



Federal Register

**Monday,
June 28, 2004**

Part XV

**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, 400 7th Street SW., Washington, DC 20590, (202) 366-4723.

Specific

You should direct all comments and inquiries on particular items in the agenda to the individual listed for the regulation or the general rulemaking contact person for the operating administration in Appendix B.

Individuals who use a telecommunications device for the deaf (TDD) may call (202) 755-7687.

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SUPPLEMENTARY INFORMATION:

Background

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

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

The agendas are based on reports submitted by the offices initiating the rulemaking and are reviewed by the Department Regulations Council. The Department's last agenda was published in the **Federal Register** on December 22, 2003 (68 FR 73236). The next one is scheduled for publication in the **Federal Register** in October 2004.

Under the Homeland Security Act of 2002, the United States Coast Guard (USCG) and the Transportation Security Administration (TSA), and their regulatory authority, have been

transferred to the new Department of Homeland Security (DHS). See DHS agency code 1625 for USCG and 1652 for TSA.

The Department has created an Internet site that provides general information about its rulemaking responsibilities and activities. It includes hypertext links to numerous other departmental sites providing helpful information about DOT regulation. The web address for this site is <http://regs.dot.gov>.

Under the E-Government Act of 2002, agencies' rulemaking actions may also be accessed at the following web address: www.regulations.gov. This is a Governmentwide website which provides another avenue for the public to review and to submit comments on rulemakings that are open for comment and published in the **Federal Register**.

Additionally, the Department has also created a Docket Management System (DMS) List Serve that will automatically provide an email notification when certain documents are put into the dockets. This email notification will provide a link to a document within DMS. The web address to sign-up for this service is <http://dms.dot.gov/emailNotification>.

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 2004 memorandum from the Office of Management and Budget.

First, the agenda is divided by initiating offices. Then, the agenda is divided into five categories: (1) prerule stage, (2) proposed rule stage, (3) final rule stage, (4) long-term actions, and (5) completed actions. For each entry, the agenda provides the following information: (1) its "significance;" (2) a short descriptive title; (3) its legal basis;

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(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.

Issued in Washington, DC, on, June 15, 2004.

Norman Y. Mineta,

Secretary of Transportation.

Appendix A - Instructions for Obtaining Copies of Regulatory Documents

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

Federal Highway Administration (FHWA)

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

Federal Motor Carrier Safety Administration (FMCSA)

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

Federal Railroad Administration (FRA)

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

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National Highway Traffic Safety Administration (NHTSA)

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

Federal Transit Administration (FTA)

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

Saint Lawrence Seaway Development Corporation (SLSDC)

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

Research and Special Programs Administration (RSPA)

(Name of contact person), Research and Special Programs Administration, 400 7th Street SW., Washington, DC 20590.

Maritime Administration (MARAD)

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

Bureau of Transportation Statistics (BTS)

(Name of contact person), Bureau of Transportation Statistics, 400 7th Street SW., Room 3103, Washington, DC 20590.

Federal Aviation Administration (FAA)

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

Office of the Secretary (OST)

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

Appendix B - General Rulemaking Contact Persons

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

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

FHWA — Julie Downey, Office of Chief Counsel, 400 7th Street SW., Room 4223, Washington, DC 20590; telephone: (202) 366-0761.

FMCSA - Suzanne O'Malley, Office of Chief Counsel, 400 7th Street SW., Room 8201, Washington, DC 20590; telephone: (202) 366-1367.

FRA — Ivornette N. Lynch, Office of Chief Counsel, 400 7th Street SW., Mail Stop 10, Washington, DC 20590; telephone: (202) 493-6030.

NHTSA — Barbara Faigin, Office of Vehicle Safety, 400 7th Street SW., Room 5321, Washington, DC 20590; telephone: (202) 366-1810.

FTA - Richard Wong, Office of Chief Counsel, 400 7th Street SW., Room 9316, Washington, DC 20590; telephone: (202) 366-4011.

SLSDC - Marc Owen, General Counsel's Office, 400 7th Street SW., Room 5424, Washington, DC 20590; telephone: (202) 366-6823.

RSPA — Donna O'Berry, Office of Chief Counsel, 400 7th Street SW., Room 8405, Washington, DC 20590; telephone: (202) 366-4400.

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

BTS — Robert Monniere SW., Room 3105, Washington, DC 20590; telephone: (202) 366-5498.

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

Appendix C - Public Rulemaking Dockets

The public may review or submit comments to the dockets for all of DOT via the Internet at the following address: <http://dms.dot.gov>. Examples of documents that may be in the dockets

are proposed rules, public comments received, supporting analyses, studies, and reports. The above referenced internet address allows the public to also sign-up for the DOT List Serve to receive notification when certain documents are placed in the dockets.

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

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

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

Section 610 Review Plan

Section 610 requires that we conduct reviews of rules that (1) have been published within the last ten years and (2) have a "significant economic impact on a substantial number of small entities" (SEIOSNOSE). It also requires that we publish in the **Federal Register** each year a list of any such rules that we will review during the next year. To better comply with section 610, the Department has updated its regulatory review plan published on June 29, 1981, to accomplish a more systematic review of all of its regulations. 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 Plans

All elements of the Department, except for Federal Aviation Administration (FAA), have also elected

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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 Unified Agenda. For any section 610 review, we will provide the required notice prior to the review.

Part II — The Review Process

The Analysis

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

Section 610 Review

The agency will analyze each of the rules in a given year's group to determine whether any rule has a SEIOSNOSE and, thus, requires review in accordance with section 610 of the

Regulatory Flexibility Act. The level of analysis will, of course, depend on the nature of the rule and its applicability.

Publication of agencies' section 610 analyses list each fall in this Agenda provides the public with notice and an opportunity to comment consistent with the requirements of the Regulatory Flexibility Act. We request that public comments be submitted to us early in the analysis year concerning the small entity impact of the rules to help us in making our determinations.

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

Other Reviews

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

FAA

The Federal Aviation Administration, in addition to reviewing its rules in

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

FMCSA

As noted in the Fall 2003 Semiannual Regulatory Agenda, FMCSA has undertaken a 5-year analysis and review of its regulations to eliminate duplication and unnecessary requirements and to clarify rules to help small businesses comply. The agency's 5-year review plan coincides with the Department's 10-year schedule for meeting Section 610 requirements.

Part III — List of Pending Section 610 Reviews

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

OFFICE OF THE SECRETARY
SECTION 610 AND OTHER REVIEWS

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

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

Year	Regulations To Be Reviewed	Analysis Year	Review Year
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 3 (2000) List of rules continuing to be analyzed

14 CFR part 240 — Inspection of accounts and property

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

14 CFR part 300 — Rules of conduct in DOT proceedings under this chapter

14 CFR part 314 — Employee protection program

14 CFR part 330 — Procedures for compensation of air carriers

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

14 CFR part 302 — Review of practice in proceedings

- Section 610: No. SEIOSNOSE. The rule does not have a significant impact on a substantial number of small entities.

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

- General: This section was revised in 2000. If additional updates become desirable, changes will be proposed.

14 CFR part 303 — Review of air carrier agreements

- Section 610: No. SEIOSNOSE. The rule does not have a significant impact on a substantial number of small entities.

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

- General: The last overall revision of this section was in 1985, with changes to certain specific provisions having been made subsequently. If additional updates become desirable, changes will be proposed.

14 CFR part 313 — Implementation of the Energy Policy and Conservation Act

- Section 610: No. SEIOSNOSE. The rule does not have a significant impact on a substantial number of small entities.

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

- General: This section was revised in 1995. If additional updates become desirable, changes will be proposed.

14 CFR part 323 — Termination, suspensions, and reductions of service

- Section 610: No. SEIOSNOSE. The rule does not have an economic impact on a substantial number of small entities.

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

- General: Since this section has not been revised for a number of years, we will propose streamlining by eliminating some outdated and unnecessary sections.

14 CFR part 325 — Essential air service procedures

- Section 610: No. SEIOSNOSE. The rule does not have an economic impact on a substantial number of small entities.

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

- General: Since this section has not been revised for a number of years, we will propose streamlining by eliminating some outdated and unnecessary sections.

14 CFR part 372 — Overseas military personnel charters

- Section 610: No. SEIOSNOSE. The rule does not have a significant impact on a substantial number of small entities.

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

- General: While this rule has not been used by any commercial air carrier for 10 years or more, we are reluctant to eliminate it as a possible alternative for military personnel stationed in foreign countries. We are reviewing the rule for desirable changes.

Year 6 (Fall 2003) List of rules that will be analyzed during the next year

14 CFR part 374 — Implementation of the consumer credit protection act with respect to air carriers and foreign air carriers

14 CFR part 374a — Extension of credit by airlines to Federal political candidates

14 CFR part 375 — Navigation of foreign civil aircraft within the United States

14 CFR part 377 — Continuance of expired authorizations by operation of law pending final determination of applications for renewal thereof

14 CFR part 380 — Public charters

14 CFR part 381 — Special event tours

14 CFR part 382 — Nondiscrimination on the basis of disability in air travel

14 CFR part 383 — Civil penalties

14 CFR part 385 — Staff assignments and review of action under assignment

14 CFR part 389 — Fees and charges for special services

14 CFR part 398 — Guidelines for individuals determinations of basic essential air service

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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 analyzed and a summary of the results

14 CFR part 35 — Airworthiness Standards: Propellers

- Section 610: No SEIOSNOSE. This rule applies to a substantial number of small entities but amendments over the past decade do not have a significant adverse economic impact. Accordingly, a periodic review was not required.

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

14 CFR part 36 — Noise Standards: aircraft type and airworthiness certification

- Section 610: No SEIOSNOSE. This rule applies to a substantial number of small entities but amendments over the past decade do not have a significant adverse economic impact. Accordingly, a periodic review was not required.

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

14 CFR part 39 Airworthiness Directives

- Section 610: No SEIOSNOSE. This rule applies to a substantial number of small entities but no amendments have been implemented over the past decade. Accordingly, a periodic review was not required.

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

14 CFR part 43 — Maintenance, preventive maintenance, rebuilding, and alteration

- Section 610: No SEIOSNOSE. This rule applies to a substantial number of small entities but amendments over the past decade do not have a significant adverse economic impact. Accordingly, a periodic review was not required.

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

14 CFR part 45 — Identification and registration marking

- Section 610: No SEIOSNOSE. This rule applies to a substantial number of small entities, but amendments over the past decade do not have a significant economic impact. Accordingly, a period review is not required.

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

14 CFR part 47 — Aircraft registration

- Section 610: No SEIOSNOSE. This rule applies to a substantial number of small entities, but amendments over the past decade do not have a significant economic impact. Accordingly, a periodic review is not required.

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

14 CFR part 49 — Recording of aircraft and titles

- Section 610: No SEIOSNOSE. This rule applies to a substantial number of small entities, but amendments over the past decade do not have a significant economic impact. Accordingly, a periodic review is not required.

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

Year 6 (Fall 2003) List of rules that will be analyzed during the next year

14 CFR part 91 — General operating and flight rules

14 CFR part 93 — Special air traffic rules and airport traffic patterns

14 CFR part 95 — IFR altitudes

14 CFR part 99 — Security control of air traffic

14 CFR part 101 — Moored balloons, kites, unmanned rockets and unmanned free balloons

14 CFR part 103 — Ultralight vehicles

14 CFR part 105 — Parachute operations

FEDERAL HIGHWAY ADMINISTRATION
SECTION 610 AND OTHER REVIEWS

Year	Regulations To Be Reviewed	Analysis Year	Review Year
1	None	1998	1999
2	None	1999	2000
3	23 CFR parts 450, 657 and 771	2000	2001
4	23 CFR parts 1-260	2001	2002

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FEDERAL HIGHWAY ADMINISTRATION (Continued)
SECTION 610 AND OTHER REVIEWS

Year	Regulations To Be Reviewed	Analysis Year	Review Year
5	23 CFR parts 420, 460-480	2002	2003
6	23 CFR part 500	2003	2004
7	23 CFR parts 600-656, 658-669	2004	2005
8	23 CFR parts 710-924	2005	2006
9	23 CFR parts 1200-1252	2006	2007
10	New parts and subparts	2007	2008

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

23 CFR part 420 — Planning and research program administration

- Section 610: No SEIOSNOSE. These rules apply primarily to State transportation agencies and have no significant impact on small entities.

- Plain Language: FHWA’s plain language review of this regulation indicates no need for substantial revision.

23 CFR part 460 — Public road mileage for apportionment of highway safety funds

- Section 610: No SEIOSNOSE. These rules apply primarily to State transportation agencies and have no significant impact on small entities.

- Plain Language: FHWA’s plain language review of this regulation indicates no need for substantial revision.

23 CFR part 470 — Highway systems

- Section 610: No SEIOSNOSE. These rules apply primarily to State transportation agencies and have no significant impact on small entities.

- Plain Language: FHWA’s plain language review of this regulation indicates no need for substantial revision.

23 CFR part 476 — Interstate highway systems

- The FHWA jointly with the FTA removed part 476 from Title 23 of the Code of Federal Regulations on November 26, 2003, at 68 FR 66338. The underlying statutory authority for this program was eliminated in section 1106(b) of the Transportation Equity Act for the 21st Century.

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

23 CFR part 500 — Management and monitoring systems

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 1 of

title 23 of the USC. Section 145 of title 23 expressly provides that chapter 1 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 requirements that States must meet to receive Federal funds for the construction and other work related to highways.

Because the regulations in title 23 primarily relate to States, which are not defined as small entities under the Regulatory Flexibility Act, the FHWA believes that its regulations in title 23 do not have a significant economic impact on a substantial number of small entities. The FHWA solicits public comment on this preliminary conclusion.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION
SECTION 610 AND OTHER REVIEWS

Year	Regulations To Be Reviewed	Analysis Year	Review Year
1	None	1998	1999
2	None	1999	2000
3	None	2000	2001
4	None	2001	2002
5	None	2002	2003
6	49 CFR parts 372 subpart A, 381, 386, and 388-389	2003	2004
7	49 CFR parts 325, 350, 355, 382-385, 390-393, and 396-399	2004	2005
8	49 CFR parts 356-357, 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 6 (Fall 2003) List of rules to be analyzed during the next year

49 CFR part 372 subpart A — Exemptions

49 CFR part 381 — Waivers, exemptions and pilot programs

49 CFR part 386 — Rules of practice for motor carrier, broker, freight forwarder

49 CFR part 388 — Cooperative agreements with States

DOT

49 CFR part 389 — Rulemaking procedures — Federal Motor Carrier Safety Regulations

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
SECTION 610 AND OTHER REVIEWS

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

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

49 CFR part 529 - Manufacturers of multistage automobiles

- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.

49 CFR part 531 - Passenger automobiles average fuel economy

- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.

49 CFR part 533 — Light truck fuel economy standards

- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.

49 CFR part 535 — 3-year carryforward and carryback of credits for light trucks

- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.

49 CFR part 537 — Automobile fuel economy reports

- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.

49 CFR part 538 - Manufacturing incentives for alternative fuel vehicles

- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.

49 CFR part 541 - Federal motor vehicle theft prevention standard

- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: This rule is being amended using plain language techniques. Where confusing or wordy language has been identified, we will make revisions.

49 CFR part 542 - Procedures for selecting lines to be covered by the theft prevention standard

- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.

49 CFR part 543 - Exemption from vehicle theft prevention standard

- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.

49 CFR part 544 - Insurer reporting requirements

- Section 610: No SEIOSNOSE. No small entities are affected.
- Plain Language: This rule is being amended using plain language techniques. Where confusing or wordy language has been identified, we will make revisions.

49 CFR part 551 - Procedural rules

- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.

