



Federal Register

**Monday,
May 5, 2008**

Part X

**Department of
Transportation**

Semiannual Regulatory Agenda

DEPARTMENT OF TRANSPORTATION (DOT)

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Chs. I-III

23 CFR Chs. I-III

33 CFR Chs. I and IV

46 CFR Chs. I-III

48 CFR Ch. 12

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

OST Docket 99-5129

Department Regulatory Agenda; Semiannual Summary

AGENCY: Office of the Secretary, DOT.

ACTION: Semiannual regulatory agenda.

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

FOR FURTHER INFORMATION CONTACT:*General*

You should direct all comments and inquiries on the agenda in general to Neil R. Eisner, Assistant General Counsel for Regulation and Enforcement, Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590, (202) 366-4723.

Specific

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

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 view additional information about the Department of Transportation's regulatory activities online, go to <http://regs.dot.gov>.

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 December 10, 2007 (72 FR 70096). The next one is scheduled for publication in the **Federal Register** in October 2008.

The Internet is the basic means for disseminating the Unified Agenda. The

complete Unified Agenda is available online at www.reginfo.gov, in a format that offers users a greatly enhanced ability to obtain information from the Agenda database.

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

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

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's Agenda requirements. These elements are: Sequence Number; Title; Section 610 Review, if applicable; Legal Authority; Abstract; Timetable; Regulatory Flexibility Analysis Required; Agency Contact; and Regulation Identifier Number (RIN). Additional information (for detailed list see section heading "Explanation of Information on the Agenda") on these entries is available in the Unified Agenda published on the Internet.

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 2008 memorandum from the Office of Management and Budget.

First, the agenda is divided by initiating offices. Then, the agenda is

DOT

divided into five categories: (1) Prerule stage, (2) proposed rule stage, (3) final rule stage, (4) long-term actions, and (5) completed actions. For each entry, the agenda provides the following information: (1) Its "significance"; (2) a short descriptive title; (3) its legal basis; (4) the related regulatory citation in the Code of Federal Regulations; (5) any legal deadline and, if so, for what action (e.g., NPRM, final rule); (6) an abstract; (7) a timetable, including the earliest expected date for a decision on whether to take the action; (8) whether the rulemaking will affect small entities and/or levels of government and, if so, which categories; (9) whether a Regulatory Flexibility Act (RFA) analysis is required (for rules that would have a significant economic impact on a substantial number of small entities); (10) a listing of any analyses an office will prepare or has prepared for the action (With minor exceptions, DOT requires an economic analysis for all its rulemakings.); (11) an agency contact office or official who can provide further information; (12) a Regulation Identifier Number (RIN) assigned to identify an individual rulemaking in the agenda and facilitate tracing further action on the issue; (13) whether the action is subject to the Unfunded Mandates Reform Act; (14) whether the action is subject to the Energy Act; and (15) whether the action is major under the congressional review provisions of the Small Business Regulatory Enforcement Fairness Act. If there is information that does not fit in the other categories, it will be included under a separate heading entitled "Additional Information."

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

In the "Timetable" column, we use abbreviations to indicate the particular documents being considered. ANPRM stands for Advance Notice of Proposed Rulemaking, SNPRM for Supplemental Notice of Proposed Rulemaking, and NPRM for Notice of Proposed Rulemaking. Listing a future date in this column does not mean we have made a

decision to issue a document; it is the earliest date on which we expect to make a decision on whether to issue it. In addition, these dates are based on current schedules. Information received subsequent to the issuance of this agenda could result in a decision not to take regulatory action or in changes to proposed publication dates. For example, the need for further evaluation could result in a later publication date; evidence of a greater need for the regulation could result in an earlier publication date.

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

Request for Comments

General

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

Reviews

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

Regulatory Flexibility Act

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

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

Federalism

Executive Order 13132 requires us to develop an accountable process to

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

Purpose

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

Dated: April 7, 2008.

Mary E. Peters,
Secretary of Transportation.

Appendix A—Instructions for Obtaining Copies of Regulatory Documents

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

Federal Highway Administration (FHWA)

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

Federal Motor Carrier Safety Administration (FMCSA)

(Name of contact person), Federal Motor Carrier Safety Administration,

DOT

1200 New Jersey Avenue SE.,
Washington, DC 20590.

Federal Railroad Administration (FRA)

Michelle Silva, Docket Clerk, Federal Railroad Administration, 1200 New Jersey Avenue SE., Room W31-109, Washington, DC 20590; telephone (202) 493-6030.

National Highway Traffic Safety Administration (NHTSA)

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

Federal Transit Administration (FTA)

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

Saint Lawrence Seaway Development Corporation (SLSDC)

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

Pipeline and Hazardous Materials Safety Administration (PHMSA)

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

Maritime Administration (MARAD)

Kimberly Lewis, Maritime Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, (202) 366-5169.

The Research and Innovative Technology Administration (RITA)

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

Federal Aviation Administration (FAA)

To obtain a copy of a specific Federal Aviation Administration (FAA) regulatory document in the agenda, you should communicate directly with the contact person listed with the regulation at the address or telephone number listed; access the FAA's Regulations and Policies web page at http://www.faa.gov/regulations_policies/; call (202) 267-9680; or write to us at Federal Aviation Administration, Office of Rulemaking, ARM-1, 800 Independence Avenue SW., Washington, DC 20591.

Office of the Secretary (OST)

To obtain a copy of a specific regulatory document or to receive future copies of the Department's regulatory agenda write to: Assistant General Counsel for Regulation and Enforcement, C-50, Office of the General Counsel, Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590, (202) 366-4723.

Appendix B—General Rulemaking Contact Persons

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

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

FHWA – Jennifer Outhouse, Office of Chief Counsel, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366-0761.

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

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

FRA – Jason Schlosberg, Office of Chief Counsel, 1200 New Jersey Avenue SE., Room W31-207, Washington, DC 20590; telephone (202) 493-6032.

