two general waiver categories, allow for post-award waivers, require greater detail for public interest waivers, and clarify that final decisions by FTA are subject to judicial review. In addition, the rule would clarify the definitions of end product, negotiated agreement, and contractor, and provide a list representative of those items and addressing the procurement of systems under those definitions to ensure that major system procurements are not used to circumvent the Buy America requirements. Finally, the rule would make a minor clarification to pre-award and post-delivery review of rolling

## DOT—FTA

## Completed Actions

stock purchases. These actions are mandated by SAFETEA-LU.

**Timetable:**

Action	Date	FR Cite
NPRM	11/28/05	70 FR 71246
NPRM Comment Period End	01/27/06	
Final Action	03/21/06	71 FR 14112
Final Action Effective	03/21/06	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** FTA will establish a new RIN in March 2006 to address outstanding issues relating to Buy America.

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

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

**Agency Contact:** Joseph Pixley, Attorney Advisor, Department of Transportation, Federal Transit Administration, 400 Seventh Street SW., Washington, DC 20590  
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**RIN:** 2132-AA80  
**BILLING CODE 4910-57-S**

## Department of Transportation (DOT)

## Completed Actions

## Saint Lawrence Seaway Development Corporation (SLSDC)

**2229. • SEAWAY REGULATIONS AND RULES: PERIODIC UPDATE, VARIOUS CATEGORIES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 983(a) 33 USC 984(a)(4)

**CFR Citation:** 49 CFR 1.5

**Legal Deadline:** None

**Abstract:** The Saint Lawrence Seaway Development Corporation (SLSDC) and the St. Lawrence Seaway Management Corporation (SLSMC) of Canada, under international agreement, jointly publish and presently administer the St. Lawrence Seaway Regulations and Rules (Practices and Procedures in Canada) in their respective

jurisdictions. These proposed changes are necessary to take account of updated procedures and/or technology and will enhance the safety of transits through the Seaway. Several of the proposed amendments are merely editorial or for clarification of existing requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	12/21/05	70 FR 75769
NPRM Comment Period End	01/20/06	
Final Action	02/02/06	71 FR 5605
Final Action Effective	03/06/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

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

**Agency Contact:** Craig H. Middlebrook, Deputy Administrator, Department of Transportation, Saint Lawrence Seaway Development Corporation, 400 7th Street SW., Washington, DC 20590  
Phone: 202 366-0091  
Fax: 202 366-7147  
Email: craig.middlebrook@sls.dot.gov

**RIN:** 2135-AA22  
**BILLING CODE 4910-61-S**

## Department of Transportation (DOT)

## Prerule Stage

## Pipeline and Hazardous Materials Safety Administration (PHMSA)

**2230. +HAZARDOUS MATERIALS: REQUIREMENTS FOR STORAGE OF EXPLOSIVES DURING TRANSPORTATION**

**Priority:** Other Significant

**Legal Authority:** 49 USC 5101 to 5127

**CFR Citation:** 49 CFR 171; 49 CFR 173 and 174; 49 CFR 176 and 177

**Legal Deadline:** None

**Abstract:** This rulemaking would address the current safety and security

risks associated with the storage of explosives during transportation.

**Timetable:**

Action	Date	FR Cite
ANPRM	01/00/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** HM-238

**URL For More Information:**

dms.dot.gov

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

**Agency Contact:** Ben Supko, Transportation Regulations Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
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**RIN:** 2137-AE06

## Department of Transportation (DOT)

## Proposed Rule Stage

## Pipeline and Hazardous Materials Safety Administration (PHMSA)

**2231. HAZARDOUS MATERIALS: MISCELLANEOUS PACKAGING AMENDMENTS**

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

**Legal Authority:** 49 USC 5101 to 5127

**CFR Citation:** 49 CFR 171 to 173; 49 CFR 178

**Legal Deadline:** None

**Abstract:** This rulemaking would propose to add provisions for Large Packagings and revise the specification requirements for non-bulk packagings and portable tanks to address issues raised through enforcement actions and requests for clarification of the regulations by packaging manufacturers, third-party labs, and shippers. The proposals will address packaging closures, design modifications that may or may not require recertification.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/06	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

**Additional Information:** Docket HM-231.

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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**RIN:** 2137-AD89

**2232. +PIPELINE SAFETY: PROTECTING HIGH CONSEQUENCE AREAS FROM RURAL PETROLEUM GATHERING LINES AND LOW STRESS LINES**

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

**Legal Authority:** 49 USC 60101 to 60125

**CFR Citation:** 49 CFR 195

**Legal Deadline:** NPRM, Statutory, October 24, 1995, Mandated by Pipeline Safety statute of 1992.

**Abstract:** This Rulemaking would establish limited safety rules for certain rural petroleum gathering lines that could affect high consequence areas, including populated areas, navigable waterways, and areas unusually sensitive to pipeline spills. Because rural petroleum gathering lines and low stress lines are now exempt from all pipeline safety rules, except in Gulf of Mexico inlets, the rulemaking would improve public confidence in the safety of these pipelines.