49 CFR part 552 - Petitions for rulemaking, defect, and noncompliance orders

DOT

- Section 610: No SEIOSNOSE. No small entities are affected.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.
49 CFR part 553 - Rulemaking procedures
- Section 610: No SEIOSNOSE. No small entities are affected.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.
49 CFR part 554 - Standards enforcement and defects investigation
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: This rule is revised using plain language techniques. Where confusing or wordy language has been identified, we will make revisions.
49 CFR part 555 - Temporary exemption from motor vehicle safety and bumper standards
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.
49 CFR part 556 - Exemption for inconsequential defect or non-compliance
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: This rule is being amended using plain language techniques. Where confusing or wordy language has been identified, we will make revisions.
49 CFR part 557 - Petitions for hearings on notification and remedy of defects
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.
49 CFR part 564 - Replaceable light source information
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.
49 CFR part 565 - Vehicle identification number requirements
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.
49 CFR part 566 - Manufacturer identification
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.
49 CFR part 567 — Certification
- Section 610: No SEIOSNOSE. The rule does not have a significant economic impact on a substantial number of small entities.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.
49 CFR part 568 - Vehicles manufactured in two or more stages
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.
49 CFR part 569 - Regrooved tires
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.
49 CFR part 570 - Vehicle in use inspection standards
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.
49 CFR part 572 - Anthropomorphic test devices
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.
49 CFR part 573 - Defect and noncompliance reports
- Section 610: No SEIOSNOSE. These rules impose a low cost on a small number of entities.
- Plain Language: This rule is being revised using plain language techniques. Where confusing or wordy language has been identified, we will make revisions.
49 CFR part 574 - Tire identification and recordkeeping
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.
49 CFR part 575 - Consumer information regulations

DOT

- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
 - Plain Language: This rule is being amended using plain language techniques. Where confusing or wordy language has been identified, we will make revisions.
- 49 CFR part 576 - Record retention
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
 - Plain Language: Where confusing or wordy language has been identified, we will make revisions.
- 49 CFR part 577 - Defect and noncompliance notification
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
 - Plain Language: This rule is being amended using plain language techniques. Where confusing or wordy language has been identified, we will make revisions.
- 49 CFR part 578 - Civil penalties
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
 - Plain Language: This rule is revised using plain language techniques. Where confusing or wordy language has been identified, we will make revisions.
- 49 CFR part 579 - Defect and noncompliance responsibility
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
 - Plain Language: This rule is being amended using plain language techniques. Where confusing or wordy language has been identified, we will make revisions.

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

- 49 CFR parts 571.111 - Rearview mirrors
- 49 CFR parts 571.112 - [Reserved]
- 49 CFR parts 571.113 - Hood latch system
- 49 CFR parts 571.114 - Theft protection
- 49 CFR parts 571.116 - Motor vehicle brake fluids
- 49 CFR parts 571.117 - Retreaded pneumatic tires
- 49 CFR parts 571.118 - Power-operated window, partition, and roof panel systems
- 49 CFR parts 571.119 - New pneumatic tires for vehicles other than passenger cars
- 49 CFR parts 571.120 - Tire selection and rims for motor vehicles other than passenger cars
- 49 CFR parts 571.121 - Air brake systems
- 49 CFR parts 571.122 - Motorcycle brake systems
- 49 CFR parts 571.123 - Motorcycle controls and displays
- 49 CFR parts 571.124 - Accelerator control systems
- 49 CFR parts 571.125 - Warning devices
- 49 CFR parts 571.129 - New non-pneumatic tires for passenger cars
- 49 CFR part 580 - Odometer disclosure requirements
- 49 CFR part 581 - Bumper standard
- 49 CFR part 582 - Insurance cost information regulation
- 49 CFR part 583 - Automobile parts content labeling
- 49 CFR part 585 - Advanced air bag phase-in reporting requirements
- 49 CFR part 586 - Side impact phase-in reporting requirements
- 49 CFR part 587 - Deformable barriers
- 49 CFR part 588 - Child restraint systems recordkeeping requirements

Year 6 (Fall 2003) list of rules that will be analyzed during the next year

- 49 CFR parts 571.201 - Occupant protection in interior impact
- 49 CFR parts 571.202 - Head restraints
- 49 CFR parts 571.203 - Impact protection for the driver from the steering control system
- 49 CFR parts 571.204 - Steering control rearward displacement
- 49 CFR parts 571.205 - Glazing materials
- 49 CFR parts 571.206 - Door locks and door retention components
- 49 CFR parts 571.207 - Seating systems
- 49 CFR parts 571.208 - Occupant crash protection
- 49 CFR parts 571.209 - Seat belt assemblies
- 49 CFR parts 571.210 - Seat belt assembly anchorages
- 49 CFR parts 571.211 - [Reserved]
- 49 CFR parts 571.212 - Windshield mounting

DOT

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 5 (Fall 2002) List of rules analyzed and a summary of the results

49 CFR part 218 — Railroad operating practices

- Section 610: There is No SEIOSNOSE. The rule applies only to railroads that operate rolling equipment on standard gauge track, which is part of the general railroad system of transportation and exempts railroads that operate only on track inside an installation or rapid transit operations in an urban area not connected with the general railroad system of transportation.
- Plain Language: FRA's plain language review of this rule indicates no need for substantial revision.
- General: Since the rule prescribes minimum requirements for railroad operating rules and practices, it will provide safety and security for railroad employees.

49 CFR part 221 — Rear End Marking Device — Passenger, Commuter and Freight Trains

- Section 610: There is No SEIOSNOSE. This rule exempts small entities from compliance.
- Plain Language: FRA's plain language review of this rule indicates no need for substantial revision.
- General: Since the rule prescribes minimum requirements for railroads to equip the rear car of passenger, commuter and freight trains with highly visible markers it will provide safety and security not only for railroad employees but also for the general public.

Year 6 (Fall 2003) List of rules that will be analyzed during the next year

- 49 CFR part 216—Special Notice and Emergency Order Procedures
- 49 CFR part 228—Hours of Service of Railroad Employees
- 49 CFR part 229—Railroad Locomotive Safety Standards

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

FTA has completed all its reviews.

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

DOT

MARITIME ADMINISTRATION (Continued)
SECTION 610 AND OTHER REVIEWS

Year	Regulations To Be Reviewed	Analysis Year	Review Year
10	46 CFR parts 390 through 391	2007	2008

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

46 CFR part 307 - Establishment of Mandatory Position Reporting System for Vessels

- Section 610: No SEISNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: MARAD'S review found that the regulation is written in plain language.
- General: In 2000, we amended part 307 to update address information. We will continue to review these regulations and make additional changes when appropriate.

46 CFR part 308 - War Risk Insurance

- Section 610: No SEISNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: MARAD will rewrite the regulation using plain language techniques when the opportunity and resources become available.
- General: We will continue to review these regulations and make additional changes when appropriate.

46 CFR part 309 - Values for War Risk Insurance

- Section 610: No SEISNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: This regulation is written in plain language.
- General: We will continue to review these regulations and make additional changes if necessary.

46 CFR part 310 - Merchant Marine Training

- Section 610: No SEISNOSE. No small entities, only individuals, are affected by this regulation.
- Plain Language: MARAD will rewrite the regulation using plain language techniques when the opportunity and resources become available.
- General: MARAD updated a portion of this regulation in 2001. We will continue to review these regulations and make additional changes when appropriate.

Year 6 (Fall 2003) List of rules that will be analyzed during the next year

46 CFR part 315 — Agency agreements and appointment of agents

46 CFR part 317 — Bonding of ship's personnel

46 CFR part 324 — Procedural rules for financial transactions under Agency agreements

46 CFR part 325 — Procedure to be followed by general agents in preparation of invoices and payment of compensation pursuant to provisions on NSA Order No. 47

46 CFR part 326 — Marine protection and indemnity insurance under agreements with agents

46 CFR part 327 — Seamen's claims; administrative action and litigation

46 CFR part 328 — Slop chests

46 CFR part 329 — Voyage data

46 CFR part 330 — Launch services

46 CFR part 332 — Repatriation of seamen

46 CFR part 335 — Authority and responsibility of general agents to undertake emergency repairs in foreign ports

46 CFR part 336 — Authority and responsibility of general agents to undertake in continental United States ports voyage repairs and service equipment of vessels operated in the account of the National Shipping Authority under general agency agreement

46 CFR part 337 — General agent's responsibility in connection with foreign repair custom's entries

46 CFR part 338 — Procedure for accomplishment of vessel repairs under National Shipping Authority master lump sum repair contract - NSA-LUMPSUMREP

46 CFR part 339 — Procedure for accomplishment of ship repairs under National Shipping Authority master lump sum repair contract - NSA-WORKSMALREP

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION
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

DOT

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION (Continued)
SECTION 610 AND OTHER REVIEWS

Year	Regulations To Be Reviewed	Analysis Year	Review Year
5	49 CFR parts 172, 173, 174, 175, 176, 177, and 178 (radioactive material)	2002	2003
6	49 CFR parts 172, 173, 174, 176, and 178 (explosives), and 193 (liquefied natural gas facilities), and parts 172, 173, 178, and 180 (cylinders)	2003	2004
7	49 CFR 173 (shipper requirements) and 194 (onshore oil pipeline response plans)	2004	2005
8	49 CFR parts 110 (training and planning grants), 178 (non-bulk packaging) and 195 (hazardous liquid pipeline transportation)	2005	2006
9	49 CFR parts 178 through 180 (bulk packaging) and 198 (State pipeline safety grants)	2006	2007
10	49 CFR parts 172 (communications, emergency response, training and hazmat table) and 175 (air carriage)	2007	2008

Year 5 (Fall 2002) List of rules analyzed and a summary of the results (Note: Those sections of the following parts that pertain to radioactive materials transportation, only.)

49 CFR part 172 — Hazardous materials table, special provisions, hazardous materials communications, emergency response information, and training requirements

- Section 610: No SEIOSNOSE. The requirements apply to persons who offer for transportation or transport radioactive materials in commerce. Entities licensed by the Nuclear Regulatory Commission generally do not meet the definition for a small business; most shippers and transporters of small quantities of radioactive materials are small businesses. While the regulations apply to a substantial number of small entities, they do not have a significant economic impact on those entities. The requirements have little or no impact on entry to or exit from the industry. Moreover, requirements generally are consistent with international transportation standards, thereby facilitating international transportation and trade, and the regulations permit shippers to take advantage of exceptions for certain types and amounts of material shipped.

- Plain language: As resources permit, RSPA will rewrite regulations using plain language techniques.

- General: RSPA will consider comments provided by industry.

49 CFR part 173 — Shippers—general requirements for shipments and packagings

- Section 610: No SEIOSNOSE. The requirements apply to persons who offer for transportation or transport radioactive materials in commerce. Entities licensed by the Nuclear Regulatory Commission generally do not meet the definition for a small business; most shippers and transporters of small quantities of radioactive materials are small businesses. While the regulations apply to a substantial number of small entities, they do not have a significant economic impact on those entities. The requirements have little or no impact on entry to or exit from the industry. Moreover, requirements generally are consistent with international transportation standards, thereby facilitating international transportation and trade, and the regulations permit shippers to take advantage of exceptions for certain types and amounts of material shipped.

- Plain language: As resources permit, RSPA will rewrite regulations using plain language techniques.

- General: RSPA will consider comments provided by industry.

49 CFR part 174 — Carriage by rail

- Section 610: No SEIOSNOSE. The requirements apply to persons who offer for transportation or transport radioactive materials in commerce. Entities licensed by the Nuclear Regulatory Commission generally do not meet the definition for a small business; most shippers and transporters of small quantities of radioactive materials are small businesses. While the regulations apply to a substantial number of small entities, they do not have a significant economic impact on those entities. The requirements have little or no impact on entry to or exit from the industry. Moreover, requirements generally are consistent with international transportation standards, thereby facilitating international transportation and trade, and the regulations permit shippers to take advantage of exceptions for certain types and amounts of material shipped.

- Plain language: As resources permit, RSPA will rewrite regulations using plain language techniques.

- General: RSPA will consider comments provided by industry.

49 CFR part 175 — Carriage by aircraft

- Section 610: No SEIOSNOSE. The requirements apply to persons who offer for transportation or transport radioactive materials in commerce. Entities licensed by the Nuclear Regulatory Commission generally do not meet the definition for a small business; most shippers and transporters of small quantities of radioactive materials are small businesses. While the regulations apply to a substantial number of small entities, they do not have a significant economic impact on those entities. The requirements have little or no impact on entry to or exit from the industry. Moreover, requirements generally are consistent with international transportation standards, thereby facilitating international transportation and trade, and the regulations permit shippers to take advantage of exceptions for certain types and amounts of material shipped.

- Plain language: As resources permit, RSPA will rewrite regulations using plain language techniques.

- General: RSPA will consider comments provided by industry.

49 CFR part 176 — Carriage by vessel

DOT

- Section 610: No SEIOSNOSE. The requirements apply to persons who offer for transportation or transport radioactive materials in commerce. Entities licensed by the Nuclear Regulatory Commission generally do not meet the definition for a small business; most shippers and transporters of small quantities of radioactive materials are small businesses. While the regulations apply to a substantial number of small entities, they do not have a significant economic impact on those entities. The requirements have little or no impact on entry to or exit from the industry. Moreover, requirements generally are consistent with international transportation standards, thereby facilitating international transportation and trade, and the regulations permit shippers to take advantage of exceptions for certain types and amounts of material shipped.
- Plain language: As resources permit, RSPA will rewrite regulations using plain language techniques.
- General: RSPA will consider comments provided by industry.
- 49 CFR part 177 — Carriage by public highway
- Section 610: No SEIOSNOSE. The requirements apply to persons who offer for transportation or transport radioactive materials in commerce. Entities licensed by the Nuclear Regulatory Commission generally do not meet the definition for a small business; most shippers and transporters of small quantities of radioactive materials are small businesses. While the regulations apply to a substantial number of small entities, they do not have a significant economic impact on those entities. The requirements have little or no impact on entry to or exit from the industry. Moreover, requirements generally are consistent with international transportation standards, thereby facilitating international transportation and trade, and the regulations permit shippers to take advantage of exceptions for certain types and amounts of material shipped.
- Plain language: As resources permit, RSPA will rewrite regulations using plain language techniques.
- General: RSPA will consider comments provided by industry.
- 49 CFR part 178 — Specifications for packagings
- Section 610: No SEIOSNOSE. The requirements apply to persons who offer for transportation or transport radioactive materials in commerce. Entities licensed by the Nuclear Regulatory Commission generally do not meet the definition for a small business; most shippers and transporters of small quantities of radioactive materials are small businesses. While the regulations apply to a substantial number of small entities, they do not have a significant economic impact on those entities. The requirements have little or no impact on entry to or exit from the industry. Moreover, requirements generally are consistent with international transportation standards, thereby facilitating international transportation and trade, and the regulations permit shippers to take advantage of exceptions for certain types and amounts of material shipped.
- Plain language: As resources permit, RSPA will rewrite regulations using plain language techniques.
- General: RSPA will consider comments provided by industry.

Year 6 (Fall 2003) List of rules that will be analyzed during the next year

(Those sections of the following parts that pertain to the transportation of explosives, only):

- 49 CFR part 172 - Hazardous materials table, special provisions, hazardous materials communications, emergency response information, and training requirements
- 49 CFR part 173 - Shippers - general requirements for shipments and packagings
- 49 CFR part 174 - Carriage by rail
- 49 CFR part 175 - Carriage by aircraft
- 49 CFR part 176 - Carriage by vessel
- 49 CFR part 178 - Specifications for packagings
- (Those sections of the following parts that pertain to cylinders, only):*
- 49 CFR part 172 - Hazardous materials table, special provisions, hazardous materials communications, emergency response information, and training requirements
- 49 CFR part 173 - Shippers - general requirements for shipments and packagings
- 49 CFR part 178 - Specifications for packagings
- 49 CFR part 180 - Continuing qualification and maintenance of packagings
- 49 CFR part 193 — Liquefied natural gas facilities: Federal safety standards

BUREAU OF TRANSPORTATION STATISTICS
SECTION 610 AND OTHER REVIEWS

Year	Regulations To Be Reviewed	Analysis Year	Review Year
1	14 CFR part 241, form 41	1998	1999
2	14 CFR part 241, schedule T-100, and part 217	1999	2000
3	14 CFR part 298, 49 CFR 1420	2000	2001
4	14 CFR part 241, section 19-7	2001	2002
5	14 CFR part 291	2002	2003
6	14 CFR part 234	2003	2004
7	14 CFR part 249	2004	2005
8	14 CFR part 248	2005	2006
9	14 CFR part 250	2006	2007
10	14 CFR part 374a, ICAO	2007	2008

DOT

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

14 CFR part 291, Cargo operations in interstate air transportation.

- Section 610: No SEIONOSE. This data collection applies only to large entities.
- General: This rule was reviewed as part of an overall aviation data requirements review and modernization program. A final rule was issued July 30, 2002, which revised the traffic statistics reported by domestic all-cargo air carriers by requiring these air carriers to report on-flight segment and non-stop market traffic data on BTS Schedule T-100, and fuel consumption data on BTS Schedule P-12(a), Fuel Consumption by Type of Service and Entity. This rule fills a data gap due to a lack of information on non-stop segment data, on-flight market data, and fuel consumption data for domestic all-cargo operations. (See 67 FR 49217; July 30, 2002; RIN 2139-AA08).
- Plain Language: The rulemaking takes into account the plain language initiative.