FTA – Richard Wong, Office of Chief Counsel, 1200 New Jersey Avenue SE., Room E56-202, Washington, DC 20590; telephone (202) 366-4063.

SLSDC – Carrie Mann, Chief Counsel, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366-0091.

PHMSA – Patricia Burke, Office of Chief Counsel, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366-4400.

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

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

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

Appendix C—Public Rulemaking Dockets

Please note that effective October 1, 2007, the process for submitting and reviewing comments changed. All comments via the Internet are submitted through the Federal Docket Management System (FDMS) at the following address: <http://www.regulations.gov>. The FDMS allows the public to search, view, download, and comment on all Federal agency rulemaking documents in one central online system. The above referenced Internet address also allows the public to sign up to receive notification when certain documents are placed in the dockets.

The public also may review regulatory dockets at, or deliver comments on proposed rulemakings to, the Dockets Office at 1200 New Jersey Avenue SE., Room W12-140, Washington, DC 20590, 1-800-647-5527. Working Hours: 9-5.

Appendix D—Review Plans for Section 610 and Other Requirements

Part I – The Plan

General

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

DOT

The Office of the Secretary and each of the Department's Operating Administrations have a 10-year review plan. These reviews are in accordance with section 610 of the Regulatory Flexibility Act.

Other Review Plan(s)

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

Changes to the Review Plan

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

Part II – The Review Process*The Analysis*

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

Section 610 Review

The Agency will analyze each of the rules in a given year's group to determine whether any rule has a SEIOSNOSE and, thus, requires review

in accordance with section 610 of the Regulatory Flexibility Act. The level of analysis will, of course, depend on the nature of the rule and its applicability. Publication of agencies' section 610 analyses listed each fall in this agenda provides the public with notice and an opportunity to comment consistent with the requirements of the Regulatory Flexibility Act. We request that public comments be submitted to us early in the analysis year concerning the small entity impact of the rules to help us in making our determinations.

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

Other Reviews

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

FAA

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

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

FMCSA

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

FTA

FTA will continue to undertake an analysis and review of its regulations to eliminate duplication and unnecessary requirements, to update and clarify its rules, and to bring them into conformity, pursuant to relevant statutes.

Part III – List of Pending Section 610 Reviews

The agenda identifies the pending DOT Section 610 Reviews by inserting (Section 610 Review) after the title for the specific entry. Also, a Governmentwide list of section 610 reviews can be located through an online search at www.reginfo.gov. For

DOT

further information on the pending reviews, see the agenda entries.

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

Year	Regulations To Be Reviewed	Analysis Year	Review Year
1	14 CFR parts 200 through 212	1998	1999
2	14 CFR parts 213 through 232	1999	2000
3	14 CFR parts 234 through 254	2000	2001
4	14 CFR parts 255 through 298 and 49 CFR part 40	2001	2002
5	14 CFR parts 300 through 373	2002	2003
6	14 CFR parts 374 through 398	2003	2004
7	14 CFR part 399 and 49 CFR parts 1 through 11	2004	2005
8	49 CFR parts 17 through 28	2005	2006
9	49 CFR parts 29 through 39 and parts 41 through 89	2006	2007
10	49 CFR parts 91 through 99, 48 CFR parts 1201 through 1253, and new parts and subparts	2007	2008

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

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

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

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

**FEDERAL AVIATION ADMINISTRATION
SECTION 610 REVIEW PLAN**

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

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

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

- 14 CFR part 91 - General Operating and Flight Rules

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

- 14 CFR part 93 - Special Air Traffic Rules

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

- 14 CFR part 95 - IFR Altitudes

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

- 14 CFR part 97 - Standard Instrument Approach Procedures

- Section 610: The Agency has conducted section 610 reviews for this part and found no SEIOSNOSE.

DOT

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

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

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

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

- 14 CFR part 135 - Operating Requirements: Commuter and On-Demand Operations and Rules Governing Persons on Board Such Aircraft
- 14 CFR part 137 - Agricultural Aircraft Operations
- 14 CFR part 139 - Certification of Airports
- 14 CFR part 141 - Pilot Schools
- 14 CFR part 142 - Training Centers
- 14 CFR part 145 - Repair Stations
- 14 CFR part 147 - Aviation Maintenance Technician Schools

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

- 14 CFR part 150 - Airport Noise Compatibility Planning
- 14 CFR part 151 - Federal Aid to Airports
- 14 CFR part 152 - Airport Aid Program
- 14 CFR part 155 - Release of Airport Property From Surplus Property Disposal Restrictions
- 14 CFR part 156 - State Block Grant Pilot Program
- 14 CFR part 157 - Notice of Construction, Alteration, Activation, and Deactivation of Airports
- 14 CFR part 158 - Passenger Facility Charges (PFCs)
- 14 CFR part 161 - Notice and Approval of Airport Noise and Access Restrictions
- 14 CFR part 169 - Expenditure of Federal Funds for Nonmilitary Airports or Air Navigation Facilities Thereon

- The Agency will perform analysis of parts scheduled for review years 9 and 10 beginning fall 2010. While we have made significant progress, we were unable to perform the required analyses within the 10-year plan due to the need to perform other high priority safety regulatory actions designed to further reduce the air carrier and general aviation accident rate. However, we recognize the importance of reviewing the impact of existing rules on small entities and have developed this plan to ensure that the reviews occur.

DOT

FEDERAL HIGHWAY ADMINISTRATION
SECTION 610 AND OTHER REVIEWS

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

Federal-Aid Highway Program

The FHWA has adopted regulations in title 23 of the CFR, chapter I, related to the Federal-Aid Highway Program. These regulations implement and carry out the provisions of Federal law relating to the administration of Federal aid for highways. The primary law authorizing Federal aid for highways is chapter I of title 23 of the U.S.C. Section 145 of title 23 expressly provides for a federally assisted State program. For this reason, the regulations adopted by the FHWA in title 23 of the CFR primarily relate to the requirements that States must meet to receive Federal funds for the construction and other work related to highways. Because the regulations in title 23 primarily relate to States, which are not defined as small entities under the Regulatory Flexibility Act, the FHWA believes that its regulations in title 23 do not have a significant economic impact on a substantial number of small entities. The FHWA solicits public comment on this preliminary conclusion.