**Timetable:**

Action	Date	FR Cite
Public Meeting	12/13/05	70 FR 61690
NPRM	11/00/06	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

**Additional Information:** Docket No. RSPA-03-15864

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Dewitt Burdeaux, Pipeline Security Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
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Email: dewitt.burdeaux@dot.gov

**RIN:** 2137-AD98

**2233. +HAZARDOUS MATERIALS: ENHANCING RAIL TRANSPORTATION SAFETY AND SECURITY FOR HAZARDOUS MATERIALS SHIPMENTS**

**Priority:** Other Significant

**Legal Authority:** 49 USC 5101 to 5127

**CFR Citation:** 49 CFR 172 to 174; 49 CFR 179

**Legal Deadline:** None

**Abstract:** The Pipeline and Hazardous Materials Safety Administration (PHMSA), in consultation with the Federal Railroad Administration (FRA) would revise the current requirements in the Hazardous Materials Regulations applicable to the safe and secure transportation of hazardous materials transported in commerce by rail.

Specifically, we would require rail carriers to compile annual data on certain shipments of hazardous materials, use the data to analyze safety and security risks along rail transportation routes where those materials are transported, assess alternative routing options, and make routing decisions based on those assessments. We would also clarify the current security plan requirements to address en route storage and delays in transit.

**Timetable:**

Action	Date	FR Cite
Request for Comments	08/10/04	69 FR 50987
Comment Period End	10/18/04	
NPRM	05/00/06	
Final Rule	05/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** HM Docket: HM-232E; RSPA-2004-18730

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Susan Gorsky, Senior Regulations Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
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**RIN:** 2137-AE02

**2234. INTEGRITY MANAGEMENT: PROGRAM MODIFICATIONS AND CLARIFICATIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 5103, 60102, 60104, 60108 to 60110, 60113, and 60118

**CFR Citation:** 49 CFR 192; 49 CFR 195

**Legal Deadline:** None

**Abstract:** This document seeks comments on proposed regulations for pipeline integrity management in high consequence areas. The proposal would allow more flexibility in the reassessment interval for hazardous liquid pipeline, and would require both hazardous liquid and natural gas operators to notify PHMSA whenever

## DOT—PHMSA

## Proposed Rule Stage

they reduce pressure in the pipeline to mitigate a defect and to provide the reason for the pressure reduction.

**Timetable:**

Action	Date	FR Cite
NPRM	12/15/05	70 FR 74265
Written comments on the proposed regulatory changes	02/13/06	
Written engineering analysis and technical data	04/14/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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**RIN:** 2137-AE07

**2235. HAZARDOUS MATERIALS; MISCELLANEOUS AMENDMENTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 5101 to 5127

**CFR Citation:** 49 CFR 171 to 190

**Legal Deadline:** None

**Abstract:** This is a non-significant rulemaking that proposes to make miscellaneous amendments to the Hazardous Materials Regulations (HMR) based on petitions for rulemaking and PHMSA initiative. The NPRM proposes to update, clarify, and provide relief from various HMR requirements and is designed primarily to reduce regulatory burdens on industry. The most significant amendments to the HMR in this NPRM include: (1) Updating the list of materials incorporated by reference; (2) amending the Hazardous Materials Table to remove, add, and revise certain proper shipping names; (3) adding a new definition for "Household Waste;" and (4) authorizing the use of alternative angle valves on cargo tanks that transport chlorine. The NPRM also proposes a number of minor clarifications and updates.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Docket No. HM-218D

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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**RIN:** 2137-AE10

**2236. • REGISTRATION AND FEE ASSESSMENT PROGRAM**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 5101 et seq, as amended by title VII of PL 109-59; 199 Stat 594

**CFR Citation:** 49 CFR 107

**Legal Deadline:** None

**Abstract:** This rulemaking would increase the registration fee for persons who do not meet the U.S. Small Business Administration criteria for defining a small business to \$2,975 (plus a \$25 administrative fee). This increase is necessary to comply with section 7125 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act—a Legacy for Users (SAFETEA-LU, enacted August 10, 2005, as Pub. L. 109-59), which requires PHMSA to fund the national Hazardous Materials Emergency Preparedness (HMEP) grants program at approximately \$28,000,000.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** HM-208

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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**RIN:** 2137-AE11