Year 6 (Fall 2003) List of Rules that will be analyzed during the next year

14 CFR part 234, Airline service quality performance reports

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION
SECTION 610 AND OTHER REVIEWS

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

Office of the Secretary—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2028	Accessibility of Passenger Vessels to Individuals With Disabilities	2105-AB87

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2029	Use of Oxygen by Air Carrier Passengers	2105-AC29
2030	Domestic Passenger Manifest Information	2105-AC62
2031	Aviation Data Requirements Review and Modernization Program	2105-AC71
2032	Nondiscrimination on the Basis of Disability in Air Travel	2105-AC97
2033	Transportation Acquisition Regulation	2105-AD28
2034	Charter Rules for U.S. and Foreign Direct Air Carriers (14 CFR Part 212)	2105-AD38
2035	Navigation of Foreign Civil Aircraft within the United States	2105-AD39
2036	Accommodations in Air Travel for Deaf and Hard of Hearing Individuals	2105-AD41

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2037	Fees and Charges for Special Services: Reinvention	2105-AC47
2038	Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations	2105-AC83
2039	Americans With Disabilities Act Accessibility Standards	2105-AC86
2040	Participation by Disadvantaged Business Enterprises in Department of Transportation Programs	2105-AC91
2041	Over-the-Road Buses: Extension of Due Date for Information Collection	2105-AC98
2042	Maintenance of and Access to Records About Individuals	2105-AD22
2043	Privacy Act of 1974	2105-AD23
2044	Protection of Sensitive Security Information	2105-AD33
2045	Civil Penalties	2105-AD40

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Office of the Secretary—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
2046	Mentor/Protege Program	2105-AD20
2047	Review of Data Filed by Certificated or Commuter Air Carriers To Support Continuing Fitness Determinations	2105-AD25
2048	Procedures for Transportation Workplace Drug and Alcohol Testing Programs	2105-AD26

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2049	Use of Direct Final Rulemaking	2105-AC11
2050	Computer Reservations System Regulations Comprehensive Review	2105-AC65
2051	Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace Grants	2105-AD01
2052	Reporting Requirement for Air Carriers Regarding Disability-Related Complaints	2105-AD04
2053	Nondiscrimination on the Basis of Disability in Programs and Activities Receiving or Benefitting From Federal Financial Assistance; Transportation Services for Individuals With Disabilities (ADA)	2105-AD05
2054	Standard Time Zone Boundary in the State of South Dakota: Proposed Relocation of Jones, Mellette, and Todd Counties Into the Central Time Zone	2105-AD30
2055	Standard Time Zone Boundary in the State of North Dakota: Proposed Relocation of Mercer County	2105-AD31
2056	Statements of General Policy: Price Advertising	2105-AD37

Federal Aviation Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2057	Drug Enforcement Assistance	2120-AD16
2058	Corrosion Control Program	2120-AE92
2059	Licensing and Safety Requirements for Launch	2120-AG37
2060	Antidrug and Alcohol Misuse Prevention Programs for Personnel Engaged in Specified Aviation Activities	2120-AH14
2061	Safe, Efficient Use and Preservation of the Navigable Airspace	2120-AH31
2062	Airworthiness Standards for Classes B and F Cargo Compartment for Transport Category Airplanes	2120-AH47
2063	Airman and Medical Certificate Disqualification Based on Alcohol Violations and Refusals to Submit to Drug or Alcohol Testing	2120-AH82
2064	Performance and Handling Qualities Requirements for Rotorcraft	2120-AH87
2065	Revisions to Cockpit Voice Recorder and Digital Flight Data Recorder Regulations	2120-AH88
2066	Issuance of Standard Airworthiness Certificates for Aircraft Manufactured From Spare and Surplus Parts	2120-AH90
2067	Aging Aircraft Program (Widespread Fatigue Damage)	2120-AI05
2068	High-Intensity Radiated Fields	2120-AI06
2069	Service Difficulty Reports	2120-AI08
2070	Airplane Performance and Handling Qualities in Icing Conditions	2120-AI14
2071	Part 158 Statutory and Administrative Changes	2120-AI15
2072	Flight Deck Door Monitoring and Crew Discreet Alerting Systems	2120-AI16
2073	Washington, DC Metropolitan Area Special Flight Rules Area	2120-AI17
2074	Implementing the Maintenance Provisions of Bilateral Agreements	2120-AI19
2075	Transport Airplane Fuel Tank Flammability Reduction	2120-AI23
2076	Use of Certain Portable Oxygen Concentrator Devices Onboard Air Carrier Aircraft	2120-AI30
2077	Enhanced Airworthiness Program for Airplane Systems (EAPAS)	2120-AI31

Federal Aviation Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2078	Aging Aircraft Safety	2120-AE42
2079	Air Traffic Control Radar Beacon System and Mode S Transponder Requirements in the National Airspace System	2120-AE81

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Federal Aviation Administration—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
2080	Civil Penalty Assessment Procedures	2120-AE84
2081	National Air Tour Safety Standards	2120-AF07
2082	Revision of Emergency Evacuation Demonstration Procedures To Improve Participant Safety	2120-AF21
2083	Miscellaneous Cabin Safety Changes	2120-AF77
2084	False and Misleading Statements Regarding Aircraft Parts	2120-AG08
2085	Noise Limitations for Aircraft Operations in the Vicinity of Grand Canyon National Park	2120-AG34
2086	Training in the Recognition of Hazardous Material	2120-AG75
2087	Revisions to Digital Flight Data Recorder Regulations for B-737 Airplanes and for Part 125 Operators	2120-AG87
2088	Airworthiness Standards: Normal, Utility, Acrobatic and Commuter Category Airplanes (Section 610 Review)	2120-AG93
2089	Flight Simulation Device Qualification	2120-AH07
2090	Noise Certification Regulations for Helicopters	2120-AH10
2091	Certification of Aircraft and Airmen for the Operation of Light-Sport Aircraft	2120-AH19
2092	Public Address System	2120-AH30
2093	Revisions to Various Powerplant Installation Requirements for Transport Category Airplanes	2120-AH37
2094	Miscellaneous Flight Requirements	2120-AH39
2095	Trim Systems and Protective Breathing Equipment	2120-AH40
2096	Powerplant Controls on Transport Category Airplanes, General	2120-AH65
2097	Transponder Continuous Operation	2120-AH67
2098	Security Considerations for the Flightdeck on Foreign-Operated Transport Category Airplanes	2120-AH70
2099	Picture Identification Requirements	2120-AH76
2100	Area Navigation (RNAV) and Miscellaneous Amendments	2120-AH77
2101	Flightdeck Security on Foreign-Operated Airplanes	2120-AH86
2102	Process for Requesting Waiver of Mandatory Separation Age for Certain Federal Aviation Administration (FAA) Air Traffic Controllers	2120-AI18
2103	Fuel Tank Safety Compliance Extension and Aging Airplane Notice	2120-AI20
2104	Aircraft Assembly Placard Requirements	2120-AI24
2105	Harmonization of Noise Certification Standards for Propeller-Driven Small Airplanes	2120-AI25
2106	Minimum Flight Altitudes and Restrictions for Flight Operations in the Vicinity of Certain Venues	2120-AI33
2107	Prohibition Against Certain Flights By Syrian Air Carriers to the United States	2120-AI34

Federal Aviation Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
2108	IFR Altitudes; Miscellaneous Amendments	2120-AA63
2109	Airworthiness Directives	2120-AA64
2110	Standard Instrument Approach Procedures; Miscellaneous Amendments	2120-AA65
2111	Airspace Actions	2120-AA66
2112	Retrofit of Improved Seats in Air Carrier Transport Category Airplanes	2120-AC84
2113	Flight Crewmember Duty Period Limitations, Flight Time Limitations, and Rest Requirements	2120-AF63
2114	Child Restraint Systems	2120-AG43
2115	Noise Stringency Increase for Single-Engine Propeller-Driven Small Airplanes	2120-AH44
2116	Establishment of Organization Designation Authorization Procedures	2120-AH79
2117	Ineligibility for an Airman Certificate Based on Security Grounds	2120-AH84
2118	Stage 4 Aircraft Noise Standards	2120-AH99
2119	Extended Operations (ETOPS) of Multi-Engine Airplanes	2120-AI03
2120	Continued Airworthiness of Airplane Structure	2120-AI32

Federal Aviation Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2121	Revision of Air Carrier Crewmember and Training Regulations	2120-AG57
2122	Fire Protection of Electrical System Components on Transport Category Airplanes	2120-AG92
2123	Certification of Airports	2120-AG96

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Federal Aviation Administration—Completed Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
2124	Electrical Installation, Nickel Cadmium Battery Installation, and Nickel Cadmium Battery Storage	2120-AH27
2125	Design and Installation of Electronic Equipment on Transport Category Airplanes	2120-AH28
2126	Electrical Cables	2120-AH29
2127	Design Standards for Fuselage Doors on Transport Category Airplanes	2120-AH34
2128	Revisions to Passenger Facility Charge Rule for Compensation to Air Carriers	2120-AH43
2129	Reports by Carriers on Incidents Involving Animals During Air Transport	2120-AH69
2130	Flight Visibility; Vision Enhancing Equipment	2120-AH78
2131	Prohibition of Construction or Alteration in the Vicinity of the Private Residence of the President of the United States	2120-AH83
2132	Security Control of Air Traffic	2120-AI04
2133	Development of Major Repair Data, Special Federal Aviation Regulation No. 36	2120-AI09
2134	Security Control of Air Traffic	2120-AI11
2135	Service Difficulty Reports	2120-AI13
2136	Electrical Equipment and Installations, Storage Battery Installation; Electronic Equipment; and Fire Protection of Electrical System Components on Transport Category Airplanes	2120-AI21

Federal Highway Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2137	Revisions to Highway Bridge Replacement and Rehabilitation Program	2125-AE75
2138	Manual on Uniform Traffic Control Devices for Streets and Highways; Minimum Retroreflectivity Guidelines for Traffic Signs	2125-AE98

Federal Highway Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2139	Work Zone Mobility and Safety	2125-AE29
2140	National Bridge Inspection Standards	2125-AE86
2141	Uniform Relocation Assistance and Real Property Acquisition for Federal Assisted Program	2125-AE97
2142	The Manual on Uniform Traffic Control Devices for Streets and Highways; Specific Service and General Service Signing for 24-Hour Pharmacies and Errata to the 2003 MUTCD	2125-AF02

Federal Highway Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
2143	Truck Size and Weight, Route Designations; Length, Width, and Weight Limitations	2125-AE99

Federal Highway Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2144	Federal Lands Highway Program; Management Systems Pertaining to the National Park Service, Including the Park Roads and Parkways Program	2125-AE52
2145	Federal Lands Highway Program; Management Systems Pertaining to the Bureau of Indian Affairs, Including the Indian Reservations Road Program	2125-AE53
2146	Federal Lands Highway Program; Management Systems Pertaining to the Fish and Wildlife Service, Including the Refuge Roads Program	2125-AE54

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Federal Highway Administration—Completed Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
2147	Federal Lands Highway Program; Management Systems Pertaining to the Forest Service, Including the Forest Highways Program	2125-AE55
2148	Commercial Vehicle Width Exclusive Devices	2125-AE90
2149	Interstate Highway System	2125-AF00
2150	Contract Administration, Removal of Miscellaneous, Obsolete or Redundant Regulations	2125-AF01

Federal Motor Carrier Safety Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2151	Safety Fitness Procedures; Safety Ratings	2126-AA37
2152	Brokers of Household Goods Transportation by Motor Vehicle	2126-AA84

Federal Motor Carrier Safety Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2153	Commercial Learner Permits	2126-AA03
2154	Qualification of Drivers; Field of Vision	2126-AA05
2155	Medical Qualification Requirements as Part of the Commercial Driver's License (CDL) Process	2126-AA10
2156	Unified Registration System	2126-AA22
2157	Transportation of Household Goods; Consumer Protection Regulations (Rulemaking Resulting From a Section 610 Review)	2126-AA32
2158	New Entrant Safety Assurance Process	2126-AA59
2159	Posting of Employee Protections Information	2126-AA68
2160	Penalties, Inspection, and Decal Display Requirements for Mexico-Domiciled Motor Carriers	2126-AA72
2161	Hours of Service of Drivers; Supporting Documents	2126-AA76
2162	Acute and Critical Violations	2126-AA77
2163	Qualifications of Motor Carriers To Self-Insure Their Operations and Fees To Support the Approval and Compliance Process; Withdrawal	2126-AA82
2164	Hours of Service of Drivers—Sleeper Berth Rest Period	2126-AA85
2165	Inspection, Repair, and Maintenance of Intermodal Container Chassis	2126-AA86
2166	Cargo Securement Standards	2126-AA88

Federal Motor Carrier Safety Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2167	Federal Motor Carrier Safety Regulations; Hazardous Materials Safety Permits	2126-AA07
2168	Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators	2126-AA09
2169	Rules of Practice for Motor Carrier Proceedings; Investigations; Disqualifications and Penalties	2126-AA15
2170	Railroad-Highway Grade Crossing Safety	2126-AA18
2171	General Jurisdiction Over Freight Forwarder Service	2126-AA25
2172	Federal Motor Carrier Safety Regulations; Waivers, Exemptions, and Pilot Programs; Rules and Procedures	2126-AA41
2173	Parts and Accessories Necessary for Safe Operation; General Amendments	2126-AA61
2174	Certification of Safety Auditors, Safety Investigators, and Safety Inspectors	2126-AA64
2175	Certification of Compliance With Federal Motor Vehicle Safety Standards (FMVSS)	2126-AA69
2176	Limitations on Issuance of Commercial Driver's License With Hazardous Materials Endorsement	2126-AA70
2177	Registration Enforcement	2126-AA78
2178	Title VI Regulations for FMCSA Financial Assistance Recipients	2126-AA79
2179	Parts and Accessories Necessary for Safe Operation; Fuel Systems	2126-AA80

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Federal Motor Carrier Safety Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
2180	Commercial Driver's License Standards; Biometric Identifier	2126-AA01
2181	Application by Certain Mexico-Domiciled Motor Carriers To Operate Beyond U.S. Municipalities and Commercial Zones on the U.S.-Mexico Border	2126-AA34
2182	Safety Monitoring System and Compliance Initiative for Mexico-Domiciled Motor Carriers Operating in the United States	2126-AA35

Federal Motor Carrier Safety Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2183	Minimum Training Requirements for Longer Combination Vehicle (LCV) Operators and LCV Driver-Instructor Requirements	2126-AA08
2184	Safety Performance History of New Drivers	2126-AA17
2185	General Requirements; Inspection, Repair, and Maintenance; Intermodal Container Chassis and Trailers	2126-AA38
2186	Federal Motor Carrier Safety Regulations; Interstate School Bus Safety	2126-AA53
2187	Drug and Alcohol Management Information System (MIS) Reporting	2126-AA83

National Highway Traffic Safety Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2188	Frontal Offset Protection	2127-AH73
2189	Reduced Stopping Distance Requirements for Truck Tractors	2127-AJ37

National Highway Traffic Safety Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2190	Seating Systems Performance	2127-AD08
2191	Certification Requirements of Multistage Vehicles	2127-AE27
2192	Rear Convex Cross-View Mirrors	2127-AG41
2193	Upgrade Roof Crashworthiness	2127-AG51
2194	Upgrade Door Retention Performance	2127-AH34
2195	Special Purpose Vehicles	2127-AH75
2196	Low-Speed Vehicle Performance Requirements	2127-AH80
2197	Headlamp Glare	2127-AH81
2198	Motorcycle Headlamp System	2127-AH92
2199	Improve Motorcycle Helmet Head Protection	2127-AI03
2200	Seat Belt Emergency Locking Retractor	2127-AI38
2201	Adaptation of Instrumented Lower Legs for Hybrid III Male and Female Adult Dummies	2127-AI39
2202	Cargo Carrying Capacity	2127-AI50
2203	Child Restraint System Webbing Strength	2127-AI66
2204	Event Data Recorders	2127-AI72
2205	GM Petition on Amending FMVSS No. 301 and FMVSS Nos. 208, 212, 219, 303, and 305	2127-AI76
2206	Incorporation of EuroSID II Dummy into 49 CFR Part 572	2127-AI89
2207	Vehicles Built in Two or More Stages—Standard 201 (Petitions for Reconsideration)	2127-AI93
2208	Part 571.3 Definitions, Designated Seating Position	2127-AI94
2209	CRS Registration Rulemaking, FMVSS No. 213 and Part 588	2127-AI95
2210	Vehicle Modifications to Accommodate People with Disabilities	2127-AJ07
2211	Side Impact Protection Upgrade—Standard 214	2127-AJ10
2212	Amend Regulatory Definition of Motorcycle To Exclude Low-Speed Motorcycles	2127-AJ13
2213	Incorporation of SID-IIs Side Impact Crash Test Dummy into Part 572	2127-AJ16
2214	Tire Pressure Monitoring System	2127-AJ23