Year 9 (fall 2006) List of rules analyzed and summary of the results

23 CFR part 1200 - Uniform Procedures for State Highway Safety Programs

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

23 CFR part 1205 - Highway Safety Programs; Determinations of Effectiveness

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

23 CFR part 1206 — Rules of Procedure for Invoking Sanctions Under the Highway Safety Act of 1966

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

23 CFR part 1208 - Minimal Drinking Age

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

23 CFR part 1210 - Operation of Motor Vehicles by Intoxicated Minors

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

23 CFR part 1215 - Use of Safety Belts - Compliance and Transfer-of-Funds Procedures

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

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

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

23 CFR part 1235 - Uniform System for Parking for Persons with Disabilities

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

23 CFR part 1240 - Safety Incentive Grants for Use of Seat Belts - Allocations Based on Seat Belt Use Rates

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

23 CFR part 1250 - Political Subdivision Participation in State Highway Safety Programs

DOT

- Section 610: No SEIOSNOSE. This section applies primarily to State transportation agencies that are not small entities.
 - Plain Language: FHWA’s plain language review of these rules indicates no need for substantial revision.
 - General: No changes are needed. These regulations are cost effective and impose the least burden.
- 23 CFR part 1251 - State Highway Safety Agency
- Section 610: No SEIOSNOSE. This section applies primarily to State transportation agencies that are not small entities.
 - Plain Language: FHWA’s plain language review of these rules indicates no need for substantial revision.
 - General: No changes are needed. These regulations are cost effective and impose the least burden.
- 23 CFR part 1252 - State Matching of Planning and Administration Costs
- Section 610: No SEIOSNOSE. This section applies primarily to State transportation agencies that are not small entities.
 - Plain Language: FHWA’s plain language review of these rules indicates no need for substantial revision.
 - General: No changes are needed. These regulations are cost effective and impose the least burden.

Year 10 (fall 2007) New Parts and Subparts

None

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION
SECTION 610 AND OTHER REVIEWS

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

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

49 CFR part 360 - Fees for Motor Carrier Registration and Insurance

- Section 610: No SEIOSNOSE. This administrative part allows FMCSA to collect one-time nominal registration and insurance fees for commercial motor carriers. The fees do not place any significant cost burden on small entities. The rule does allow for a significant cost to self-insure, but this option applies to a select group of large carriers.
- Plain Language: FMCSA will integrate plain language techniques to the extent possible as it rewrites these rulemakings to address SAFETEA-LU provisions, which directed the replacement of three current identification and registration systems with a single online Federal “Unified Registration System (URS).”
- General: Authority to set and collect fees is in 31 U.S.C. 9701 and 49 U.S.C. 13908; a Notice of Proposed Rulemaking was published in the **Federal Register** on May 19, 2005, and proposed rewriting 49 CFR part 360 to incorporate major components of 49 CFR parts 365, 366, and 368, consistent with the URS.

49 CFR part 365 - Rules Governing Applications for Operating Authority

- Section 610: No SEIOSNOSE. This administrative rule allows commercial motor vehicle (CMV) carriers to protest a rejected application for operating authority; but since no entity is obliged to file a protest, we find no significant costs imposed on small entities.
- Plain Language: FMCSA will integrate plain language techniques as it rewrites these rulemakings and will integrate this part into 49 CFR part 360, consistent with the Federal “Unified Registration System.”
- General: This part is still relevant as it provides carriers, which satisfy minimum safety and financial insurance safety fitness requirements, the authority to operate.

49 CFR part 366 - Designation of Process Agent

- Section 610: No SEIOSNOSE. These rules require motor carriers to designate court-related process agents for every State in which they operate to enable the claimant to adjudicate a claim in the jurisdiction where the claim arises. Most small firms contract with organizations, which provide a nationwide blanket authority at a reasonable cost to carriers.
- Plain Language: FMCSA will integrate plain language techniques as it rewrites these rulemakings and will integrate this part into 49 CFR part 360, consistent with the proposed Federal “Unified Registration System.”
- General: The process-agent designation is imposed by statute: 49 U.S.C. 13303 and 13304; consequently FMCSA has no discretion regarding costs associated with this rulemaking.

49 CFR part 368 - Application for a Certificate of Registration to Operate in Municipalities in the United

- States on the United States-Mexico International Border or Within the Commercial Zones of Such
- Municipalities
- Section 610: No SEIOSNOSE. The issuance of Certificates of Registration to Mexican motor carriers of property desiring to operate in the United States commercial border zones applies only to Mexican carriers and therefore has no cost impact to U.S. small entities.

DOT

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

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

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

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
SECTION 610 AND OTHER REVIEWS

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

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

- 49 CFR part 591 - Importation of Vehicles and Equipment Subject to Federal Safety, Bumper and Theft Prevention Standards
 - Section 610: No SEIOSNOSE. No small entities are affected.
 - Plain Language: NHTSA’s plain language review of these rules indicates no need for substantial revision.
 - General: No changes are needed. These regulations are cost effective and impose the least burden.
- 49 CFR part 592 - Registered Importers of Vehicles Not Originally Manufactured To Conform to the Federal Motor Vehicle Safety Standards

DOT

- Section 610: No SEIOSNOSE. No small entities are affected.
 - Plain Language: NHTSA’s plain language review of these rules indicates no need for substantial revision.
 - General: No changes are needed. These regulations are cost effective and impose the least burden.
- 49 CFR part 593 - Determinations That a Vehicle Not Originally Manufactured To Conform to the Federal Motor Vehicle Safety Standards Is Eligible for Importation
- Section 610: No SEIOSNOSE. No small entities are affected.
 - Plain Language: NHTSA’s plain language review of these rules indicates no need for substantial revision.
 - General: No changes are needed. These regulations are cost effective and impose the least burden.
- 49 CFR part 594 - Schedule of Fees Authorized by 49 U.S.C. 30141
- Section 610: No SEIOSNOSE. No small entities are affected.
 - Plain Language: NHTSA’s plain language review of these rules indicates no need for substantial revision.
 - General: No changes are needed. These regulations are cost effective and impose the least burden.