**2237. • +HAZARDOUS MATERIALS: ENFORCEMENT REGULATIONS**

**Priority:** Other Significant

**Legal Authority:** 49 USC 5103, 5121(e)

**CFR Citation:** 49 CFR 107

**Legal Deadline:** Final, Statutory, October 11, 2005, Temporary Rule. Final, Statutory, August 10, 2006.

**Abstract:** Pursuant to a mandate in SAFETEA-LU (section 7118 of Pub. L. 109-59), this rulemaking would establish procedural regulations to implement authority provided to DOT to open packages believed to contain hazardous materials, remove such packages from transportation, gather information, order the package transported to a facility for examination and analysis, obtain assistance from qualified persons, and issue emergency restrictions, prohibitions, recalls, or out-of-service orders to abate an imminent hazard.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Jackie K. Cho, Attorney, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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**RIN:** 2137-AE13



## DOT—PHMSA

## Proposed Rule Stage

**2238. • PIPELINE SAFETY:  
DISTRIBUTION INTEGRITY  
MANAGEMENT****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 5103, 60102, 60104, 60108 to 60110, 60113, 60118, and 49 CFR 1.53.**CFR Citation:** 49 CFR 192**Legal Deadline:** None**Abstract:** This rulemaking would amend the pipeline safety regulations to require integrity management programs appropriate for distribution pipeline operators.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/06	

**Regulatory Flexibility Analysis  
Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** This proposal is not significant under Executive Order 12866 and is non-significant within the meaning of the DOT's Regulatory Policies and Procedures. The proposal does not impose an economic impact of \$100 million or more or have any

adverse effects on other agencies or the States.

**URL For More Information:**  
dms.dot.gov**URL For Public Comments:**  
dms.dot.gov**Agency Contact:** Florence Hamn, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 400 7th Street SW., Washington, DC 20590  
Phone: 202 366-4595  
Email: florence.hamn@dot.gov**RIN:** 2137-AE15

## Department of Transportation (DOT)

## Final Rule Stage

## Pipeline and Hazardous Materials Safety Administration (PHMSA)

**2239. HAZARDOUS MATERIALS:  
REVISION OF REQUIREMENTS FOR  
CARRIAGE BY AIRCRAFT****Priority:** Substantive, Nonsignificant**Legal Authority:** 48 USC 5101 to 5127**CFR Citation:** 49 CFR 175**Legal Deadline:** None**Abstract:** This rulemaking would revise part 175 in order to simplify and clarify the requirements, further align them with the international requirements (ICAO) and eliminate obsolete requirements. The rule would clarify the applicability of part 175 (Carriage by Aircraft), excepts cargo aircraft from certain quantity limitations, separates the exceptions in section 175.10 into three sections based on applicability, provides new separation distances for shipping radioactive materials by cargo aircraft, converts certain exemptions into the regulations, responds to petitions for rulemaking, makes revisions to more clearly conform to international standards, and rewrites part 175 for easier understanding.**Timetable:**

Action	Date	FR Cite
ANPRM	02/26/02	67 FR 8769
ANPRM; Extension of Comment Period	05/13/02	67 FR 32002
ANPRM Comment Period End	05/31/02	
ANPRM; Extension Comment Period End	09/30/02	
NPRM	11/10/04	69 FR 65283
Comment Period Extended	01/21/05	70 FR 3179

Action	Date	FR Cite
NPRM Comment Period End	01/21/05	
Comment Period End	03/18/05	
NPRM Comment Period End	03/18/05	
Final Rule	04/00/06	

**Regulatory Flexibility Analysis  
Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:** None**Additional Information:** Docket No. HM-228; RSPA-02-11654.**URL For More Information:**  
dms.dot.gov**URL For Public Comments:**  
dms.dot.gov**Agency Contact:** Deborah Boothe, Transportation Regulations Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-8553  
Email: deborah.boothe@dot.gov**RIN:** 2137-AD18**2240. +HAZARDOUS MATERIALS:  
TRANSPORTATION OF OXYGEN  
CYLINDERS AND OXYGEN  
GENERATORS ABOARD AIRCRAFT****Priority:** Other Significant**Legal Authority:** 49 USC 5101 to 5127**CFR Citation:** 49 CFR 172; 49 CFR 175**Legal Deadline:** None**Abstract:** This rulemaking would require oxygen cylinders and oxygen generators, when transported aboard aircraft, to be packed in an outer packaging that meets prescribed thermal and heat resistance requirements. These requirements would increase the level of safety associated with transportation of oxidizing gases by air. This rule has no impact on the use of passenger-owned oxygen cylinders. This rule is significant due to public interest.**Timetable:**

Action	Date	FR Cite
NPRM	06/06/04	69 FR 25470
NPRM Comment Period Extended	08/04/04	69 FR 47074
NPRM Comment Period End	08/13/04	
Extended Comment Period End	12/13/04	
Final Action	10/00/06	