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

Sequence Number	Title	Regulation Identifier Number
2215	FMVSS 114, "Theft Protection"	2127-AJ31
2216	Civil Penalties (Part 578)	2127-AJ32
2217	Defect and Non-Compliance Responsibility and Reports (Parts 573 and 577)	2127-AJ33
2218	Schedule of Fees Authorized by 49 USC 30141	2127-AJ34
2219	Reporting of Information and Communications about Potential Defects	2127-AJ41

National Highway Traffic Safety Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2220	Radiator Safety Cap	2127-AE59
2221	Alternative Geometric Visibility Requirements for Lamps	2127-AF75
2222	Power-Operated Windows: Roof Panels	2127-AF83
2223	Dealer Notification of Defect or Noncompliance Determination	2127-AG27
2224	Power Window Safety Switches	2127-AG36
2225	Signal Lamps Used With Light-Emitting Diodes	2127-AG88
2226	Allocation of Fuel Economy Credits	2127-AG97
2227	Upgrade of Head Restraints	2127-AH09
2228	Registered Importers of Vehicles Not Originally Manufactured To Conform With the Federal Motor Vehicle Safety Standards	2127-AH67
2229	Accelerator Control Systems	2127-AH71
2230	Vehicles With Raised Roofs	2127-AH74
2231	Brake Hoses	2127-AH79
2232	Stowable or Fold-Away Child Restraint Anchorages	2127-AH85
2233	Clarify Test Procedures for Brake Fluids	2127-AH96
2234	Label Placement on Rear Impact Guards	2127-AI04
2235	Reorganize and Harmonize Controls and Displays	2127-AI09
2236	Disposition of Replaced Tires	2127-AI29
2237	Idle Stop Technology Used in Some Hybrid Electric Vehicles	2127-AI43
2238	Procedures for Participating In and Receiving Data From the National Driver Registration Problem Driver Pointer System	2127-AI45
2239	Parking Brakes for Non-School Bus Vehicles	2127-AI47
2240	Horizontal Discharge Trailers	2127-AI56
2241	Heavier Hybrid III Type 6-Year-Old-Size Test Dummy	2127-AI58
2242	Retroactive Certification (Policy Statement)	2127-AI59
2243	Record Retention of Retroactively Certified Vehicles	2127-AI60
2244	Allow Roll-Bar During Brake Testing	2127-AI63
2245	Importation of Commercial Motor Vehicles	2127-AI64
2246	Motorcycle Brake Controls	2127-AI67
2247	Warning Label and Additional Conspicuity Features for Low Speed Vehicles	2127-AI84
2248	Rear Center Lap/Shoulder Belt Requirement—Standard 208	2127-AI91
2249	Adaptive Frontal Lighting	2127-AI97
2250	5th Percentile Dummy Belted Barrier Crash Test Requirements—Standard 208	2127-AI98
2251	Reimbursement Prior to Recall	2127-AJ05
2252	Federal Motor Vehicle Safety Standards Definition of Low Speed Vehicles	2127-AJ12
2253	Platform Lift Systems; Petitions for Reconsideration	2127-AJ18
2254	Theft Data for Calendar Year 2002	2127-AJ27
2255	Insurer Reporting Requirements for October 2004	2127-AJ29
2256	List of Nonconforming Vehicles Eligible for Importation	2127-AJ35
2257	Tire Safety Information	2127-AJ36
2258	Response to Petitions for Reconsideration of Child Restraint Anchorage Systems (FMVSS No. 225)	2127-AJ39
2259	Response to Petitions for Reconsideration of TREAD Child Restraint Performance (FMVSS No. 213)	2127-AJ40

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National Highway Traffic Safety Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
2260	Review: Side-Impact Protection	2127-AF54
2261	Review: Redesigned Air Bags	2127-AH13
2262	Review: Antilock Brake Systems for Heavy Trucks	2127-AI14
2263	Review: Rear-Impact Guards for Truck Trailers	2127-AI15
2264	Convex Mirrors for Commercial Trucks	2127-AI52
2265	Enhanced Passenger-Side Mirror System	2127-AI53
2266	Reforming the Automobile Fuel Economy Standards Program	2127-AJ17
2267	Reforming the Automobile Fuel Economy Standards Program; Request for Product Plan Information	2127-AJ26

National Highway Traffic Safety Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2268	Upgrade Fuel Integrity Performance Requirements	2127-AF36
2269	Door Latch Exemption for Vehicles Equipped With Wheelchair Lifts and Ramps	2127-AG16
2270	Seat Belt Positioning Devices	2127-AG49
2271	Glare Reduction From Daytime Running Lamps	2127-AG86
2272	Administrative Rewrite for Headlamp Requirements	2127-AG87
2273	Motorcycle-Mounted Reflex Reflector Height	2127-AG92
2274	Review: Air Bag On-Off Switches	2127-AH12
2275	Child Restraints for Older Children	2127-AH14
2276	Administrative Rewrite of the Lighting Requirements Other Than Headlamps	2127-AH37
2277	Upper Interior Impact	2127-AH61
2278	Automotive Fuel Economy Manufacturing Incentive for Alternative Fuel Vehicles	2127-AI41
2279	Expanding the Auto Parts Marking Requirement	2127-AI46
2280	Daytime Running Lamps Intensity Reduction Phase II	2127-AI62
2281	FMVSS No. 208 Advanced Air Bag Petitions for Reconsideration (Part 2)	2127-AI82
2282	Federal Motor Vehicle Safety Standards; Child Restraint Systems	2127-AI83
2283	FMVSS No. 201 Upper Interior Impact Multi-Stage Vehicle Compliance	2127-AI86
2284	Use of Seat-Mounted Child Restraints on School Bus Seats	2127-AI88
2285	Reporting of Information and Documents About Potential Defects	2127-AI92
2286	Buy America Requirements	2127-AJ06
2287	Child Restraint Systems	2127-AJ15
2288	Confidential Business Information	2127-AJ24
2289	Partial Response to Petitions for Reconsideration; Federal Motor Vehicle Safety Standard-Glazing Materials	2127-AJ25
2290	High-Theft Lines for Model Year 2005	2127-AJ28
2291	Partial Response to Petitions for Reconsideration; Federal Motor Vehicle Safety Standards-Occupant Crash Protection	2127-AJ30
2292	Reporting of Information and Documents About Potential Defects	2127-AJ38

Federal Railroad Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2293	Locomotive Crashworthiness	2130-AB23
2294	Locomotive Event Recorders	2130-AB34
2295	Occupational Noise Exposure for Railroad Operating Employees	2130-AB56
2296	Retention of Current Monetary Threshold for Reporting Rail Equipment Accidents/Incidents During Calendar Year 2003 and Until Further Amended	2130-AB57

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Federal Railroad Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2297	Whistle Bans at Highway-Rail Grade Crossings	2130-AA71
2298	Standards for Development and Use of Processor-Based Signal and Train Control Systems	2130-AA94
2299	ReflectORIZATION of Rail Freight Rolling Stock	2130-AB41
2300	Civil Monetary Penalty Inflation Adjustment	2130-AB61
2301	Adjustment of Hazardous Materials Civil Penalties for Inflation	2130-AB62

Federal Railroad Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2302	Determination of Minimum Testing Rate for Random Drug and Alcohol Testing	2130-AB31
2303	Application of Random Testing and Other Alcohol and Drug Regulations to Employees of Foreign Railroads	2130-AB39
2304	Railroad Locomotive Safety Standards	2130-AB58

Federal Transit Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2305	Rail Fixed Guideway Systems; State Safety Oversight	2132-AA76

Federal Transit Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
2306	School Bus Operations	2132-AA67

Federal Transit Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2307	Drug and Alcohol Management Information System Reporting	2132-AA77

Saint Lawrence Seaway Development Corporation—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2308	Tariff of Tolls	2135-AA19

Research and Special Programs Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2309	Enhancing Rail Transportation Security of Toxic by Inhalation Materials	2137-AE02

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Research and Special Programs Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2310	Pipeline Safety: Gas Gathering Line Definition	2137-AB15
2311	Safeguarding Food From Contamination During Transportation	2137-AC00
2312	Hazardous Materials: Revision of Requirements for Carriage by Aircraft	2137-AD18
2313	Hazardous Materials Safety: Transportation of Oxygen Cylinders and Oxygen Generators Aboard Aircraft	2137-AD33
2314	Hazardous Materials: Safety Requirements for External Product Piping on Cargo Tanks Transporting Flammable Liquids	2137-AD36
2315	Pipeline Safety: Annual Update of Standards Incorporated by Reference	2137-AD68
2316	Hazardous Materials Regulations: Aluminum Cylinders—Revised Requalification and Use Criteria for the DOT 3 AL Cylinder Made of Aluminum Alloy 6351-TG	2137-AD78
2317	Hazardous Materials: Miscellaneous Amendments	2137-AD87
2318	Hazardous Materials: Requirements for Lighters and Lighter Refills	2137-AD88
2319	Hazardous Materials: Miscellaneous Packaging Amendments	2137-AD89
2320	Hazardous Materials: Security Requirements for Offerors and Transporters	2137-AD90
2321	Hazardous Materials: Infectious Substances; Harmonization With UN Recommendations	2137-AD93
2322	Pipeline Safety: Amendments to Gas and Hazardous Liquid Pipeline Operator Personnel Qualification Program	2137-AD95
2323	Pipeline Safety: Implementation of Effective Public Information Programs	2137-AD96
2324	Pipeline Safety: Standards and Direct Assessment of Gas and Hazardous Liquid Pipelines	2137-AD97
2325	Pipeline Safety: Protecting Unusually Sensitive Areas and Commercially Navigable Waterways From Spills by Unregulated Gathering and Low-Stress Pipelines	2137-AD98
2326	Hazardous Materials: Revision and Consolidation of Requirements for the Authorization for Use of International Standards	2137-AE01

Research and Special Programs Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2327	Pipeline Safety: Passage of Internal Inspection Devices	2137-AB71
2328	Pipeline Safety: Response Plans for Onshore Oil Pipelines	2137-AC30
2329	Pipeline Safety: Periodic Underwater Inspections	2137-AC54
2330	Applicability of the Hazardous Materials Regulations to Loading, Unloading, and Storage	2137-AC68
2331	Hazardous Materials: Revisions to Incident Reporting Requirements and Detailed Hazardous Materials Incident Report DOT Form	2137-AD21
2332	Hazardous Materials: Hazard Communication Requirements—Petitions for Rulemaking and Miscellaneous Amendments	2137-AD28
2333	Pipeline Safety: Periodic Updates to Pipeline Safety Requirements (1999)	2137-AD35
2334	Hazardous Materials: Transportation of Lithium Batteries	2137-AD48
2335	Hazardous Materials: Revision of the Requirements for Hazardous Waste Manifests	2137-AD50
2336	Pipeline Safety: Pipeline Integrity Management in High-Consequence Areas (Gas Transmission Pipeline Operators)	2137-AD54
2337	Pipeline Safety: Hazardous Liquid Pipeline Operator Annual Reports	2137-AD59
2338	Pipeline Safety: Technical Revisions to Agency Procedures	2137-AD77
2339	Hazardous Materials: Exemptions Into Regulations	2137-AD84
2340	Hazardous Materials: Harmonization with the UN Recommendations, International Maritime Dangerous Goods Code, and Int'l. Civil Aviation Organization's Technical Instructions; Response to Appeals and Co	2137-AD94
2341	Hazardous Materials: Editorial Corrections and Miscellaneous Clarifications	2137-AD99

Research and Special Programs Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
2342	Hazardous Materials: Security Requirements for Motor Carriers Transporting Hazardous Materials	2137-AD70

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Research and Special Programs Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2343	Hazardous Materials: Cargo Tank Rollover Requirements	2137-AD34
2344	Hazardous Materials: Adoption of Latest IAEA and Other Miscellaneous Revisions and Clarifications	2137-AD40
2345	Hazardous Materials: Harmonization With the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization Technical Instructions	2137-AD66
2346	Hazardous Materials: Revision to Penalty Guidelines	2137-AD71
2347	Hazardous Materials: Enhancing Security of Explosives Transportation	2137-AD79
2348	Pipeline Safety: Liquefied Natural Gas Facilities; and Updating Safety Standards	2137-AD80
2349	Hazardous Materials Regulations: Matter Incorporated by Reference	2137-AD83
2350	Hazardous Materials: Editorial Corrections and Miscellaneous Clarifications	2137-AD85
2351	Hazardous Materials: Suspension of Approval Program for Certain Persons Performing Visual Requalification of DOT Specification Cylinders	2137-AD86

Maritime Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2352	Cargo Preference Regulations—Carriage of Oceangoing Cargo Generated by Government Programs	2133-AB37
2353	Application Fee for Administrative Waivers of the Coastwise Trade Laws	2133-AB50
2354	Maritime Education and Training—Amendments	2133-AB63
2355	Amendments to Title XI Loan Guarantee Program	2133-AB65

Maritime Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2356	Administrative Waivers of the Coastwise Trade Laws for Eligible Vessels	2133-AB49
2357	Vessel Documentation: Lease Financing for Vessels Engaged in the Coastwise Trade; Second Rulemaking	2133-AB51
2358	Trading Restrictions on Vessels Transferred to a Foreign Registry: Amendment of List of Prohibited Countries	2133-AB55
2359	Deferment of Service Obligations of Midshipmen Recipients of Scholarships or Fellowships	2133-AB58
2360	Shipping: Technical Amendments	2133-AB59
2361	Maritime Education and Training—Revisions to 46 CFR Part 310	2133-AB60
2362	Amended Service Obligation Reporting Requirements for State Maritime Academy Graduates	2133-AB61
2363	Maritime Security Program	2133-AB62
2364	Electronic Options for Transmitting Certain Information Collection Responses to MARAD	2133-AB64
2365	USMMA Graduates Reporting Requirements	2133-AB66

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

Prerule Stage

2028. ACCESSIBILITY OF PASSENGER VESSELS TO INDIVIDUALS WITH DISABILITIES

Priority: Other Significant

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

CFR Citation: 49 CFR 37

Legal Deadline: None

Abstract: The Department's Americans with Disabilities Act (ADA) final rule,

published September 6, 1991 (56 FR 45584), reserved portions of the rule concerning passenger vessels. The ADA covers passenger vessels, but issuing accessibility requirements for vessels involves complex issues unlike those affecting land transportation. This action will address these issues and propose feasible requirements to make passenger vessels accessible to, and usable by, individuals with disabilities. DOT is participating in an ongoing advisory committee effort convened by

the Access Board to study passenger vessel accessibility issues. September and November 1998 meetings were held. This rulemaking is considered significant because of substantial public and congressional interest.

Timetable:

Action	Date	FR Cite
ANPRM	09/00/04	

Regulatory Flexibility Analysis Required: Undetermined

DOT—OST

Prerule Stage

Small Entities Affected: Businesses
Government Levels Affected:
 Undetermined
Agency Contact: Robert C. Ashby,
 Deputy Assistant General Counsel for

Regulation and Enforcement,
 Department of Transportation, Office of
 the Secretary, 400 Seventh Street SW.,
 Washington, DC 20590
 Phone: 202 366-4723

TDD Phone: 202 755-7687
 Email: bob.ashby@ost.dot.gov
RIN: 2105-AB87

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

Proposed Rule Stage

**2029. USE OF OXYGEN BY AIR
 CARRIER PASSENGERS**

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 41705

CFR Citation: 14 CFR 382

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	10/00/04	

**Regulatory Flexibility Analysis
 Required:** No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2105-AC29

**2030. DOMESTIC PASSENGER
 MANIFEST INFORMATION**

Priority: Economically Significant.
 Major under 5 USC 801.