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

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

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

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

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

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

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

- 49 CFR part 235 - Instructions Governing Applications for Approval of a Discontinuance or Material Modification of a Signal System or Relief From the Requirements of Part 236
- Section 610: There is no SEIOSNOSE.
- Plain Language: FRA’s plain language review of this rule indicates no need for substantial revision.
- General: Since the rule prescribes instructions with regard to applications for approval of a discontinuance or material modification of a signal system or relief from the requirements of part 236, it promotes and enhances the safety of railroad operations.

DOT

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

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

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

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

Year	Regulations To Be Reviewed	Analysis Year	Review Year
1	None	1998	1999
2	None	1999	2000
3	None	2000	2001
4	49 CFR parts 661 and 665	2001	2002
5	None	2002	2003
6	None	2003	2004
7	49 CFR parts 601 and 659	2004	2005
8	49 CFR parts 604 and 605	2005	2006
9	49 CFR parts 661 and 665	2006	2007
10	49 CFR parts 624 and 633	2007	2008

Year 8 (fall 2005) List of rules continuing to be analyzed

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

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

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

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

- 49 CFR part 624 - Clean Fuels Program

DOT

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

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

49 CFR part 633 - Project Management Oversight

MARITIME ADMINISTRATION
SECTION 610 AND OTHER REVIEWS

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

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

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

- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.
- General: No overall revision of the rule is needed at this time.

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

- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.
- General: No overall revision of the rule is needed at this time.

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

- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.
- General: No changes are needed. These regulations are cost effective and impose the least burden.

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

- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.
- General: While there may be minor amendments from time to time, no overall revision of the rule is needed at this time.

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

- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.
- General: While there may be minor amendments from time to time, no overall revision of the rule is needed at this time.

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

46 CFR part 390 - Capital Construction Fund

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

DOT

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

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

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

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

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

49 CFR part 194 - Response Plans for Onshore Oil Pipelines

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

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

49 CFR part 195 - Hazardous Liquid Reporting Requirements

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

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

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

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

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

49 CFR part 195 - Transportation of Hazardous Liquids by Pipeline

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

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

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

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

49 CFR parts 178 through 180 - Bulk Packaging

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

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

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

49 CFR part 175 - Carriage by Aircraft

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

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

DOT

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

Year	Regulations To Be Reviewed	Analysis Year	Review Year
8	14 CFR part 248	2005	2006
9	14 CFR part 250	2006	2007
10	14 CFR part 374a, ICAO	2007	2008

Year 6 (fall 2003) List of rule(s) analyzed and a summary of results

14 CFR part 234 - Airline Service Quality Performance Reports

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

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

14 CFR part 249 - Preservation of Air Carrier Records

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

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

14 CFR part 248 - Submission of Audit Reports

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

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

14 CFR part 250 - Oversales

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

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

**SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION
SECTION 610 AND OTHER REVIEWS**

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

SLSDC has completed all its reviews

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
217	+Nondiscrimination on the Basis of Disability in Air Travel	2105-AC97

+ DOT-designated significant regulation

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
218	+Accommodations in Air Travel for Deaf, Hard of Hearing, and Deaf-Blind Individuals	2105-AD41

+ DOT-designated significant regulation

DOT

Federal Aviation Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
219	+General Operating and Flight Rules (Section 610 Review)	2120-AJ13

+ DOT-designated significant regulation

Federal Aviation Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
220	+Qualification, Service, and Use of Crewmembers and Aircraft Dispatchers	2120-AJ00

+ DOT-designated significant regulation

Federal Aviation Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
221	+Washington, DC, Metropolitan Area Special Flight Rules Area	2120-AI17
222	+Transport Airplane Fuel Tank Flammability Reduction	2120-AI23
223	Production and Airworthiness Approvals	2120-AI78

+ DOT-designated significant regulation

Federal Aviation Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
224	+Automatic Dependent Surveillance—Broadcast (ADS-B) Equipage Mandate To Support Air Traffic Control Service	2120-AI92
225	+Flight Crewmember Duty Limitations and Rest Requirements	2120-AI93

+ DOT-designated significant regulation

Federal Aviation Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
226	+Special Federal Aviation Regulation No. XX—Mitsubishi MU-2B Series Airplane Special Training, Experience, and Operating Requirements	2120-AI82

+ DOT-designated significant regulation

Federal Motor Carrier Safety Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
227	+Unified Registration System	2126-AA22
228	+National Registry of Certified Medical Examiners	2126-AA97
229	+Commercial Driver's License Testing and Commercial Learner's Permit Standards	2126-AB02

+ DOT-designated significant regulation

DOT

Federal Motor Carrier Safety Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
230	+New Entrant Safety Assurance Process	2126-AA59
231	+Requirements for Intermodal Equipment Providers and Motor Carriers and Drivers Operating Intermodal Equipment	2126-AA86
232	Interstate Van Operations	2126-AA98

+ DOT-designated significant regulation

Federal Motor Carrier Safety Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
233	+Safety Monitoring System and Compliance Initiative for Mexico-Domiciled Motor Carriers Operating in the United States	2126-AA35

+ DOT-designated significant regulation

National Highway Traffic Safety Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
234	Early Warning Reporting Information	2127-AK28

National Highway Traffic Safety Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
235	Upgrade of School Bus Passenger Protection	2127-AK09