**Regulatory Flexibility Analysis  
Required:** No**Small Entities Affected:** No**Government Levels Affected:**  
Undetermined**Additional Information:** HM Docket: HM-224B, RSPA-04-17664. A separate rulemaking addressing the use of passenger-owned cylinders of oxygen during a flight is under RIN 2105-AC29. Previously titled Hazardous Materials Safety: Transportation of Oxygen Cylinders on Aircraft.**URL For More Information:**  
dms.dot.gov**URL For Public Comments:**

DOT—PHMSA

Final Rule Stage

dms.dot.gov

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**RIN:** 2137-AD33

**2241. +HAZARDOUS MATERIALS: SAFETY REQUIREMENTS FOR EXTERNAL PRODUCT PIPING ON CARGO TANKS TRANSPORTING FLAMMABLE LIQUIDS**

**Priority:** Other Significant**Legal Authority:** 49 USC 5101 to 5127**CFR Citation:** 49 CFR 173; 49 CFR 180**Legal Deadline:** None

**Abstract:** This rulemaking would address requirements to reduce the risks associated with the retention of flammable liquid in unprotected product piping on a cargo tank motor vehicle during transportation (wetlines). It responds to an NTSB recommendation. It is significant because of industry concerns about its cost implications.

**Timetable:**

Action	Date	FR Cite
ANPRM	02/10/03	68 FR 6689
ANPRM Comment Period End	06/10/03	
NPRM	12/30/04	69 FR 78375
Comment Period Extended	02/10/05	70 FR 7072
NPRM Comment Period End	04/28/05	
Final Rule	02/00/07	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** HM Docket: HM-213B; RSPA-99-6223.**URL For More Information:** dms.dot.gov**URL For Public Comments:** dms.dot.gov

**Agency Contact:** Michael Stevens, Transportation Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
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**RIN:** 2137-AD36

**2242. +HAZARDOUS MATERIALS; TRANSPORTATION OF LITHIUM BATTERIES**

**Priority:** Other Significant**Legal Authority:** 49 USC 5101 to 5127**CFR Citation:** 49 CFR 172 to 175**Legal Deadline:** None

**Abstract:** This rulemaking would revise requirements applicable to lithium batteries for consistency with international requirements. This rulemaking also responds to NTSB recommendations. After reviewing comments received, PHMSA prepared and published for public comment an Initial Regulatory Flexibility Analysis (IRFA) in order to determine the impact of its proposal on small entities.

**Timetable:**

Action	Date	FR Cite
NPRM	04/02/02	67 FR 15510
NPRM Comment Period End	06/14/02	
Initial Regulatory Flexibility Analysis	06/15/05	70 FR 34729
Final Rule	08/00/06	

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** HM Docket: HM-224C; RSPA-02-11989**URL For More Information:** dms.dot.gov**URL For Public Comments:** dms.dot.gov

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**RIN:** 2137-AD48

**2243. PIPELINE SAFETY: ANNUAL UPDATE OF STANDARDS INCORPORATED BY REFERENCE**

**Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 5103, 60102 to 60104, 60108 to 60110, 60113, and 60118**CFR Citation:** 49 CFR 191; 49 CFR 193; 49 CFR 195**Legal Deadline:** None

**Abstract:** This rulemaking would incorporate by reference more than 70 voluntary consensus technical standards in the Federal gas pipeline, hazardous liquid pipeline, and liquefied natural gas (LNG) safety regulations. The Pipeline and Hazardous Materials Safety Administration would incorporate updated standards early in each calendar year.

**Timetable:**

Action	Date	FR Cite
NPRM	07/18/05	70 FR 41174
NPRM Comment Period End	09/16/05	
Final Rule	04/00/06	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Docket No. RSPA-02-11457.**URL For More Information:** dms.dot.gov**URL For Public Comments:** dms.dot.gov

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**RIN:** 2137-AD68

**2244. HAZARDOUS MATERIALS REGULATIONS: ALUMINUM CYLINDERS—REVISED REQUALIFICATION AND USE CRITERIA FOR THE DOT 3 AL CYLINDER MADE OF ALUMINUM ALLOY 6351-TG**

**Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 5101 to 5127**CFR Citation:** 49 CFR 173**Legal Deadline:** None

**Abstract:** This rulemaking initiative would minimize personal injury during the filling process and adopt a standard for early detection of sustained load cracking in order to control the risk of the cylinder rupturing.