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

Legal Authority: 49 USC 40101; 49
 USC 40113 to 40114; 49 USC 41702;
 49 USC 41708 to 41709; 49 USC 41711;
 49 USC 46301; 49 USC 46310; 49 USC
 46316

CFR Citation: 14 CFR 243

Legal Deadline: None

Abstract: This notice requested
 comments concerning operational and
 cost issues related to U.S. air carriers
 collecting information such as full
 name, date of birth and/or social
 security number, emergency contact,
 and telephone number from passengers
 traveling on flights within the United
 States. This notice was issued on the
 Department's initiative in response to
 difficulties with notification in the
 aftermath of domestic aviation disasters
 and to comply with a recommendation
 contained in the initial report of the
 White House Commission on Aviation
 Safety and Security (1996) that urged
 the Department to explore immediately
 the costs and effects of a
 comprehensive passenger manifest
 requirement on the domestic aviation
 system. DOT will review the
 implementation of the international
 passenger manifest requirements (RIN
 2105-AB78, 2/18/98, 63 FR 8258) as it
 determines how to proceed with this
 rulemaking.

Timetable:

Action	Date	FR Cite
ANPRM	03/13/97	62 FR 11789
ANPRM Comment Period End	05/12/97	
Comment Period Reopened	05/30/97	62 FR 29313
Comment Period End To Be Withdrawn	06/20/97 06/00/04	

**Regulatory Flexibility Analysis
 Required:** Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Bernestine Allen,
 Director, Office of International
 Transportation and Trade, Department
 of Transportation, Office of the
 Secretary, X-20, 400 Seventh Street
 SW., Washington, DC 20590
 Phone: 202 366-4368

RIN: 2105-AC62

**2031. AVIATION DATA
 REQUIREMENTS REVIEW AND
 MODERNIZATION PROGRAM**

Priority: Other Significant

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

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

Legal Deadline: None

Abstract: The Department is
 undertaking an aviation data
 requirements review and modernization
 program. The review is designed to
 harmonize the Department's aviation
 data systems with current regulatory
 and statutory needs; improve the
 quality of the Department's aviation
 data bases; and eliminate obsolete data
 reporting and processing systems. The
 ANPRM was the first step in an
 outreach program to review aviation
 data collected by the Department and
 the measures that should be taken to
 modernize and improve aviation data
 reporting and processing systems. The
 Department solicited public comments
 from aviation data users on the nature,
 scope, source, and means for collecting,
 processing, and distributing airline
 traffic, fare, and financial data.
 Specifically, the Department invited
 comments to determine whether
 existing aviation data should be
 amended, supplemented, or replaced;

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whether selected forms and reports should be retained, modified, or eliminated; whether the Department should require all aviation data to be filed electronically; and how the aviation data system should be reengineered to enhance efficiency and to reduce costs for both the Department and airline industry. The Department has reviewed the comments and reply comments and is in the process of redefining the data elements and restructuring the data reporting requirements to be included in an NPRM. This action is significant due to substantial public and industry interest.

Timetable:

Action	Date	FR Cite
ANPRM	07/15/98	63 FR 38128
ANPRM Comment Period End	09/14/98	
Reply Comment Period End	10/13/98	
NPRM	10/00/04	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Undetermined

Agency Contact: Todd Homan, Chief, Competition and Policy Analysis Division, Department of Transportation, Office of the Secretary, X-55, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-9605

RIN: 2105-AC71

2032. NONDISCRIMINATION ON THE BASIS OF DISABILITY IN AIR TRAVEL

Priority: Other Significant

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

CFR Citation: 14 CFR 382

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	10/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590
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RIN: 2105-AC97

2033. TRANSPORTATION ACQUISITION REGULATION

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301

CFR Citation: 12 CFR 1201 to 1253

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	12/00/04	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

URL For More Information: dms.dot.gov

URL For Public Comments: dms.dot.gov

Agency Contact: Elaine Wheeler, Senior Procurement Analyst, Department of Transportation, Office of the Secretary, Room 9401, 400 Seventh Street SW., Washington, DC 20590
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Fax: 202 366-7510
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RIN: 2105-AD28

2034. CHARTER RULES FOR U.S. AND FOREIGN DIRECT AIR CARRIERS (14 CFR PART 212)

Priority: Other Significant

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

CFR Citation: 14 CFR 212

Legal Deadline: None

Abstract: Under the Department's Economic Regulations, foreign air carriers must obtain prior Department approval for all "fifth-freedom" charters. Under the Department's regulations, "fifth-freedom" charters include all charters operated between the United States and a third-country point, either via the foreign carrier's home country or absent any nexus to the foreign carrier's home country. The Department proposes to make revisions to definitions in part 212 relating to charter types, and to modify the Department's current charter application form (OST Form 4540-Foreign Air Carrier Application for Statement of Authorization) so as to require updated reciprocity information as well as numbers of U.S.-homeland services vs. U.S.-non-homeland services. The Department also proposes to require that foreign carrier applicants for a statement of authorization under part 212 include historical data relative to the applicant's U.S.-home country operations to allow the Department to readily evaluate levels of third- and fourth-freedom versus fifth-, sixth-, and seventh-freedom operations. The proposed modifications will ensure that the Department has the most current information on the state of reciprocity for each foreign carrier applicant for fifth-, sixth-, or seventh-freedom charter authority filed under the regulations.

Timetable:

Action	Date	FR Cite
NPRM	09/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Gordon H. Bingham, Transportation Industry Analyst, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590
Phone: 202 366-2404

RIN: 2105-AD38

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Proposed Rule Stage

2035. • NAVIGATION OF FOREIGN CIVIL AIRCRAFT WITHIN THE UNITED STATES**Priority:** Other Significant**Legal Authority:** 49 USC 40102; 49 USC 40103; 49 USC 41703**CFR Citation:** 14 CFR 375**Legal Deadline:** None

Abstract: This rulemaking would amend existing regulations to clarify those circumstances under which businesses operating U.S.-registered foreign civil aircraft are not deemed to be involved in air commerce for remuneration or hire and therefore are not required under the regulations to obtain a foreign aircraft permit. The Department provides for the operation in the United States of "foreign civil aircraft" which are not engaged in common carriage. Persons or entities seeking to operate a foreign civil aircraft within the United States involving the carriage of persons, property and mail "for remuneration or hire" must obtain a "foreign civil aircraft permit" from the Department of Transportation. In 2003, business aircraft operators requested a policy determination that certain types of operations they might perform using U.S.-registered foreign civil aircraft (such as carriage of a company's own officials and guests, or aircraft time sharing, interchange or joint ownership arrangements between companies) do

not, in fact, constitute operations "for remuneration or hire" within the meaning of the regulation. This rule is significant based on the level of industry interest.

Timetable:

Action	Date	FR Cite
NPRM	09/00/04	

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

Agency Contact: David Modesitt, Chief, Europe Division, Office of International Aviation, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-2384
Fax: 202 366-3694

RIN: 2105-AD39**2036. • ACCOMMODATIONS IN AIR TRAVEL FOR DEAF AND HARD OF HEARING INDIVIDUALS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 41705; 49 USC 41310; 49 USC 41702; 49 USC 41712**CFR Citation:** 14 CFR 382**Legal Deadline:** None

Abstract: This rule would expand accommodations provided to deaf and hard of hearing air travelers under the Air Carrier Access Act. The purpose of the additional accommodations would be to improve air travel experiences during all phases of air travel, from the airport to the flight itself, for deaf and hard-of-hearing individuals. This rule would apply to foreign and domestic air carriers.

Timetable:

Action	Date	FR Cite
NPRM	12/00/04	

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

Agency Contact: Blane A. Workie, Attorney, Department of Transportation, Office of the Secretary, Room 4116/C-70, 400 7th Street SW., Washington, DC 20590
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RIN: 2105-AD41Department of Transportation (DOT)
Office of the Secretary (OST)

Final Rule Stage

2037. FEES AND CHARGES FOR SPECIAL SERVICES: REINVENTION**Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 40101; 49 USC 46101; 31 USC 9701**CFR Citation:** 14 CFR 389**Legal Deadline:** None

Abstract: This action would remove or update obsolete provisions and organizational references, and adjust the fee schedule for certain special services related to aviation economic proceedings that the Department makes available to the public. The regulation has not been comprehensively updated since 1985 and the revisions will take the form of a complete reissuance of part 389.

Timetable:

Action	Date	FR Cite
NPRM	01/21/99	64 FR 3229
NPRM Comment Period End	03/22/99	
Final Action	09/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal

Agency Contact: John Miller, Analyst, Planning and Special Projects Office, Department of Transportation, Office of the Secretary, X-60, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-4868

RIN: 2105-AC47**2038. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND AGREEMENTS WITH INSTITUTIONS OF HIGHER EDUCATION, HOSPITALS, AND OTHER NONPROFIT ORGANIZATIONS****Priority:** Other Significant**Legal Authority:** 49 USC 322(a)**CFR Citation:** 49 CFR 19**Legal Deadline:** None

Abstract: This action implements changes to OMB Circular A-110 that were issued by OMB on October 8, 1999, providing uniform guidance for administering grants to institutions of higher education, hospitals, and other nonprofit organizations. The change provides guidance on making data

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produced under awards available to the public. The regulation is essentially a word-for-word issuance of the requirements in OMB Circular A-110. An interim final rule was issued because of the limited ability to change the requirements from those in the circular. We are awaiting OMB instructions regarding whether there will be any Governmentwide changes to the final rule.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/16/00	65 FR 14406
Final Action	11/00/04	

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

Agency Contact: Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590
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RIN: 2105-AC83

2039. AMERICANS WITH DISABILITIES ACT ACCESSIBILITY STANDARDS**Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 552a**CFR Citation:** 49 CFR 27; 49 CFR 37**Legal Deadline:** None

Abstract: This action would amend the Department of Transportation's rules implementing the Americans with Disabilities Act (ADA) by adopting as its standards revised accessibility guidelines proposed by the Architectural and Transportation Barriers Compliance Board (Access Board). The Access Board published a notice of proposed rulemaking (NPRM) to revise and update the accessibility guidelines for the ADA and the Architectural Barriers Act (ABA) in the November 16, 1999, issue of the Federal Register. This rule would adopt the Access Board's revised and updated ADA guidelines and make a conforming change to the Department's rule implementing the ADA.

Timetable:

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

Action	Date	FR Cite
NPRM Comment Period End	09/07/00	
Final Action	11/00/04	

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

Agency Contact: Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590
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RIN: 2105-AC86

2040. PARTICIPATION BY DISADVANTAGED BUSINESS ENTERPRISES IN DEPARTMENT OF TRANSPORTATION PROGRAMS**Priority:** Substantive, Nonsignificant**Legal Authority:** 23 USC 324; 42 USC 2000d et seq; 49 USC 1611, 47107, 47113, 47123; EO 12138; 3 CFR 1951 comp., p. 393, sec 1101 (b); ...**CFR Citation:** 49 CFR 2a, subpart G**Legal Deadline:** Final, Statutory, June 30, 1993.

Abstract: In May 1997, the Department issued a supplemental notice of proposed rulemaking (SNPRM) to revise its disadvantaged business enterprise (DBE) regulation. The SNPRM included proposals for revising the airport concessions portion of the DBE program. When the Department, in February 1999, issued a final rule based on the SNPRM, we did not publish a final version of the airport concessions proposal.

On September 8, 2000, DOT issued a second SNPRM seeking comments on an airport concessions subpart to part 26. The SNPRM took into account comments on the May 1997 SNPRM, adapted provisions of the rest of part 26 to the concessions context, and proposed options for provisions affecting car rental operations at airports. These options were based in part on a memorandum of understanding between the American Car Rental Association and the Airport Minority Advisory Council making recommendations to the Department on this aspect of the rulemaking. This

SNPRM was inadvertently published under RIN 2105-AB92.

This rule would respond to comments on the September 8, 2000, SNPRM and establish a revised 49 CFR part 23.

Timetable:

Action	Date	FR Cite
SNPRM	09/08/00	65 FR 54454
SNPRM Comment Period End	10/23/00	
Final Action	06/00/04	

Regulatory Flexibility Analysis Required: Yes**Small Entities Affected:** Businesses**Government Levels Affected:** Local, State

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RIN: 2105-AC91

2041. OVER-THE-ROAD BUSES: EXTENSION OF DUE DATE FOR INFORMATION COLLECTION**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 12101 to 12213; 49 USC 322**CFR Citation:** 49 CFR 37**Legal Deadline:** None

Abstract: The Department of Transportation is amending its Americans with Disabilities Act regulations concerning accessibility of over-the-road buses with respect to information collection requirements. The amendments would postpone the requirement for bus companies to submit information reporting ridership on accessible fixed route service and the acquisition of buses and would designate the Federal Motor Carrier Safety Administration as the recipient of the data.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/06/01	66 FR 9048
Correction	02/21/01	
Interim Final Rule Comment Period End	03/08/01	
Interim Final Rule Effective	03/08/01	

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Action	Date	FR Cite
Interim Final Rule Effective	02/21/03	
Final Action	06/00/04	

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

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RIN: 2105-AC98**2042. MAINTENANCE OF AND ACCESS TO RECORDS ABOUT INDIVIDUALS****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 552a**CFR Citation:** 49 CFR 10, app**Legal Deadline:** None

Abstract: This action would provide exemptions from provisions of the Privacy Act for three Privacy Act Systems of Records to be maintained by DOT's Transportation Security Administration.

Timetable:

Action	Date	FR Cite
NPRM	12/24/02	67 FR 78403
NPRM Comment Period End	02/24/03	
To Be Withdrawn	06/00/04	

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

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Email: bob.ross@ost.dot.gov

RIN: 2105-AD22**2043. PRIVACY ACT OF 1974****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 93-579; 49 USC 322**CFR Citation:** 49 CFR 10**Legal Deadline:** None

Abstract: This rulemaking would add a system of records to the list of the Department of Transportation Privacy Act Systems of records that are exempt from one or more provisions of the Privacy Act.

Timetable:

Action	Date	FR Cite
NPRM	01/15/03	68 FR 2002
NPRM Comment Period End	03/17/03	
To Be Withdrawn	06/00/04	

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

Agency Contact: Robert I. Ross, Office of General Counsel, C-10, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590
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RIN: 2105-AD23**2044. PROTECTION OF SENSITIVE SECURITY INFORMATION****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.

Legal Authority: 46 USC 70102 to 70106; 49 USC 114, 5103, 44901 to 44907; 49 USC 44913 to 44914, 44916 to 44918, 44935 to 44936; 49 USC 44942, 46105

CFR Citation: 49 CFR 15; 49 CFR 1520**Legal Deadline:** None

Abstract: This action would amend the regulation governing the protection of sensitive security information (SSI) in order to protect the confidentiality of maritime security measures adopted under the U.S. Coast Guard's regulations.

Timetable:

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

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

Agency Contact: Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590
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TDD Phone: 202 755-7687
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RIN: 2105-AD33**2045. CIVIL PENALTIES****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 108-176 sec 503**CFR Citation:** 14 CFR 383**Legal Deadline:** None

Abstract: This rule would amend the Department's regulations on civil penalties based on the recently enacted Vision 100-Century of Aviation Reauthorization Act. The rule would revise the civil penalty provisions applicable to violations of the aviation economic requirements.

Timetable:

Action	Date	FR Cite
Final Action	09/00/04	

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

URL For More Information: dms.dot.gov

URL For Public Comments: dms.dot.gov

Agency Contact: Nicholas Lowry, Senior Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590
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RIN: 2105-AD40

**Department of Transportation (DOT)
Office of the Secretary (OST)**
Long-Term Actions**2046. MENTOR/PROTEGE PROGRAM**

Priority: Info./Admin./Other

Legal Authority: PL 95-507

CFR Citation: 13 CFR 124; 49 CFR 26

Legal Deadline: None

Abstract: This rulemaking would provide motivation and encouragement to firms to assist small businesses (SB), including HUBZone small businesses (HUBZone), small disadvantaged businesses (SDB), and small women-owned businesses (WOSB), in enhancing their business operations and increasing their capacities. This action would assist the Department of Transportation in meeting its mandated small business contracts and subcontract goals, foster the establishment of long-term business relationships between these entities and prime contractors, and increase the overall number of these entities that receive DOT contract and subcontract consideration and awards.

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Agency Contact: Ferguise Leon Mayronne, Senior Program Analyst, Department of Transportation, Office of the Secretary, Nassif Building, Room 9412, 400 7th Street, SW, Washington, DC 20590

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RIN: 2105-AD20

2047. REVIEW OF DATA FILED BY CERTIFICATED OR COMMUTER AIR CARRIERS TO SUPPORT CONTINUING FITNESS DETERMINATIONS

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

Unfunded Mandates: Undetermined

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

CFR Citation: 14 CFR 204.5

Legal Deadline: None

Abstract: This action would address two issues relating to air carrier continuing fitness determinations raised by the Inspector General. The issues relate to (1) public notice of determinations in relation to the reporting requirements of CFR part 204 applicable to certificated and commuter air carriers proposing to undergo a substantial change in operations, ownership, or management and (2) the criteria the Department typically uses to determine actual control of an air carrier when evaluating the citizenship of an air carrier during a continuing fitness review.