Federal Transit Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
236	School Bus Operations (Section 610 Review)	2132-AB00

Federal Transit Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
237	+Bus Testing: Phase-In of Brake Performance and Emissions Testing, and Program Updates (Section 610 Review)	2132-AA95
238	Buy America; Petition for Rulemaking (Section 610 Review)	2132-AA99

+ DOT-designated significant regulation

Federal Transit Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
239	+Major Capital Investment Projects—New/Small Starts	2132-AA81

+ DOT-designated significant regulation

DOT

Federal Transit Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
240	Charter Bus Operations	2132-AA85

Pipeline and Hazardous Materials Safety Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
241	+Hazardous Materials: Enhancing Rail Transportation Safety and Security for Hazardous Materials Shipments	2137-AE02

+ DOT-designated significant regulation

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

Final Rule Stage

217. +NONDISCRIMINATION ON THE BASIS OF DISABILITY IN AIR TRAVEL

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

Abstract: This final rule would consolidate three notices of proposed rulemaking (NPRMs) to update and expand coverage under the Air Carrier Access Act (ACAA). The ACAA prohibits discrimination on the basis of disability in air travel. The final rule would amend the ACAA rules to apply to foreign air carriers. It would also add new provisions concerning passengers who use electronic respiratory assistive devices (including portable oxygen

concentrators) and passengers who are deaf or hard of hearing. In addition, the rule would reorganize and update the entire ACAA rule. Rulemaking actions under RINs 2105-AC29 and 2105-AD41 are being incorporated into this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	11/04/04	69 FR 64364
NPRM Comment Period Extended	01/28/05	70 FR 4058
NPRM Comment Period End	02/02/05	

Action	Date	FR Cite
NPRM Comment Period End	03/04/05	
Final Rule	05/00/08	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Blaine A. Workie, Supervisory Trial Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street SW, Room 10424, Washington, DC 20590
Phone: 202 366-9342
Fax: 202 366-7153
Email: blane.workie@ost.dot.gov

RIN: 2105-AC97

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

Completed Actions

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

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

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. Also, the rulemaking action would respond to a petition for rulemaking. This rulemaking is being incorporated into RIN 2105-AC29.

Timetable:

Action	Date	FR Cite
NPRM	02/23/06	71 FR 9285
NPRM Comment Period Extended	04/18/06	71 FR 19838
NPRM Comment Period End	04/24/06	
End of Extended Comment Period	06/24/06	
Merged with 2105-AC97	02/25/08	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Blane A. Workie, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street SW, Washington, DC 20590
Phone: 202 366-9342
TDD Phone: 202 755-7687
Fax: 202 366-7152
Email: blane.workie@ost.dot.gov

RIN: 2105-AD41

BILLING CODE 4910-9X-S

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

Prerule Stage

219. • +GENERAL OPERATING AND FLIGHT RULES (SECTION 610 REVIEW)

Legal Authority: 49 USC 106(g); 49 USC 1155; 49 USC 40103; 49 USC 40113; 49 USC 40120; 49 USC 44101; 49 USC 44111; 49 USC 44701; 49 USC 44704; 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 46504; 49 USC 46506 to 46507; 49 USC 47122; 49 USC 47508; 49 USC 47528 to 47531; 61 Stat 1180 Articles 12 and 29

Abstract: The FAA intends to conduct a review under section 610 of the Regulatory Flexibility Act for part 91, and RIN 2120-AJ13 has been added to the Agenda to reflect this review. Part 91 governs the operation of aircraft within the United States, including the waters within 3 nautical miles of the U.S. coast.

Timetable:

Action	Date	FR Cite
Request for Information	05/00/08	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Thomas C Smith, Office of Aviation Policy and Plans, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591
 Phone: 202 267-3289
 Email: thomas.c.smith@faa.gov

RIN: 2120-AJ13

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

Proposed Rule Stage

220. +QUALIFICATION, SERVICE, AND USE OF CREWMEMBERS AND AIRCRAFT DISPATCHERS

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

Abstract: This rulemaking would amend the regulations for crewmember and dispatcher training programs in domestic, flag, and supplemental

operations. The rulemaking would enhance traditional training programs by requiring the use of flight simulation training devices for flight crewmembers and including additional training requirements in areas that are critical to safety. The rulemaking would also reorganize and revise the qualification and training requirements. The changes are intended to contribute significantly to reducing aviation accidents.

Timetable:

Action	Date	FR Cite
NPRM	07/00/08	

Regulatory Flexibility Analysis Required: Yes

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

RIN: 2120-AJ00

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

Final Rule Stage

221. +WASHINGTON, DC, METROPOLITAN AREA SPECIAL FLIGHT RULES AREA

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

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

Timetable:

Action	Date	FR Cite
NPRM	08/04/05	70 FR 45249
NPRM Comment Period End	08/04/05	
NPRM Comment Period Extended	11/07/05	70 FR 67388
NPRM Comment Period Extended	02/06/06	
Final Rule	01/00/09	

Regulatory Flexibility Analysis Required: Yes

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

RIN: 2120-AI17

222. +TRANSPORT AIRPLANE FUEL TANK FLAMMABILITY REDUCTION

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

Abstract: This rulemaking would require that flammability reduction means be incorporated into existing airplanes, newly manufactured airplanes, and new designs. It would establish 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

DOT—FAA

Final Rule Stage

Action	Date	FR Cite
NPRM Comment Period End	05/08/06	
Final Rule	05/00/08	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Mike Dostert, Federal Aviation Administration, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, WA 98055-4056
Phone: 425 227-2132
Fax: 425 227-1320
Email: mike.dostert@faa.gov

RIN: 2120-AI23

223. PRODUCTION AND AIRWORTHINESS APPROVALS

Legal Authority: 42 USC 40105; 42 USC 40113; 42 USC 7572; 42 USC 44701 to 44702; 42 USC 44704; 42 USC 44707; 42 USC 44709; 42 USC 44711; 42 USC 44713; 42 USC 44715; 42 USC 45303; 49 USC 106(g); 49 USC 40105; 49 USC 40113; 49 USC 44701 to 44702;