## DOT—PHMSA

## Final Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	09/10/03	68 FR 53314
NPRM Comment Period End	11/10/03	
Supplemental NPRM	10/26/05	70 FR 61762
Supplemental NPRM Comment Period End	12/27/05	
Final Rule	07/00/06	

**Regulatory Flexibility Analysis  
Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Docket No. HM-220F; RSPA-03-14405**URL For More Information:** dms.dot.gov**URL For Public Comments:** dms.dot.gov

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**RIN:** 2137-AD78**2245. HAZARDOUS MATERIALS:  
REQUIREMENTS FOR UN STANDARD  
CYLINDERS (RULEMAKING  
RESULTING FROM A SECTION 610  
REVIEW)****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 49 USC 5101 to 5127**CFR Citation:** 49 CFR 107; 49 CFR 173; 49 CFR 178; 49 CFR 180**Legal Deadline:** None

**Abstract:** This rulemaking action would amend the Hazardous Materials Regulations (HMR) to adopt standards for the design, construction, maintenance, and use of cylinders and multiple-element gas containers (MEGCs) based on the standards contained in the United Nations (UN) Recommendations on the Transportation of Dangerous Goods. The intended effect of this rule is to offer greater flexibility for the design and manufacture of pressure receptacles, offer a wider selection of pressure receptacles, reduce the need for exemptions, and facilitate the

internal transportation of compressed gases in commerce.

**Timetable:**

Action	Date	FR Cite
NPRM	03/09/05	70 FR 11767
NPRM Comment Period Extended	06/23/05	70 FR 36365
Final Rule	05/00/06	

**Regulatory Flexibility Analysis  
Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** HM-220E**URL For More Information:** dms.dot.gov**URL For Public Comments:** dms.dot.gov

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**RIN:** 2137-AD91**2246. +HAZARDOUS MATERIALS:  
INFECTIOUS SUBSTANCES;  
HARMONIZATION WITH THE UNITED  
NATIONS****Priority:** Other Significant**Legal Authority:** 49 USC 5101 et seq**CFR Citation:** 49 CFR 171 to 173; 49 CFR 178**Legal Deadline:** None

**Abstract:** This rulemaking would amend the Hazardous Materials Regulations (HMR) to harmonize the current requirements for the Transport of Dangerous Goods with UN standards which revised the classification criteria for infectious substances, based on risk evaluations conducted by the World Health Organization and U.S. Centers for Disease Control and Prevention. It would also relax transportation requirements for certain infectious substances based on the level of risk associated with their transportation.

**Timetable:**

Action	Date	FR Cite
NPRM	05/19/05	70 FR 29169
NPRM Comment Period End	07/18/05	
Final Rule	06/00/06	

**Regulatory Flexibility Analysis  
Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** RSPA-2004-16895 HM-226A**URL For More Information:** dms.dot.gov**URL For Public Comments:** dms.dot.gov

**Agency Contact:** Susan Gorsky, Senior Regulations Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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**RIN:** 2137-AD93**2247. +PROHIBITION ON THE  
TRANSPORTATION OF PRIMARY  
LITHIUM BATTERIES ABOARD  
PASSENGER AIRCRAFT****Priority:** Other Significant**Legal Authority:** 49 USC 5101 to 5127**CFR Citation:** 49 CFR 171 to 173; 49 CFR 175**Legal Deadline:** None

**Abstract:** This rulemaking would prohibit the offering for transportation and transportation of primary lithium batteries and cells as cargo aboard passenger-carrying aircraft. The rule would apply to both foreign and domestic passenger-carrying aircraft entering, leaving, or operating in the United States. In addition, the rule would amend the Hazardous Materials Regulations to require that, when offered for transport in other modes, shipments of primary lithium batteries and cells must be marked to indicate that they are forbidden from transport aboard passenger-carrying aircraft.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/15/04	69 FR 75208
Interim Final Rule Comment Period End	02/14/05	
Final Rule	07/00/06	

**Regulatory Flexibility Analysis  
Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** RSPA-04-19886; HM-224E

DOT—PHMSA

Final Rule Stage

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** John A. Gale, Transportation Regulations Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
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**RIN:** 2137-AE05

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**2248. PIPELINE SAFETY: DESIGN AND CONSTRUCTION REQUIREMENTS TO REDUCE INTERNAL CORROSION IN GAS TRANSMISSION PIPELINES**
**Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 60102**CFR Citation:** 49 CFR 192**Legal Deadline:** None

**Abstract:** This rulemaking would require that new and replaced pipelines be designed and constructed in a manner that reduces the risk of internal corrosion. This rulemaking addresses an NTSB Recommendation.