Timetable:

Action	Date	FR Cite
ANPRM	07/30/03	68 FR 44675
ANPRM Comment Period End	09/29/03	
NPRM	To Be Determined	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Jennifer Thibodeau, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh St., SW, C-20, Washington, DC 20590
Phone: 202 366-2972

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RIN: 2105-AD25

2048. PROCEDURES FOR TRANSPORTATION WORKPLACE DRUG AND ALCOHOL TESTING PROGRAMS

Priority: Substantive, Nonsignificant

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

CFR Citation: 49 CFR 40

Legal Deadline: None

Abstract: This rule would amend the creatinine concentration criterion used for determining when an employee has substituted a urine specimen used for drug testing.

Timetable:

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

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

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RIN: 2105-AD26

**Department of Transportation (DOT)
Office of the Secretary (OST)**
Completed Actions**2049. USE OF DIRECT FINAL RULEMAKING**

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 1657

CFR Citation: 49 CFR 5.21; 49 CFR 5.35

Legal Deadline: None

Abstract: The Department is considering a new rulemaking

procedure to expedite the processing of noncontroversial changes to its regulations. Rules that the Secretary judges to be unlikely to result in public comment would be published as direct final rules. Such direct final rules would advise the public that no adverse comment is anticipated and that, unless written adverse comment or notice of intent to submit such

comment is received within a specified number of days, the rule will become effective 60 days from the date of publication in the Federal Register.

Timetable:

Action	Date	FR Cite
NPRM	08/04/95	60 FR 39919

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Completed Actions

Action	Date	FR Cite
NPRM Comment Period End	10/03/95	
Final Action	01/30/04	69 FR 4455

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

Agency Contact: Neil Eisner, Assistant General Counsel for Regulation and Enforcement, Department of Transportation, Office of the Secretary, Room 10424 Nassif Building, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-4723

Fax: 202 366-9313

RIN: 2105-AC11

2050. COMPUTER RESERVATIONS SYSTEM REGULATIONS COMPREHENSIVE REVIEW

Priority: Other Significant**Legal Authority:** 49 USC 41712; 49 USC 40101(a); 49 USC 40113(a); 49 USC 40105**CFR Citation:** 14 CFR 255; 14 CFR 399**Legal Deadline:** Final, Statutory, December 31, 1997.

Abstract: The Department has regulated computer reservations systems owned by airlines or airline affiliates that are used by travel agencies. The current rules are designed to prevent the systems from unreasonably prejudicing the competitive position of other airlines and to ensure that travel agencies can provide accurate and unbiased information to the public. The Department is reexamining its rules to see whether they should be readopted and, if so, whether they should be changed in response to greater use of the Internet in airline reservations and ticketing and changes in the industry. The Department is also reviewing its policies on the requirements for disclosing fares and travel agency service fees by travel agencies. The Department has issued a notice of proposed rulemaking that tentatively concluded that most of the rules should be readopted, possibly with changes, for comment on other options, including terminating most or all of the rules. As part of this action, we are looking at ways to lessen impacts on small entities.

Timetable:

Action	Date	FR Cite
ANPRM	09/10/97	62 FR 47606
Notice Extending Comment Period	10/30/97	62 FR 58700
Request for Comments	11/07/97	62 FR 60195
ANPRM Comment Period End	11/10/97	
Extended Comment Period End	12/09/97	
Notice Extending Reply Comment Period	01/23/98	63 FR 3491
Extended Comment Period End	02/03/98	
SANPRM	07/24/00	65 FR 45551
SANPRM Comment Period End	09/22/00	
SANPRM Reply Comment Period End	10/23/00	
NPRM	11/15/02	67 FR 69366
NPRM Extension of Comment Period	12/09/02	67 FR 72869
NPRM Notice of Petition Response Date	01/09/03	
NPRM Comment Period End	01/14/03	
NPRM Reply Comment Period End	02/13/03	
Extended Comment Period End	03/16/03	
NPRM Comment Period Extended	05/09/03	68 FR 24896
Extended Reply Comment Period End	05/15/03	
Comment Period End	06/09/03	
Final Action	01/07/04	69 FR 976
Final Action Effective	01/31/04	

Regulatory Flexibility Analysis**Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** The extensions for the existing rule are under RINs 2105-AC75 and 2105-AD00 and AD09.

Agency Contact: Thomas Ray, Office of General Counsel, Department of Transportation, Office of the Secretary, C-30, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-4731
Email: tom.ray@ost.dot.gov

RIN: 2105-AC65

2051. GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENTWIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE GRANTS

Timetable:

Action	Date	FR Cite
Duplicate of 2105-AD07	11/26/03	

RIN: 2105-AD01

2052. REPORTING REQUIREMENT FOR AIR CARRIERS REGARDING DISABILITY-RELATED COMPLAINTS

Priority: Substantive, Nonsignificant**Legal Authority:** 49 USC 41702; 49 USC 41705**CFR Citation:** 49 CFR 382**Legal Deadline:** Other, Statutory, Implementation of Plan Required by PL 106-181, sec 707.

Abstract: The rule would require most certificated U.S. air carriers and foreign air carriers operating to and from the U.S. that conduct passenger-carrying service to record and categorize complaints that they receive alleging inadequate accessibility or discrimination on the basis of disability according to the type of disability and nature of complaint, prepare a summary report of those complaints, submit the report annually to the Department of Transportation's Aviation Consumer Protection Division, and retain copies of correspondence and record of action on disability-related complaints for 3 years.

Timetable:

Action	Date	FR Cite
NPRM	02/14/02	67 FR 6892
Extension of Comment Period	04/10/02	67 FR 17308
NPRM Comment Period End	04/15/02	
Extended Comment Period End	06/01/02	
Final Action	07/08/03	68 FR 40488
Final Action Effective	08/07/03	

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

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

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

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RIN: 2105-AD04

2053. NONDISCRIMINATION ON THE BASIS OF DISABILITY IN PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITTING FROM FEDERAL FINANCIAL ASSISTANCE; TRANSPORTATION SERVICES FOR INDIVIDUALS WITH DISABILITIES (ADA)

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 16(a); 49 USC 16 (d); 49 USC 142; 42 USC 12101 to 12213; 47 USC 225; 49 USC 322; ...

CFR Citation: 44 CFR 27; 44 CFR 37

Legal Deadline: None

Abstract: This rule would create a procedure within the Department to improve coordination of guidance and interpretations related to disability issues.

Timetable:

Action	Date	FR Cite
Termination	04/29/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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

Phone: 202 366-4723
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RIN: 2105-AD05

2054. STANDARD TIME ZONE BOUNDARY IN THE STATE OF SOUTH DAKOTA: PROPOSED RELOCATION OF JONES, MELLETTE, AND TODD COUNTIES INTO THE CENTRAL TIME ZONE

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

Legal Authority: PL 97-449; PL 99-359; 49 CFR 159(a)

CFR Citation: 49 CFR 71

Legal Deadline: None

Abstract: In response to a concurrent resolution of the South Dakota legislature, DOT proposes to relocate the boundary between Mountain Time and Central Time in the State of South Dakota. DOT proposes to put all of Jones, Mellette, and Todd Counties into Central Time Zone.

Timetable:

Action	Date	FR Cite
NPRM	08/11/03	68 FR 47533
NPRM Comment Period End	09/25/03	
Final Action Effective	10/26/03	
Final Action	10/28/03	68 FR 61371

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Joanne Petrie, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-4723

Jennifer Abdul-Wali, Transportation Specialist, Department of Transportation, 400 Seventh Street SW., Washington, DC 20590
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RIN: 2105-AD30

2055. STANDARD TIME ZONE BOUNDARY IN THE STATE OF NORTH DAKOTA: PROPOSED RELOCATION OF MERCER COUNTY

Priority: Substantive, Nonsignificant

Legal Authority: Secs. 1-4, 40 Stat. 450; Sec. 1, 41 Stat. 1446; Sec 2-7, 80 Stat. 107; 100 Stat. 764; Act of Mar. 19, 1918; PL 97-449, 15 U.S.C. 260-267; PL 99-359; PL 106-564, 15

USC 263; 114 Stat. 2811; 49 CFR 1.59(a)

CFR Citation: 49 CFR 71

Legal Deadline: None

Abstract: At the request of the Chairman of the Board of County Commissioners for Mercer County, North Dakota, the U.S. Department of Transportation proposes to relocate the boundary between mountain time and central time in the State of North Dakota. DOT proposes to relocate the boundary in order to move Mercer County from the Mountain Time Zone to the Central Time Zone.

Timetable:

Action	Date	FR Cite
Denial of Petition	09/09/03	68 FR 53082

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Joanne Petrie, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-4723

RIN: 2105-AD31

2056. STATEMENTS OF GENERAL POLICY: PRICE ADVERTISING

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 41712

CFR Citation: 14 CFR 399

Legal Deadline: None

Abstract: On November 15, 2002, the Department issued a notice of proposed rulemaking (67 FR 69366) that proposed both changes to the Department's existing rules on computer reservations systems (CRSs) and two modifications to the Department's policy statement on price advertising. One of the proposed amendments to the policy statement would have made it clear that each system had an obligation to ensure that its display of fare information follow the standards set by the policy statement. The second proposal would have clarified the policy statement by requiring travel agents to state service fees separately from the price of the air transportation in an initial fare quotation, subject to conditions ensuring that their customers (i) would understand their obligation to pay a fee

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for the travel agency service and (ii) would know the total price for the transportation, including any travel agency service fee. We further proposed to require that advertised or quoted fares always include travel agency service fees if the fees exceeded either \$20 or ten percent of the fare or were ad valorem in nature.

On April 21, 2004, the Department issued a withdrawal (69 FR 21451) on the policy statement proposals. After consideration of the comments, the Department decided to withdraw the proposals because the record did not

persuasively show that they were necessary or beneficial. The proposal and final rule were published under RIN 2105-AC65.

Timetable:

Action	Date	FR Cite
Withdrawal of Proposed Amendments to Policy Statement	04/21/04	69 FR 21450

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

Agency Contact: Thomas Ray, Office of General Counsel, Department of Transportation, Office of the Secretary, C-30, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-4731
Email: tom.ray@ost.dot.gov

Related RIN: Related to 2105-AC65**RIN:** 2105-AD37
**Department of Transportation (DOT)
Federal Aviation Administration (FAA)**

Proposed Rule Stage

2057. DRUG ENFORCEMENT ASSISTANCE**Priority:** Other Significant

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

CFR Citation: 14 CFR 13; 14 CFR 47**Legal Deadline:** Final, Statutory, September 18, 1989.

Abstract: This action would revise certain requirements concerning registration of aircraft, certification of pilots, and penalties associated with registration and certification violations. This notice also announced new procedures for processing major repair and alteration forms which pertain to fuel system modifications. Actions announced in this notice respond to the FAA Drug Enforcement Assistance Act of 1988. The requirements and adopted procedures are intended to assist law enforcement agencies in their efforts to stop drug trafficking in general aviation aircraft. This rulemaking is significant because of substantial public interest. The FAA currently is seeking modifications to the Act.

Timetable:

Action	Date	FR Cite
NPRM	03/12/90	55 FR 9270
NPRM Comment Period End	05/11/90	
To Be Withdrawn	12/00/04	

Regulatory Flexibility Analysis Required: Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** Project No. AFS-89-035R.

ANALYSIS: Regulatory Evaluation, 03/12/90, 55 FR 9270

Agency Contact: Sharon Ashford, Registry Modernization Staff, Department of Transportation, Federal Aviation Administration, 6500 South MacArthur Boulevard, Oklahoma City, OK 73125-4939
Phone: 405 954-7038

RIN: 2120-AD16**2058. CORROSION CONTROL PROGRAM****Priority:** Other Significant

Legal Authority: 49 USC 106(g); 49 USC 40104 to 40105; 49 USC 40113; 49 USC 40119; 49 USC 44101; 49 USC 44701 to 44702; 49 USC 44705; 49 USC 44709 to 44711; 49 USC 44712; 49 USC 44713; 49 USC 44715; 49 USC 44716 to 44717; 49 USC 44722; 49 USC 44901; 49 USC 44902

CFR Citation: 14 CFR 121; 14 CFR 129; 14 CFR 135**Legal Deadline:** None

Abstract: This action would withdraw the FAA proposal to require operators to include FAA-approved corrosion prevention and control programs (CPCPs) in their maintenance or inspection programs. The FAA has determined that existing CPCPs, either

mandated by airworthiness directive (AD) or incorporated through new maintenance philosophies, sufficiently added the issues covered in the proposed rule. The intent of this action is to explain to the public the FAA's decision to withdraw the proposal.

Timetable:

Action	Date	FR Cite
NPRM	10/03/02	67 FR 62142
NPRM Comment Period End	04/01/03	
To be Withdrawn	10/00/04	

Regulatory Flexibility Analysis Required: Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** Project Number: AFS-93-382R

Agency Contact: Russell Jones, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591
Phone: 202 267-7228

RIN: 2120-AE92**2059. LICENSING AND SAFETY REQUIREMENTS FOR LAUNCH****Priority:** Other Significant**Legal Authority:** 49 USC 70101 to 70119**CFR Citation:** 14 CFR 415; 14 CFR 417**Legal Deadline:** None

Abstract: This action would establish requirements for licensing the conduct of a launch from a non-Federal launch

site. The law requires anyone who proposes to conduct a launch within the United States, or a U.S. citizen proposing to conduct a launch site outside the United States, to obtain a license from DOT. This action would govern obtaining a license to conduct such a launch. Currently, commercial rocket launches take place from Federal Government installations operated by the Department of Defense and NASA. Licensing requirements for those launches are being developed in a related licensing rulemaking (RIN 2120-AF99). In this action, DOT proposes to implement rules regarding obtaining a license to conduct a launch from a commercial launch site, where DOT, rather than NASA or the military, has primary responsibility.

Timetable:

Action	Date	FR Cite
NPRM	10/25/00	65 FR 63922
NPRM Comment Period End	02/22/01	
SNPRM	07/30/02	67 FR 49456
NPRM: Additional Information	08/27/02	67 FR 54978
Supplemental NPRM	12/00/04	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected:

Undetermined

Additional Information: Project

Number: AST-97-088R.

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

Agency Contact: Rene Rey, Licensing and Safety Division, Office of Commercial Space, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591
Phone: 202 385-4805

RIN: 2120-AG37

2060. ANTIDRUG AND ALCOHOL MISUSE PREVENTION PROGRAMS FOR PERSONNEL ENGAGED IN SPECIFIED AVIATION ACTIVITIES

Priority: Substantive, Nonsignificant

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

CFR Citation: 14 CFR 121

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	02/28/02	67 FR 9366
NPRM Comment Period Extended	05/29/02	67 FR 37361
NPRM Comment Period End	05/29/02	
NPRM Extended Comment Period End	07/29/02	
Final Action	01/12/04	69 FR 1840
Final Action Effective	02/11/04	
SNPRM	05/17/04	69 FR 27980
SNPRM End of Comment Period	08/16/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 2120-AH14

2061. SAFE, EFFICIENT USE AND PRESERVATION OF THE NAVIGABLE AIRSPACE

Priority: Substantive, Nonsignificant

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

CFR Citation: 14 CFR 77

Legal Deadline: None

Abstract: This rule would add and amend definitions for terms commonly used during the aeronautical evaluation process. This action would amend obstruction standards for civil airport imaginary surfaces in order to promote and facilitate harmonization with other FAA directives. It also would simplify and clarify the rule language in accordance with the plain language initiative.

Timetable:

Action	Date	FR Cite
NPRM	12/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Project

Number: ATA-00-490.

Agency Contact: Ellen Crum, Office of System Operations and Safety, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591
Phone: 202 267-8783

RIN: 2120-AH31

2062. AIRWORTHINESS STANDARDS FOR CLASSES B AND F CARGO COMPARTMENT FOR TRANSPORT CATEGORY AIRPLANES

Priority: Substantive, Nonsignificant

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

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: The FAA proposes to amend the airworthiness standards for transport category airplanes to incorporate revised standards for Class B cargo compartments and establish standards for a new Class F cargo compartment, and to harmonize those requirements with standards proposed for the European Joint Aviation Requirements 25.

Timetable:

Action	Date	FR Cite
NPRM	06/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Project

Number: ANM-93-725-A.