49 USC 44704; 49 USC 44707; 49 USC 44709; 49 USC 44711; 49 USC 44713; 49 USC 44715; 49 USC 45303

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

Timetable:

Action	Date	FR Cite
NPRM	10/05/06	71 FR 58913
NPRM Comment Period Extended	12/20/06	71 FR 76224
NPRM Comment Period End	01/03/07	
Comment Period Extended	02/05/07	
Notice of Availability and Request for comments	02/14/07	72 FR 6968
Comment Period End	04/02/07	
Final Rule	11/13/07	72 FR 63796
Final Rule Effective	01/14/08	
Final Action	12/00/08	

Regulatory Flexibility Analysis Required: Yes

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

RIN: 2120-AI78

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

Long-Term Actions

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

Legal Authority: 49 USC 1155; 49 USC 40103; 49 USC 40113; 49 USC 40120; 49 USC 44101; 49 USC 44111; 49 USC 44701; 49 USC 44709; 49 USC 44711; 49 USC 44712; 49 USC 44715; 49 USC 44716; 49 USC 44717; 49 USC 44722; 49 USC 46306; 49 USC 46315; 49 USC 46316; 49 USC 46504; 49 USC 46506 to 46507; 49 USC 47122; 49 USC 47508; 49 USC 47528 to 47531; 49 USC 106(g); Articles 12 and 29 of 61 stat 1180

Abstract: This rulemaking would require Automatic Dependent Surveillance—Broadcast (ADS-B) Out equipment on aircraft to operate in certain classes of airspace within the United States National Airspace System. The rulemaking is necessary to accommodate the expected increase in demand for air transportation, as described in the Next Generation Air Transportation System Integrated Plan. The intended effect of this rule is to provide the Federal Aviation

Administration with a comprehensive surveillance system that accommodates the anticipated increase in operations and would provide a platform for additional flight applications and services.

Timetable:

Action	Date	FR Cite
NPRM	10/05/07	72 FR 56947
NPRM Comment Period End	11/19/07	72 FR 64966
NPRM Comment Period Extended	01/03/08	
NPRM Comment Period End	03/03/08	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Vincent Capezzuto, Terminal Program Operations, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591
Phone: 202 385-8637
Email: vincent.capezzuto@faa.gov

RIN: 2120-AI92

225. +FLIGHT CREWMEMBER DUTY LIMITATIONS AND REST REQUIREMENTS

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

Abstract: This rulemaking would amend the regulations on duty period limitations, flight time limitations, and rest requirements for flight crewmembers engaged in air transportation. The changes would respond to the need to ensure that the rules will continue to provide the minimum level of safety. This rulemaking responds to public and congressional interest in regulating flight crewmember rest requirements, NTSB Safety Recommendations, petitions for rulemaking, and scientific data. This action is considered significant because of substantial public interest. The FAA is considering proposing additional changes in

DOT—FAA

Long-Term Actions

response to comments received on the NPRM.

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis

Required: Yes

Agency Contact: Larry Youngblut, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20951

Phone: 202 267-9360
Email: larry.youngblut@faa.gov

RIN: 2120-AI93

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

Completed Actions

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

Legal Authority: Articles 12 and 29 of Convention on International Civil Aviation (61 stat 1); 49 USC 1155; 49 USC 40103; 49 USC 40113; 49 USC 40120; 49 USC 41706; 49 USC 44101; 49 USC 44111; 49 USC 44113; 49 USC 44701 to 44703; 49 USC 44705; 49 USC 44707; 49 USC 44709 to 44713; 49 USC 44715 to 44717; 49 USC 44722; 49 USC 45102 to 45103; 49 USC 45301 to 45302; 49 USC 46306; 49 USC 46315 to 46316; 49 USC 46504; 49 USC 46506 to 46507; 49 USC 47122; 49 USC 47508; 49 USC 47528 to 47531; 49 USC 106(g)

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

Timetable:

Action	Date	FR Cite
NPRM	09/28/06	71 FR 56905

Action	Date	FR Cite
NPRM Comment Period End	10/30/06	
Supplemental NPRM Comment Period End	01/03/07	72 FR 55
Final Rule	02/06/08	73 FR 7033
Final Rule Effective	04/07/08	

Regulatory Flexibility Analysis

Required: Yes

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

RIN: 2120-AI82

BILLING CODE 4910-13-S

**Department of Transportation (DOT)
Federal Motor Carrier Safety Administration (FMCSA)**

Proposed Rule Stage

227. +UNIFIED REGISTRATION SYSTEM

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

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

Timetable:

Action	Date	FR Cite
ANPRM	08/26/96	61 FR 43816
ANPRM Comment Period End	10/25/96	
NPRM	05/19/05	70 FR 28990
NPRM Comment Period End	08/17/05	
Supplemental NPRM	09/00/08	

Regulatory Flexibility Analysis

Required: Yes

Agency Contact: Valerie Height, Transportation Specialist, Department of Transportation, Federal Motor Carrier Safety Administration, Office of Policy Plans and Regulation (MC-PRR), 1200 New Jersey Avenue SE., Washington, DC 20590
Phone: 202 366-0901
Email: valerie.height@dot.gov

RIN: 2126-AA22

228. +NATIONAL REGISTRY OF CERTIFIED MEDICAL EXAMINERS

Legal Authority: sec 4116 of PL 109-59 (2005)

Abstract: This rulemaking would establish training, testing, and certification standards for medical examiners responsible for certifying that interstate commercial motor vehicle drivers meet established physical qualifications standards; provide a database (or National Registry) of medical examiners that meet the prescribed standards for use by motor carriers, drivers, and Federal and State enforcement personnel in determining whether a medical examiner is qualified to conduct examinations of interstate truck and bus drivers; and require medical examiners to transmit electronically to FMCSA the name of the driver and a numerical identifier for each driver that is examined. The rulemaking would also establish the process by which medical examiners that fail to meet or

DOT—FMCSA

Proposed Rule Stage

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	08/00/08	

Regulatory Flexibility Analysis

Required: Yes

Agency Contact: Dr. Mary D. Gunnels, Director, Office of Medical Programs, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590
Phone: 202 366-4001
Email: maggi.gunnels@dot.gov

RIN: 2126-AA97

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

Legal Authority: sec 703 of PL 109-347; 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)

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, implement fraud detection and prevention initiatives at the State driver licensing agencies as required by the SAFE Port Act of 2006, and establish 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 would establish the minimum information that must be on the CLP document and the electronic driver's record. The rule would 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. This rule would also address issues raised in the SAFE Port Act.