**Timetable:**

Action	Date	FR Cite
NPRM	12/15/05	70 FR 74265
NPRM Comment Period End	02/13/06	
Final Rule	07/00/06	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Florence Hamn, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 400 7th Street SW., Washington, DC 20590  
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**RIN:** 2137-AE09
**2249. • INCORPORATION OF STATUTORILY MANDATED REVISIONS TO THE HAZARDOUS MATERIALS REGULATIONS**
**Priority:** Substantive, Nonsignificant**Legal Authority:** 59 USC 5101 et seq, as amended by title VII of PL 109-59; 119 Stat 594**CFR Citation:** 49 CFR 107; 49 CFR 171 to 180**Legal Deadline:** None

**Abstract:** The Hazardous Materials Safety and Security Reauthorization Act of 2005 (title VII of Pub. L. 109-59; 119 Stat. 594) mandates a number of changes to the Hazardous Materials Regulations that are effective immediately. This rulemaking would amend the HMR to incorporate the mandated changes, including: (1) Revisions to the definitions of “hazmat employee” and “hazmat employer,” including the addition of railroad maintenance of way employees and signalmen into the definition of “hazmat employee;” (2) modifications to the shipping paper retention requirements to require carriers to retain shipping papers for 2 years rather than the current 1-year retention period; (3) changing references to “exemption” to “special permit” and revising the period for which a special permit is granted from 2 to 4 years; and (4) revisions to security plan regulations to except farmers with gross annual receipts under \$500,000 from the requirement to develop and implement security plans. The Agency does not have discretion in making these changes to the Hazardous Materials Regulations; therefore, notice and comment are not necessary.

The specific statutory citations for the revisions are sections 7102, 7108, 7110, 7115, and 7129 of Public Law 109-59.

**Timetable:**

Action	Date	FR Cite
Final Rule	11/00/06	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** HM-240**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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**RIN:** 2137-AE12

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**2250. • HAZARDOUS MATERIALS: INCREASE IN CIVIL AND CRIMINAL PENALTIES**
**Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 5101 et seq, as amended by PL 109-59, 119 Stat 594**CFR Citation:** 49 CFR 107; 49 CFR 171**Legal Deadline:** None

**Abstract:** In accordance with changes to the civil and criminal penalty provisions in sections 7120 and 7121 of SAFETEA-LU (Pub. L. 109-59), this rulemaking revises the minimum and maximum civil and criminal penalties that may be imposed for violations of Federal hazardous materials transportation law (49 U.S.C. 5101 et seq., as amended by Pub. L. 109-59, 119 Stat. 594) or the regulations issued thereunder.

**Timetable:**

Action	Date	FR Cite
Final Rule	04/00/06	

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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**RIN:** 2137-AE14

## Department of Transportation (DOT)

## Long-Term Actions

## Pipeline and Hazardous Materials Safety Administration (PHMSA)

**2251. HAZARDOUS MATERIALS: SECURITY REQUIREMENTS FOR MOTOR CARRIERS TRANSPORTING HAZARDOUS MATERIALS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 5101 et seq; 49 USC 322; ...**CFR Citation:** 49 CFR 397**Legal Deadline:** None

**Abstract:** This rulemaking will address the need for enhanced security requirements for motor carrier transportation of hazardous materials. We asked for comments on the feasibility of specific security enhancements and the potential costs and benefits of deploying such enhancements.

**Timetable:**

Action	Date	FR Cite
ANPRM	07/16/02	67 FR 46622
ANPRM Comment Period End	10/15/02	

Next Action Undetermined

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Undetermined**Federalism:** Undetermined**Additional Information:** Docket No. HM-232A; FMCSA-02-11650. The Federal Motor Carrier Safety

Administration is closing this rulemaking action under RIN 2136-AA71. Any further rulemaking will be addressed under PHMSA RIN 2137-AD70.

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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**Related RIN:** Split from 2126-AA71**RIN:** 2137-AD70**2252. HAZARDOUS MATERIALS: REVISION OF REQUIREMENTS FOR AUTHORIZATION OF USE OF INTERNATIONAL STANDARDS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 CFR 5101 to 5127**CFR Citation:** 49 CFR 171 to 172**Legal Deadline:** None

**Abstract:** This rulemaking would revise the 49 CFR by consolidating and revising the requirements authorizing the use of international standards. The NPRM would provide for easier

understanding of the restrictions and limitations of the authorization to use international standards and insure that an acceptable level of safety is maintained when transporting hazardous materials in accordance with the authorized international standards.

**Timetable:**

Action	Date	FR Cite
NPRM	01/27/06	71 FR 4544
NPRM Comment Period End	03/28/06	
Next Action Undetermined	To Be Determined	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** HM Docket: HM-215**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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**RIN:** 2137-AE01

## Department of Transportation (DOT)

## Completed Actions

## Pipeline and Hazardous Materials Safety Administration (PHMSA)

**2253. GAS GATHERING LINE DEFINITION AND SAFETY RULES****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 60101 to 60125**CFR Citation:** 49 CFR 192**Legal Deadline:** Final, Statutory, October 24, 1994.