DOT—FAA

Proposed Rule Stage

Agency Contact: Mahinder K. Wahi, Transport Airplane Directorate, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, WA 98055
Phone: 425 227-2142
Fax: 425-227-1320
Email: mahinder.wahi@faa.gov
RIN: 2120-AH47

2063. AIRMAN AND MEDICAL CERTIFICATE DISQUALIFICATION BASED ON ALCOHOL VIOLATIONS AND REFUSALS TO SUBMIT TO DRUG OR ALCOHOL TESTING

Priority: Substantive, Nonsignificant

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

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

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	06/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Sherry deVries, Office of Aerospace Medicine, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591
Phone: 202 267-8693

RIN: 2120-AH82

2064. PERFORMANCE AND HANDLING QUALITIES REQUIREMENTS FOR ROTORCRAFT

Priority: Substantive, Nonsignificant

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

CFR Citation: 14 CFR 27; 14 CFR 29

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	10/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Lance T Gant, Air Certification Service, Department of Transportation, Federal Aviation Administration, 2601 Meachum Blvd., Fort Worth, TX 76193-0110
Phone: 817 222-5114

RIN: 2120-AH87

2065. REVISIONS TO COCKPIT VOICE RECORDER AND DIGITAL FLIGHT DATA RECORDER REGULATIONS

Priority: Other Significant

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

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

Legal Deadline: None

Abstract: This action proposes to amend the cockpit voice recorder and digital flight data recorder regulations for certain air carriers, operators, and aircraft manufacturers. This proposal is based on recommendations issued by the National Transportation Safety Board following the investigations of several accidents and incidents, and includes other revisions that the FAA has determined are necessary. This proposal would require that all newly manufactured airplanes have CVR installed that receives its electrical

power from the bus that provides the maximum reliability for operation of the cockpit voice recorder without jeopardizing service to essential or emergency loads. This same language is in the proposed certification rules for the CVR and DFDR installations.

Timetable:

Action	Date	FR Cite
NPRM	10/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Timothy Shaver, Branch Aircraft Certification, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591
Phone: 202 385-4686

RIN: 2120-AH88

2066. ISSUANCE OF STANDARD AIRWORTHINESS CERTIFICATES FOR AIRCRAFT MANUFACTURED FROM SPARE AND SURPLUS PARTS

Priority: Substantive, Nonsignificant

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

CFR Citation: 14 CFR 21

Legal Deadline: None

Abstract: The FAA is considering rulemaking to preclude issuance of standard airworthiness certification to new aircraft under 14 CFR 21.183(d). This action will ask for general comments on both the policy issues and the potential impacts of the change.

Timetable:

Action	Date	FR Cite
ANPRM	04/03/03	68 FR 16217
NPRM	12/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

DOT—FAA

Proposed Rule Stage

Phone: 202 267-8361

RIN: 2120-AH90

2067. AGING AIRCRAFT PROGRAM (WIDESPREAD FATIGUE DAMAGE)

Priority: Other Significant

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

CFR Citation: 14 CFR 121; 14 CFR 129

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	05/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Brent Bandlely, Department of Transportation, Federal Aviation Administration, 3960 Paramount Boulevard, Lakewood, CA 90712
Phone: 562 627-5237

RIN: 2120-AI05

2068. HIGH-INTENSITY RADIATED FIELDS

Priority: Substantive, Nonsignificant

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

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

Legal Deadline: None

Abstract: The FAA proposes to add certification standards for aircraft electrical and electronic systems

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

Timetable:

Action	Date	FR Cite
NPRM	12/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: John Dimtroff, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591
Phone: 425 227-1371
Email: john.dimtroff@faa.gov

RIN: 2120-AI06

2069. SERVICE DIFFICULTY REPORTS

Priority: Other Significant

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

CFR Citation: 14 CFR 121; 14 CFR 125; 14 CFR 135; 14 CFR 145

Legal Deadline: None

Abstract: The FAA is proposing to withdraw a previously published final rule that amends the reporting requirements for air carriers and certificated domestic and foreign repair station operators concerning failures, malfunctions, and defects of aircraft, aircraft engines, systems and components. We are proposing withdrawal of this document because of commenters' overwhelming opposition to the rule and for further internal study.

Timetable:

Action	Date	FR Cite
NPRM	11/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Jose E. Figueroa, Department of Transportation, Federal Aviation Administration, 5601 Mariner Street, Suite 310, Tampa, FL 33609
Phone: 813 287-4932

RIN: 2120-AI08

2070. AIRPLANE PERFORMANCE AND HANDLING QUALITIES IN ICING CONDITIONS

Priority: Substantive, Nonsignificant

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

CFR Citation: None

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	09/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 2120-AI14

DOT—FAA

Proposed Rule Stage

2071. • PART 158 STATUTORY AND ADMINISTRATIVE CHANGES**Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 106(g); 49 USC 40116 to 40117; 49 USC 47106; 49 USC 47111; ...**CFR Citation:** 14 CFR 158**Legal Deadline:** NPRM, Statutory, June 9, 2004, Pursuant to the Vision 100 - Century of Aviation Reauthorization Act.

Pursuant to the Vision 100 - Century of Aviation Reauthorization Act (HR 2115.P.L. 108-176), the Nonhub Pilot Program has a Congressional mandate to propose regulation not less than 180 days after the date of enactment (December 12, 2003/June 9, 2004).

Abstract: The Federal Aviation Administration proposes to amend the passenger facility charge (PFC) rule to implement a new Nonhub Pilot Program. The Vision 100 Act requires the creation of this Program as a means to test alternative procedures to the existing PFC authorization process. The test procedures will streamline the PFC rules, thereby making the entire authorization process more efficient and "user-friendly". The Program will only apply to nonhub airports and will end in three years.

Besides the Nonhub Pilot Program, this rulemaking will also amend six other sections of the PCF rule. Four of these changes are also requirements of the Vision 100 Act. All of these changes are needed to successfully implement the Nonhub Pilot Program and are designed to streamline the PCF authorization process for all airports.

Timetable:

Action	Date	FR Cite
NPRM	10/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Sheryl Scarborough, Airport Financial Analysis and Passenger Facility Charge Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591
Phone: 202 267-8825
Fax: 202-267-5302**RIN:** 2120-AI15**2072. • FLIGHT DECK DOOR MONITORING AND CREW DISCREET ALERTING SYSTEMS****Priority:** Other Significant**Legal Authority:** 49 USC 106(g); 49 USC 40113; 49 USC 40119; 49 USC 41706; 49 USC 44101; 49 USC 44701 to 44702; 49 USC 44705; ...**CFR Citation:** 14 CFR 121**Legal Deadline:** None**Abstract:** The Federal Aviation Administration proposes to require passenger-carrying transport category airplanes used in domestic, flag, and supplemental operations to have a means to allow the flightcrew to visually monitor the door area outside the flightdeck. This means would allow the flightcrew to identify persons requesting entry into the flightdeck, and to detect suspicious behavior or potential threats. Second, the FAA proposes that, for operations requiring the presence of flight attendants, the flight attendants have a means to discreetly notify the flightcrew of suspicious activity or security breaches in the cabin. The proposed changes address standards adopted by the International Civil Aviation Organization following the September 11, 2001, terrorist attacks.**Timetable:**

Action	Date	FR Cite
NPRM	09/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Joe Keenan, Air Carrier Operations Branch, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 W. Independence Ave., Washington, DC 20591
Phone: 202 267-8166
Fax: 202-267-9579
Email: joe.keenan@faa.gov**RIN:** 2120-AI16**2073. • WASHINGTON, DC METROPOLITAN AREA SPECIAL FLIGHT RULES AREA****Priority:** Other Significant**Legal Authority:** 49 USC 106(g); 49 USC 40103; 49 USC 40106; 49 USC 40109; 49 USC 40113; 49 USC 44502; ...**CFR Citation:** 14 CFR 93**Legal Deadline:** None**Abstract:** This proposed rulemaking will codify existing NOTAMS and the current SFAR 94 that restrict operations in the Washington, DC metropolitan area airspace for national security reasons. This notice is significant because it involves national security.**Timetable:**

Action	Date	FR Cite
NPRM	09/00/04	

Regulatory Flexibility Analysis**Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Reginald C. Matthews, Office of System Operations and Safety, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591
Phone: 202 267-8783**RIN:** 2120-AI17**2074. • IMPLEMENTING THE MAINTENANCE PROVISIONS OF BILATERAL AGREEMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 106(g); 49 USC 40113; 49 USC 44701; 49 USC 44703; 49 USC 44705; 49 USC 44707; '49 USC 44711; ...**CFR Citation:** 14 CFR 43**Legal Deadline:** None**Abstract:** In 14 CFR section 43.17, the FAA sets the regulations governing maintenance, preventive maintenance, and alterations performed by authorized Canadian persons on U.S. aeronautical products. As presently written, section 43.17 contains constraints that inhibit negotiating bilateral maintenance agreements with Canada. FAA proposes to make two major changes to section 43.17 so as to resolve these constraints. First, FAA would allow shipment of parts directly to Canada from their source. Second, FAA would remove references to specific regulations and refer to "an agreement between the United States and Canada." This change would facilitate agreements between the United States and Canada. A change in the agreement would not require a change to the rule as is currently the case.

DOT—FAA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	05/11/04	69 FR 26254
NPRM Comment Period End	08/09/04	

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

Agency Contact: Leo J Weston, Aircraft Maintenance Division, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591
Phone: 202 267-3811
Fax: 202-267-5112
Email: leo.weston@faa.gov

RIN: 2120-AI19**2075. • TRANSPORT AIRPLANE FUEL TANK FLAMMABILITY REDUCTION****Priority:** Economically Significant. Major under 5 USC 801.**Legal Authority:** 49 USC 106(g); 49 USC 40113; 49 USC 44701 to 44702; 49 USC 44704**CFR Citation:** 14 CFR 25**Legal Deadline:** None

Abstract: This action proposes to require that flammability reduction means be incorporated into existing airplanes, newly manufactured airplanes, and new designs. It would propose 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	12/00/04	

Regulatory Flexibility Analysis**Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None

Agency Contact: Mike Dostert, Transport Airplane Directorate, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue SW, Renton, WA 98055-4056
Phone: 425 227-2132
Fax: 425-227-1320

Email: mike.dostert@faa.gov

RIN: 2120-AI23**2076. • USE OF CERTAIN PORTABLE OXYGEN CONCENTRATOR DEVICES ONBOARD AIR CARRIER AIRCRAFT****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 106(g); 49 USC 1153; 49 USC 40101 to 40103; 49 USC 40113; 49 USC 41721; 49 USC 44105; 49 USC 44111; 49 USC 44701 to 44717; ...**CFR Citation:** None**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	07/00/04	

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

Agency Contact: James Whitlow, Office of the Chief Counsel, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591
Phone: 202 267-3222

RIN: 2120-AI30**2077. • ENHANCED AIRWORTHINESS PROGRAM FOR AIRPLANE SYSTEMS (EAPAS)****Priority:** Economically Significant**Legal Authority:** 49 USC 106(g); 49 USC 40103; 49 USC 40113; 49 USC 40119 to 40120; 49 USC 41706, 1155; 49 USC 4401, 44111, 44709 to 44713, 44701 to 44705, 44715 to 44717, 44722, 44901, 44903 to 44904, 44912; 49 USC 45101 to 45105, 46105, 46301, 46306, 46315, 46316; 49 USC 46504, 46506 to 46507, 47122, 47508, 47528 to 47531, 1372, 44906, 44912, 46105; PL 107-71 sec 107; ...**CFR Citation:** 14 CFR 1, 25, 91, 121, 129**Legal Deadline:** None

Abstract: This action proposes to require type certificate (TC) holders to

conduct analyses of applicable airplane wiring systems to identify needed changes to the maintenance procedures for these systems. It proposes to require TC holders to update existing Instructions for Continued Airworthiness (ICAW) with these changes. For operators, it proposes a requirement to incorporate the updated ICAW into their maintenance or inspection programs. Also, it proposes moving existing regulatory references to wiring systems and placing new certification rules for wiring systems into separate sections in the Code of Federal Regulations (CFR). In addition, it proposes clarifications to requirements of certain existing operational rules for operators to incorporate ICAW for fuel tank systems into their maintenance programs. Further, it proposes revisions to the compliance dates for these rules to align them with the compliance dates in this notice of proposed rulemaking (NPRM). The intent of this NPRM is to improve the design, installation, and maintenance of applicable wiring systems and clarify maintenance requirements for fuel tank systems. This rulemaking is economically significant under Executive Order 12866.

Timetable:

Action	Date	FR Cite
NPRM	05/00/05	

Regulatory Flexibility Analysis**Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None

Agency Contact: Frederick Sobeck, Aircraft Maintenance Division, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591
Phone: 202 267-7355
Fax: 202 267-7335
Email: frederick.sobeck@faa.gov

Stephen M. Slotte, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, WA 98055-2315
Phone: 425 227-2315
Fax: 425 227-1320
Email: steve.slotte@faa.gov

RIN: 2120-AI31

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

Final Rule Stage

2078. AGING AIRCRAFT SAFETY**Priority:** Other Significant

Legal Authority: 49 USC 106(g); 49 USC 40104 to 40105; 49 USC 40113; 49 USC 40119; 49 USC 44101; 49 USC 44701 to 44702; 49 USC 44705; 49 USC 44709 to 44711; 49 USC 44712; 49 USC 44713; 49 USC 44715 to 44717; 49 USC 44722; 49 USC 44901 to 44904; 49 USC 44906

CFR Citation: 14 CFR 121; 14 CFR 125; 14 CFR 129; 14 CFR 135; 14 CFR 183

Legal Deadline: Other, Statutory, April 24, 1992, Action must be initiated by 04/24/92 per Aging Aircraft Safety Act of 1991.

Abstract: On October 5, 1993, the FAA published an NPRM that proposed to require air carriers of certain aircraft used in air transportation to demonstrate that the aircraft's maintenance has been adequate to ensure the highest degree of safety. After further review, and taking into consideration public comments to the NPRM, the FAA withdrew that NPRM. On March 19, 1999, the FAA issued a new NPRM that would ensure the continuing airworthiness of the most significant aging airplanes operating in air transportation by mandating aging aircraft records reviews and inspections for certain air carriers and certain aircraft and also by applying modern damage-tolerance analyses and inspection techniques to older airplane structures that were certificated before such techniques were available. The comment period closed on October 18, 1999. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	10/05/93	58 FR 51944
NPRM Comment Period End	02/02/94	
Comment Period End 3/4/94	02/08/94	59 FR 5741
NPRM	04/02/99	64 FR 16298
NPRM Comment Period End	08/02/99	
NPRM Comment Period Reopened	08/18/99	64 FR 45090
Comment Period End	10/08/99	
Interim Final Rule; Request for Comments	12/06/02	67 FR 72726
Interim Final Rule; Extension of Comment Period	02/04/03	68 FR 5782
Interim Final Rule Comment Period End	02/04/03	

Action	Date	FR Cite
Interim Final Rule; Extension of Comment Period End	05/05/03	
Final Action	12/00/04	

Regulatory Flexibility Analysis**Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** Project Number AFS-92-029R.

ANALYSIS: Regulatory Evaluation, 04/02/99, 64 FR 16298

Agency Contact: Frederick Sobeck, Aircraft Maintenance Division, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591
Phone: 202 267-7355
Fax: 202 267-7335
Email: frederick.sobeck@faa.gov

RIN: 2120-AE42**2079. AIR TRAFFIC CONTROL RADAR BEACON SYSTEM AND MODE S TRANSPONDER REQUIREMENTS IN THE NATIONAL AIRSPACE SYSTEM****Priority:** Substantive, Nonsignificant

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

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

Abstract: This action would revise the Mode S transponder requirement for all aircraft operating under part 135 and certain aircraft operating under part 121 based on the expected availability of operational capabilities of Mode S ground sensors. For part 121 operators, the action would affect only those aircraft not required to have Traffic Alert and Collision Avoidance System II. An aviation rulemaking advisory committee has recommended that the FAA conduct a study of the installed Mode S ground sensors to determine the extent of the benefits derived and the costs involved in equipage. This action is a relieving action made necessary by the fact that ground sensors are not in place to support the requirement.

Further, FAA is studying the need for Mode S transponders in part 135 and certain part 121 operations in light of the fact that transponders may not substantially increase ATC ability to view air traffic.

Timetable:

Action	Date	FR Cite
NPRM	05/23/96	61 FR 26036
NPRM Correction	06/17/96	61 FR 30551
NPRM Comment Period End	07/22/96	
Final Action	12/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** Project Number: AFS-92-297R.