Timetable:

Action	Date	FR Cite
NPRM	04/09/08	73 FR 19282
NPRM Comment Period End	06/09/08	

Regulatory Flexibility Analysis

Required: Yes

Agency Contact: James Davis, Commercial Driver's License Division, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue S.E., Washington, DC 20590
Phone: 202 366-6406
Email: james.davis@dot.gov

RIN: 2126-AB02

Department of Transportation (DOT)

Final Rule Stage

Federal Motor Carrier Safety Administration (FMCSA)

230. +NEW ENTRANT SAFETY ASSURANCE PROCESS

Legal Authority: PL 106-159, sec 210; 113 Stat 1748 (1999); PL 107-87, sec 350; 49 USC 31144

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
IFR Comment Period End	07/12/02	
IFR Effective	01/01/03	
NPRM	12/21/06	71 FR 76730
NPRM Comment Period End	02/20/07	
Final Rule	09/00/08	

Regulatory Flexibility Analysis

Required: Yes

Agency Contact: Stephanie Haller, Enforcement and Compliance Division, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590
Phone: 202 366-0178
Email: stephanie.haller@dot.gov

RIN: 2126-AA59

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

Legal Authority: 49 USC 31136 and 31502; 49 USC 31151; sec 4118, PL 109-59 (2005)

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. It is required by SAFETEA-LU.

DOT—FMCSA

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	12/21/06	71 FR 76796
NPRM Comment Period End	03/21/07	
Comment Period Extended	04/13/07	72 FR 18615
End Extended Comment Period	05/21/07	
Final Rule	09/00/08	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Deborah M Freund, Senior Transportation Specialist, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590
Phone: 202 366-5370

Email: deborah.freund@dot.gov

RIN: 2126-AA86

232. INTERSTATE VAN OPERATIONS

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

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

the vehicle is operated beyond a 75 air-mile radius of the driver's work reporting location. This action is in response to SAFETEA-LU.

Timetable:

Action	Date	FR Cite
Final Rule	09/00/08	

Regulatory Flexibility Analysis Required: Yes

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

RIN: 2126-AA98

Department of Transportation (DOT)

Long-Term Actions

Federal Motor Carrier Safety Administration (FMCSA)

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

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

Abstract: This rule would implement a safety monitoring system and compliance initiative designed to evaluate the continuing safety fitness of all Mexico-domiciled carriers within 18 months after receiving a provisional Certificate of Registration or provisional authority to operate in the United States. It also would establish suspension and revocation procedures for provisional Certificates of Registration and operating authority, and incorporate criteria to be used by FMCSA in evaluating whether Mexico-domiciled carriers exercise basic safety management controls. The interim rule included requirements that were not

proposed in the NPRM but which are necessary to comply with the FY-2002 DOT Appropriations Act. On January 16, 2003, the Ninth Circuit Court of Appeals remanded this rule, along with two other NAFTA-related rules, to the agency, requiring a full environmental impact statement and an analysis required by the Clean Air Act. On June 7, 2004, the Supreme Court reversed the Ninth Circuit and remanded the case, holding that FMCSA is not required to prepare the environmental documents. FMCSA is waiting for Interim Final Rule experience after the border opens before deciding what to do next on this rulemaking. FMCSA originally planned to publish a final rule by November 28, 2003.

Timetable:

Action	Date	FR Cite
NPRM	05/03/01	66 FR 22415
NPRM Comment Period End	07/02/01	

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

Regulatory Flexibility Analysis Required: Yes

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

RIN: 2126-AA35

BILLING CODE 4910-EX-S

Department of Transportation (DOT)

Proposed Rule Stage

National Highway Traffic Safety Administration (NHTSA)

234. ● EARLY WARNING REPORTING INFORMATION

Legal Authority: 49 USC 30166

Abstract: This rulemaking would amend certain provisions of the early warning reporting (EWR) rule

published pursuant to the Transportation Recall, Enhancement, Accountability and Documentation (TREAD) Act. This rulemaking would modify the threshold for submitting quarterly EWR reports for some

manufacturers and add new requirements to maintain the consistency of the EWR data from quarter to quarter.

DOT—NHTSA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	05/00/08	

Regulatory Flexibility Analysis

Required: Yes

Agency Contact: Christina Morgan, Chief, Early Warning Reporting, Department of Transportation, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590

Phone: 202 366-4238
Email: tina.morgan@dot.gov

RIN: 2127-AK28

Department of Transportation (DOT)

Final Rule Stage

National Highway Traffic Safety Administration (NHTSA)

235. • UPGRADE OF SCHOOL BUS PASSENGER PROTECTION**Legal Authority:** 15 USC 1392

Abstract: This rulemaking would address issues to improve passenger protection on school buses. The Transportation Equity Act for the 21st Century (TEA-21) directed a study be conducted to assess occupant safety on school buses. The National Highway Traffic Safety Administration described their findings in an April 2002 Report to Congress. As a result of this study, NHTSA stated that it was considering changes to the existing Federal Motor Vehicle Safety Standards, including

increasing the seat back height to reduce the potential for passenger override in the event of a crash; requiring small school buses to have lap/shoulder belt restraints; assuring proper lap/shoulder belt fit for all school bus passenger sizes; and developing standardized test procedures for voluntarily installed lap/shoulder belts.