**Abstract:** The rulemaking would define "onshore gas gathering line" to eliminate confusion in distinguishing these pipelines from production facilities and transmission lines. Also, it would establish tiered safety rules for higher-risk onshore gas gathering lines in rural areas, and relax current rules on low-risk onshore gas gathering lines. There would be a net cost savings since the definition would be based on

industry practices and the overall regulatory burden would be less.

**Timetable:**

Action	Date	FR Cite
NPRM	09/25/91	56 FR 48505
Request for Comments	03/11/99	64 FR 12147
Request for Comments Period End	04/28/99	
NPRM Comment Period Extended	04/30/99	64 FR 23256
Comment Period End	07/07/99	
Supplemental NPRM	10/03/05	70 FR 57536
Supplemental NPRM Comment Period End	01/03/06	
Final Action	03/15/06	71 FR 13289

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** Docket No. RSPA-98-4868 (Formerly PS-122).

ANALYSIS: Regulatory Evaluation, 09/25/91, 56 FR 48505

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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**RIN:** 2137-AB15

## DOT—PHMSA

## Completed Actions

**2254. +SAFEGUARDING FOOD FROM CONTAMINATION DURING TRANSPORTATION****Priority:** Other Significant**Legal Authority:** 49 USC 5701 to 5714**CFR Citation:** 49 CFR 1**Legal Deadline:** Final, Statutory, August 1, 1991.

**Abstract:** This rulemaking would have addressed a statutory mandate under the Sanitary Food Transportation Act of 1990 (SFTA) by requiring persons who transport or offer for transport food or food products in commerce to comply with applicable United States Department of Agriculture (USDA) and Food and Drug Administration (FDA) regulations. SAFETEA-LU (enacted August 10, 2005, as Pub.L. 109-59) transfers SFTA regulatory authority to Health and Human Services.

**Timetable:**

Action	Date	FR Cite
ANPRM	02/20/91	56 FR 6934
ANPRM Comment Period Extended to 04/29/1991	03/21/91	56 FR 11982
NPRM	05/21/93	58 FR 29698
NPRM Comment Period End	10/18/93	
Supplemental NPRM	12/21/04	69 FR 76423
Supplemental NPRM Comment Period End	01/20/05	
Withdrawn	12/23/05	70 FR 76228

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:** None**Additional Information:** ANALYSIS: Regulatory Evaluation, 05/21/93, 58 FR 29698, RSPA-91-13289; FS-1**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Helen L. Engrum, Transportation Regulations Specialist, Department of Transportation, Pipeline and Hazardous Materials SafetyAdministration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-8553  
Email: helen.engrum@dot.gov**RIN:** 2137-AC00**2255. +HAZARDOUS MATERIALS: REQUIREMENTS FOR LIGHTERS AND LIGHTER REFILLS****Priority:** Other Significant. Major under 5 USC 801.**Legal Authority:** 49 USC 5101 to 5127**CFR Citation:** 49 CFR 171 to 173; 49 CFR 175**Legal Deadline:** None

**Abstract:** This rulemaking would make substantial amendments to requirements in hazardous materials regulations for the approval, examination, testing, and transportation of lighters and lighter refills. The changes address current manufacturing or transportation conditions.

**Timetable:**

Action	Date	FR Cite
NPRM	08/16/04	69 FR 50975
NPRM Comment Period End	11/15/04	
Final Rule	01/23/06	71 FR 3418

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** Docket HM-237. RSPA-2004-18795**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Michael Stevens, Transportation Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-8553  
Email: michael.stevens@dot.gov**RIN:** 2137-AD88**2256. PIPELINE SAFETY: CRITERIA FOR DIRECT ASSESSMENT OF GAS AND HAZARDOUS LIQUID PIPELINES****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 60101**CFR Citation:** 49 CFR 195**Legal Deadline:** None

**Abstract:** This rulemaking would require pipeline operators to follow certain standards when they use direct assessment to evaluate the effects of corrosion on buried onshore gas and hazardous liquid pipelines. The standards, which are already in effect for gas transmission lines in high-consequence areas, involve processes of data collection, indirect inspection, direct examination, and evaluation. Congress has directed DOT to prescribe standards for inspection of pipelines by direct assessment. The proposed regulations should advance the use of direct assessment as a method of managing the impact of corrosion on buried onshore pipelines.

**Timetable:**

Action	Date	FR Cite
NPRM	10/21/04	69 FR 61771
NPRM Comment Period End	12/06/04	
Final Rule	10/25/05	70 FR 61571

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Docket No. RSPA-04-16855**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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Phone: 405 954-7220  
Email: dewitt.burdeaux@dot.gov**RIN:** 2137-AD97**BILLING CODE** 4910-60-S

**Department of Transportation (DOT)**  
**Maritime Administration (MARAD)**

Proposed Rule Stage

**2257. • MAINTENANCE AND REPAIR REIMBURSEMENT PILOT PROGRAM**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 46 app USC 1114(b); PL 109-163; 49 CFR 1.66

**CFR Citation:** 46 CFR 296

**Legal Deadline:** NPRM, Statutory, February 6, 2006, Section 3503 of PL 109-163 directs MARAD to publish an NPRM within 30 days of the date of enactment (i.e., within 30 days of 01/06/06).

**Abstract:** This proposed rule will amend the Maritime Administration's (MARAD's) regulations governing its pilot program for the reimbursement of costs of qualified maintenance and

repair (M&R) of Maritime Security Program (MSP) vessels performed in U.S. shipyards. Under section 3503 of Public Law 109-163, the Secretary of Transportation, acting through the Maritime Administrator, is directed to implement regulations that, among other things, replace MARAD's voluntary M&R reimbursement program with a mandatory system.

**Timetable:**

Action	Date	FR Cite
NPRM	02/08/06	71 FR 6438
NPRM Comment Period End	04/10/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

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

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**RIN:** 2133-AB68

**Department of Transportation (DOT)**  
**Maritime Administration (MARAD)**

Final Rule Stage

**2258. LAUNCH BARGE WAIVER PROGRAM**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 CFR 1.66; PL 108-293, 118 Stat 1028; 46 app. USC 1114(b)

**CFR Citation:** 46 CFR 389 (NEW)

**Legal Deadline:** None

**Abstract:** This rulemaking will establish regulations governing administrative determinations of availability of coastwise-qualified launch barges to be used in the transportation and launching of offshore oil drilling or production platform jackets in specified projects. This rulemaking implements provisions of the Coast Guard and Maritime Transportation Act of 2004, which,

among other things, requires the Secretary of Transportation (acting through the Maritime Administrator) to adopt procedures to determine if coastwise-qualified vessels are available for platform jacket transport and launching, and, if not, to allow the use non-coastwise qualified foreign built vessels.

**Timetable:**

Action	Date	FR Cite
NPRM	08/15/05	70 FR 47771
NPRM Comment Period End	10/14/05	
NPRM Comment Period Reopened	10/19/05	70 FR 60770
NPRM Comment Period End	12/13/05	
Final Rule	05/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

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

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**RIN:** 2133-AB67

**Department of Transportation (DOT)**  
**Maritime Administration (MARAD)**

Completed Actions

**2259. APPLICATION FEE FOR ADMINISTRATIVE WAIVERS OF THE COASTWISE TRADE LAWS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 46 app USC 1114(b); 49 USC 322; 46 USC 12106 note; PL 105-383; 49 CFR 1.66(c)

**CFR Citation:** 46 CFR 388

**Legal Deadline:** None

**Abstract:** This rulemaking will increase the application fee for administrative waiver of the coastwise trade laws from

\$300 to \$500. The increased application fee will more closely align the application fee with the actual cost of processing each waiver application.

**Timetable:**

Action	Date	FR Cite
NPRM	05/12/05	70 FR 25010
NPRM Comment Period End	06/13/05	
Final Rule	11/03/05	70 FR 66796
Final Rule Effective	12/05/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

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

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## DOT—MARAD

## Completed Actions

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**RIN:** 2133-AB50  
**BILLING CODE 4910-81-S**

**Department of Transportation (DOT)**  
**Bureau of Transportation Statistics (BTS)**

## Proposed Rule Stage

**2260. • SUBMISSION OF AVIATION  
DATA VIA THE INTERNET**

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

**Legal Authority:** 49 USC 329(b)

**CFR Citation:** 14 CFR 217; 14 CFR 234;  
14 CFR 241; 14 CFR 250; 14 CFR 291;  
14 CFR 298; 14 CFR 374a

**Legal Deadline:** None

**Abstract:** The Bureau of Transportation  
Statistics, Research and Innovative  
Technology Administration, proposes  
that U.S. and foreign air carriers submit  
their required recurrent financial,

traffic, operational, and consumer  
reports via the Internet. The proposed  
action would enhance security of the  
data, reduce air carriers' mailing costs,  
eliminate the need for the Bureau to  
keypunch hardcopy data, and provide  
submitters immediate notification and  
a receipt that their data has been  
received by the Bureau.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/06	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

**Public Compliance Cost:** ; Base Year  
for Dollar Estimates: 2005

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

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

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**RIN:** 2139-AA11

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**BILLING CODE 4910-62-S**