Timetable:

Action	Date	FR Cite
NPRM	11/21/07	72 FR 65509
NPRM Comment Period End	01/22/08	
Final Action	10/00/08	

Regulatory Flexibility Analysis

Required: Yes

Agency Contact: Charles Hott, Safety Standards Engineer, Department of Transportation, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590

Phone: 202 366-0247
Email: charles.hott@dot.gov

RIN: 2127-AK09

BILLING CODE 4910-59-S

Department of Transportation (DOT)

Prerule Stage

Federal Transit Administration (FTA)

236. • SCHOOL BUS OPERATIONS (SECTION 610 REVIEW)**Legal Authority:** 49 USC 5323(f)

Abstract: This rulemaking would amend the regulations that govern the provision of services to school students and personnel by recipients of Federal funds from the Federal Transit Administration for consistency with the

statutory provisions enacted by SAFETEA-LU regarding penalties for violations of the regulations.

Timetable:

Action	Date	FR Cite
ANPRM	06/00/08	

Regulatory Flexibility Analysis

Required: No

Agency Contact: Elizabeth S Martineau, Attorney Advisor, Department of Transportation, Federal Transit Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-1936

Fax: 202 366-3809

RIN: 2132-AB00

Department of Transportation (DOT)

Proposed Rule Stage

Federal Transit Administration (FTA)

237. +BUS TESTING: PHASE-IN OF BRAKE PERFORMANCE AND EMISSIONS TESTING, AND PROGRAM UPDATES (SECTION 610 REVIEW)**Legal Authority:** 49 USC 5318(a)

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

Timetable:

Action	Date	FR Cite
NPRM	06/00/08	

Regulatory Flexibility Analysis

Required: No

Agency Contact: Richard Wong, Attorney Advisor, Department of Transportation, Federal Transit Administration, 400 Seventh Street SW., Washington, DC 20590
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RIN: 2132-AA95

238. • BUY AMERICA; PETITION FOR RULEMAKING (SECTION 610 REVIEW)**Legal Authority:** 49 USC 5323(j)

Abstract: This rulemaking would address the treatment of bi-metallic aluminum rail under FTA's Buy America rule. Presently, both running rail (carrying the weight of the train) and power rail (carrying the electric power supply) are treated alike under

DOT—FTA

Proposed Rule Stage

the Buy America regulation; i.e., all rail products must be produced in the United States, including all manufacturing processes, except metallurgical processes involving refinement of steel additives. During its recent Buy America rulemaking, FTA received several requests to classify bi-metallic aluminum rail as “traction power equipment.” Such a move would subject bi-metallic aluminum rail to a

60/40 percent domestic/non-domestic content requirement, provided that final assembly takes place in the United States.

Timetable:

Action	Date	FR Cite
NPRM	06/00/08	

Regulatory Flexibility Analysis Required: No

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RIN: 2132-AA99

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

Long-Term Actions

239. +MAJOR CAPITAL INVESTMENT PROJECTS—NEW/SMALL STARTS

Legal Authority: PL 109-59, sec 3011; PL 109-59, sec 3011

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. A final rule had been

scheduled for July 3, 2008. FTA is making a determination of what their next action will be because the 2008 Appropriations Act prohibits a Final Rule.

Timetable:

Action	Date	FR Cite
ANPRM	01/30/06	71 FR 4864
ANPRM Comment	03/10/06	
Period End		
NPRM	08/03/07	72 FR 43328
NPRM Comment	11/01/07	
Period End		
Next Action	Undetermined	

Regulatory Flexibility Analysis Required: Yes

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RIN: 2132-AA81

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

Completed Actions

240. CHARTER BUS OPERATIONS

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

Abstract: This final rule amends regulations which govern the provision of charter service by recipients of Federal funds from the Federal Transit Administration. This rule also clarifies the existing requirements, sets out a new definition of charter service, allows for electronic registration of private charter providers, which replaces the old “willing and able”

process, includes a new provision allowing private charter operators to request a cease and desist order, and establishes more detailed complaint, hearing, and appeal procedures.

Timetable:

Action	Date	FR Cite
NPRM	02/15/07	72 FR 7526
NPRM Comment	04/16/07	
Period End		
Final Action	01/14/08	73 FR 2326
Final Action Effective	04/30/08	

Regulatory Flexibility Analysis Required: Yes

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RIN: 2132-AA85

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Department of Transportation (DOT)
Pipeline and Hazardous Materials Safety Administration (PHMSA)

Final Rule Stage

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

Legal Authority: 49 USC 5101 to 5127

Abstract: In consultation with the Federal Railroad Administration (FRA), PHMSA would revise the current requirements on the safe and secure transportation of hazardous materials transported in commerce by rail. It may require rail carriers to: (1) compile

annual data on certain shipments of hazardous materials and use the data to analyze safety and security risks along rail transportation routes where those materials are transported; (2) assess alternative routing options and make routing decisions based on those

DOT—PHMSA

Final Rule Stage

assessments; and (3) clarify the current security-plan requirements to address en route storage and delays in transit.

This rulemaking was scheduled to have a final rule published by 12/24/2007. However, to address matters raised by the Implementing Recommendations of the 9/11 Commission Act of 2007 (Pub. L. 110-53, 121 Stat. 266), PHMSA will first issue the rule as an IFR.

Timetable:

Action	Date	FR Cite
Request for Comments	08/10/04	69 FR 50987
Comment Period End	10/18/04	
NPRM	12/21/06	71 FR 76834
NPRM Comment Period End	02/20/07	
Interim Final Rule	04/16/08	73 FR 20752
Interim Final Rule Effective	06/01/08	

Regulatory Flexibility Analysis

Required: Yes

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