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

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

RIN: 2120-AE81**2080. CIVIL PENALTY ASSESSMENT PROCEDURES****Priority:** Substantive, Nonsignificant

Legal Authority: 18 USC 6002; 49 USC 106(g); 49 USC 5121 to 5124; 49 USC 40113 to 40114; 49 USC 44103 to 44106; 49 USC 44702 to 44703; 49 USC 44709 to 44710; 49 USC 44713; 49 USC 46101 to 46110; 49 USC 46301 to 46316; 49 USC 46501 to 46502; 49 USC 46504 to 46507; 49 USC 47106; 49 USC 47111; 49 USC 47122

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

Abstract: This action would revise the procedures for the assessment of civil penalties for violations of the Federal Aviation Regulations and other provisions. The procedures proposed would implement the requirements of the FAA Civil Penalty Administrative Assessment Act of 1992, as they modify the procedures for adjudicating a civil penalty against a person acting in the capacity of a pilot, flight engineer, mechanic, or repairman.

Timetable:

Action	Date	FR Cite
NPRM	08/05/94	59 FR 40192

Action	Date	FR Cite
NPRM Comment Period End	10/04/94	
Final Action	06/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Project Number: AGC-93-076R. This rulemaking was considered significant; however, after receiving only two comments on the NPRM issued in 8/94, and the lack of controversy regarding this rule, the FAA does not consider this a significant rulemaking.

ANALYSIS: Regulatory Evaluation, 08/05/94, 59 FR 40192

Agency Contact: Joyce Redos, Regulations Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591
Phone: 202 267-3141

RIN: 2120-AE84

2081. NATIONAL AIR TOUR SAFETY STANDARDS

Priority: Other Significant

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

CFR Citation: 14 CFR 91; 14 CFR 135

Legal Deadline: None

Abstract: FAA will propose new regulations for air tour and sightseeing operations that are currently allowed to operate under less stringent regulations than those applied to other types of commercial operations. Over the past decade the number of these operations and the number of accidents and incidents associated with these operations have increased. Hot air balloons and gliders would not be included in this amendment. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	10/23/03	68 FR 60571
NPRM Comment Period End	04/19/04	69 FR 2529
Final Action	05/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

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

ANALYSIS: Regulatory Evaluation, 07/00/2003

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

RIN: 2120-AF07

2082. REVISION OF EMERGENCY EVACUATION DEMONSTRATION PROCEDURES TO IMPROVE PARTICIPANT SAFETY

Priority: Other Significant

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

CFR Citation: 14 CFR 25; 49 CFR 1.47

Legal Deadline: None

Abstract: This action would amend part 25 of the FAR by revising appendix J, Emergency Evacuation, to allow certain alternative procedures in conducting full-scale emergency evacuation demonstrations for transport category airplanes. This is in response to recommendations from the Aviation Rulemaking Advisory Committee. The changes, which are intended to make full-scale emergency evacuation demonstrations safer for participants and to codify existing practices, would also affect manufacturers and operators of transport category airplanes. This action is considered significant because of substantial public interest and safety implications. The FAA is also looking at nonregulatory alternatives.

Timetable:

Action	Date	FR Cite
NPRM	07/18/95	60 FR 36932
Correction	08/25/95	60 FR 44387
NPRM Comment Period End	10/16/95	
Final Action	10/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Project Number: ANM-94-124A

ANALYSIS: Regulatory Evaluation, 07/18/95, 60 FR 36932

Agency Contact: Jeff Gardlin, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue SW, Renton, WA 98055-4056
Phone: 425 227-2136

Phone: 425 227-2136

RIN: 2120-AF21

2083. MISCELLANEOUS CABIN SAFETY CHANGES

Priority: Substantive, Nonsignificant

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

CFR Citation: 14 CFR 121

Legal Deadline: None

Abstract: This action proposes to revise the airworthiness standards for transport category airplanes relating to flight attendant assist space, flight attendant assist handles, door hold open features, outside viewing means, interior compartment doors, and portable oxygen equipment. With one exception, these proposals are not the result of any specific incident or recommendation, but are part of the FAA's continuing effort to upgrade the regulations to improve the overall level of safety in areas where the state-of-the-art and good design practice have indicated that such upgrades are warranted. These proposals would result in both new type design regulations as well as requirements applicable to existing designs implemented via the operating rules.

Timetable:

Action	Date	FR Cite
NPRM	07/24/96	61 FR 38552
NPRM Comment Period End	11/21/96	
Final Action	07/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

DOT—FAA

Final Rule Stage

Additional Information: Project Number: ANM-90-016R.

ANALYSIS: Regulatory Evaluation, 07/24/96, 61 FR 38552

Agency Contact: Jeff Gardlin, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue SW, Renton, WA 98055-4056
Phone: 425 227-2136

RIN: 2120-AF77

2084. FALSE AND MISLEADING STATEMENTS REGARDING AIRCRAFT PARTS

Priority: Other Significant

Legal Authority: Not Yet Determined

CFR Citation: 14 CFR 3

Legal Deadline: None

Abstract: This action proposes additional rules that would prohibit certain false or misleading statements regarding civil aircraft, airframes, aircraft engines, propellers, appliances, component parts, and materials, including standard parts, that are used, or may be used, on civil aircraft. The proposals would also permit increased inspection by the FAA of records regarding the quality of aircraft parts. The additional rules are needed to help prevent persons from representing parts as suitable for use on civil aircraft when in fact they may not be. The proposals are intended to provide assurance that aircraft owners and operators, and persons who maintain aircraft, have truthful information on which to determine whether a part may be used in a given civil aircraft application. This action is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	05/05/03	68 FR 23807
NPRM Comment Period End	08/04/03	
Final Action	12/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Project Number: AVR-94-549R.

ANALYSIS: Regulatory Evaluation 08/00/01

Agency Contact: Beverly Sharkey, Department of Transportation, Federal

Aviation Administration, 13873 Park Center Road, Herndon, VA 20172-3223
Phone: 703 661-0583

RIN: 2120-AG08

2085. NOISE LIMITATIONS FOR AIRCRAFT OPERATIONS IN THE VICINITY OF GRAND CANYON NATIONAL PARK

Priority: Other Significant

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

CFR Citation: 14 CFR 93

Legal Deadline: None

Abstract: This rulemaking will establish noise limitations for certain aircraft operated in the vicinity of Grand Canyon National Park. This action is one part of an overall strategy to reduce further the impact of aircraft noise on the park environment and to assist the National Park Service (NPS) in achieving its statutory mandate imposed by Public Law 100-91 to provide for the substantial restoration of natural quiet and experience in Grand Canyon National Park. The supplemental amendment removes two sections from the December 31, 1996, notice of proposed rulemaking (NPRM) that proposed to establish a corridor through the National Canyon area as an incentive route for quiet technology aircraft. The FAA and NPS have determined not to proceed with an air tour route in the vicinity of National Canyon and are presently considering alternatives to this route. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	12/31/96	61 FR 69334
NPRM Comment Period End	03/31/97	
SNPRM	07/15/98	63 FR 38232
SNPRM	03/24/03	68 FR 14276
SNPRM Comment Period End	06/23/03	
Final Action	01/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: A final rule, which was published on 12/31/96 (61

FR 69302), establishes new operating restrictions at Grand Canyon National Park.

ANALYSIS: Regulatory Evaluation, 12/31/96, 61 FR 69334

Agency Contact: Tom Connor, Office of Energy and Environment, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591
Phone: 202 267-8933

RIN: 2120-AG34

2086. TRAINING IN THE RECOGNITION OF HAZARDOUS MATERIAL

Priority: Other Significant

Legal Authority: 49 USC 106(g); 49 USC 40113; 49 USC 40119; 49 USC 44101; 49 USC 44701 to 44702; 49 USC 44705; 49 USC 44709 to 4711; 49 USC 44713; 49 USC 44715 to 44717; 49 USC 44722; 49 USC 44901; 49 USC 44903; 49 USC 44912; 49 USC 46105

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

Legal Deadline: None

Abstract: The Federal Aviation Administration (FAA) is amending its hazardous materials (hazmat) training requirements for air carriers and commercial operators certificated to operate under part 121 or part 135. In addition, the FAA is requiring that repair stations certificated under part 145 document for the FAA that persons handling hazmat for transportation have been trained as required by the Department of Transportation Hazardous Materials Regulation (HMRs). The FAA is updating its regulations because hazmat transport and the aviation industry have changed significantly since the FAA promulgated its hazmat training regulations over 25 years ago. The rule will set clear training standards and ensure uniform compliance with training requirements.

Timetable:

Action	Date	FR Cite
NPRM	05/08/03	68 FR 24809
NPRM Comment Period End	09/05/03	
Final Action	05/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

DOT—FAA

Final Rule Stage

Agency Contact: William Wilkening, Office of Hazardous Materials, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591
Phone: 202 267-9864

RIN: 2120-AG75

2087. REVISIONS TO DIGITAL FLIGHT DATA RECORDER REGULATIONS FOR B-737 AIRPLANES AND FOR PART 125 OPERATORS

Priority: Other Significant

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

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

Legal Deadline: None

Abstract: This action amends the digital flight data recorder rules for transport category airplanes to add a requirement for all Boeing 737 series airplanes to record additional flight data parameters. This amendment is based on safety recommendations issued by the National Transportation Safety Board following the investigation of the 1994 USAir Flight 427 accident. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	11/18/99	64 FR 63139
NPRM Comment Period End	12/20/99	
Final Action	10/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

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

Agency Contact: Timothy Shaver, Branch Aircraft Certification, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591

Phone: 202 385-4686

RIN: 2120-AG87

2088. AIRWORTHINESS STANDARDS: NORMAL, UTILITY, ACROBATIC AND COMMUTER CATEGORY AIRPLANES (SECTION 610 REVIEW)

Priority: Other Significant

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

CFR Citation: 14 CFR 23

Legal Deadline: None

Abstract: The FAA intends to conduct a 610 review (a review under section 610 of the Regulatory Flexibility Act) of part 23 and RIN 2120-AG93 reflects this review. The FAA has established airworthiness standards for normal, utility, acrobatic and commuter category airplanes in part 23. This part will be reviewed to assess the financial impact on small entities.

Timetable:

Action	Date	FR Cite
Review To Be Completed	07/00/04	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

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

RIN: 2120-AG93

2089. FLIGHT SIMULATION DEVICE QUALIFICATION

Priority: Other Significant

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

CFR Citation: 14 CFR 1; 14 CFR 11; 14 CFR 60; 14 CFR 61; 14 CFR 63; 14 CFR 141; 14 CFR 142

Legal Deadline: None

Abstract: This action will amend the regulations establishing flight simulation device qualification requirements for all certificate holders

in a new part. The basis of these requirements currently exists in different parts of the FAA's regulations and in advisory circulars. The proposed changes would consolidate and update flight simulation device requirements. This action is significant because of substantial public interest.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 2120-AH07

2090. NOISE CERTIFICATION REGULATIONS FOR HELICOPTERS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 4321; 49 USC 106(g); 49 USC 40113; 49 USC 44701 to 44702; 49 USC 44704; 49 USC 44715; PL 96-193; EO 11514

CFR Citation: 14 CFR 36

Legal Deadline: None

Abstract: This proposal is based on a joint effort by the FAA, the European Joint Aviation Authorities (JAA), and the Aviation Rulemaking Advisory Committee (ARAC) to harmonize the U.S. noise certification regulations and the European Joint Aviation Requirements (JAR) for helicopters. The proposed changes would provide nearly uniform noise certification standards for helicopters certificated in the U.S., the JAA countries, and other countries that have adopted as their national regulation either the U.S. regulations, the JAA regulations, or the International Civil Aviation Organization standards. The

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harmonization of the noise certification standards would simplify airworthiness approvals for import and export purposes.

Timetable:

Action	Date	FR Cite
NPRM	10/05/00	65 FR 59634
NPRM Comment Period End	01/04/01	
Final Action	07/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Sandy Liu, Office of Environment and Energy, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591
Phone: 202 493-4864

RIN: 2120-AH10

2091. CERTIFICATION OF AIRCRAFT AND ARMEN FOR THE OPERATION OF LIGHT-SPORT AIRCRAFT

Priority: Other Significant

Legal Authority: 49 USC 106(g); 49 USC 40103; 49 USC 40105; 49 USC 44101; 49 USC 44111; 49 USC 44701 to 44703; 49 USC 44707; 49 USC 44709 to 44711; 49 USC 44712; 49 USC 44713; 49 USC 44715 to 44717; 49 USC 44722; 49 USC 45102 to 45103; 49 USC 45301 to 45303; 49 USC 46306; 49 USC 46315; 49 USC 46316; 49 USC 46504; 49 USC 46506 to 46507; 49 USC 47122; 49 USC 47508; 49 USC 47528 to 47531

CFR Citation: 14 CFR 1; 14 CFR 21; 14 CFR 61; 14 CFR 65; 14 CFR 91; 14 CFR 43; 14 CFR 45

Legal Deadline: None

Abstract: The FAA is creating a new rule for the manufacture, certification, operation, and maintenance of light-sport aircraft. Light-sport aircraft weigh less than 1320 pounds (1430 pounds for aircraft intended for operation on water) and are heavier and faster than ultralight vehicles and include airplanes, gliders, balloons, powered parachutes, weight-shift-control aircraft, and gyroplanes. This action is necessary to address advances in sport and recreational aviation technology, lack of appropriate regulations for existing aircraft, several petitions for rulemaking, and petitions for exemptions from existing regulations. The intended effect of this action is to

provide for the manufacture of safe and economical certificated aircraft that exceed the limits currently allowed by ultralight regulation, and to allow operations of these aircraft by certificated pilots for sport and recreation to carry a passenger, and to conduct flight training and towing in a safe manner. FAA considers this rule to be significant because it establishes a new category of aircraft and airman certification.

Timetable:

Action	Date	FR Cite
NPRM	02/05/02	67 FR 5268
NPRM Comment Period End	05/06/02	
Final Rule	07/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Susan Gardner, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591
Phone: 202 267-8212

RIN: 2120-AH19

2092. PUBLIC ADDRESS SYSTEM

Priority: Substantive, Nonsignificant

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

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: The FAA proposes to shorten the time for passenger announcements in an emergency in transport category airplanes. This proposal would shorten the time for passenger announcements in an emergency from 10 to 3 seconds between the removal of the microphone from its stowage by a flight crewmember and its operation. Adopting this proposal would eliminate regulatory differences between the airworthiness standards for the United States and the Joint Aviation Requirements of Europe, without affecting current industry design practices.

Timetable:

Action	Date	FR Cite
NPRM	11/22/02	67 FR 70510
NPRM Comment Period End	01/21/03	
Final Action	08/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Project Number: ANM-00-227.

Agency Contact: Kirk Baker, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 3960 Paramount Boulevard, Lakewood, CA 90712
Phone: 562 627-5345

RIN: 2120-AH30

2093. REVISIONS TO VARIOUS POWERPLANT INSTALLATION REQUIREMENTS FOR TRANSPORT CATEGORY AIRPLANES

Priority: Substantive, Nonsignificant

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

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This action proposes to revise the standards applicable to thrust or power augmentation systems, fuel filling points, designated fire zones, and powerplant instruments. Adopting this proposal would eliminate regulatory differences between the airworthiness standards of the United States and the Joint Aviation Requirements of Europe without affecting current industry design practices.

Timetable:

Action	Date	FR Cite
NPRM	01/31/02	67 FR 4856
NPRM Comment Period End	04/01/02	
Final Action	08/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Project Number: ANM-01-467.

Agency Contact: Mike McRae, Airframe and Propulsion Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue SW, Renton, WA 98055-4056
Phone: 425 227-2133

RIN: 2120-AH37

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2094. MISCELLANEOUS FLIGHT REQUIREMENTS**Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 106(g); 49 USC 40113**CFR Citation:** 14 CFR 25**Legal Deadline:** None

Abstract: The FAA proposes to amend the airworthiness standards for transport category airplanes concerning miscellaneous flight requirements. Adopting this proposal would eliminate regulatory differences between the airworthiness standards of the United States and the Joint Aviation Requirements of Europe, without affecting current industry design practices.

Timetable:

Action	Date	FR Cite
NPRM	01/14/02	67 FR 1846
NPRM Comment Period End	03/15/02	
Final Action	08/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Project Number: ANM-00-226.

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

RIN: 2120-AH39**2095. TRIM SYSTEMS AND PROTECTIVE BREATHING EQUIPMENT****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 106(g); 49 USC 40113**CFR Citation:** 14 CFR 25**Legal Deadline:** None

Abstract: This proposed action would amend airworthiness standards for transport category airplanes concerning trim systems and protective breathing equipment. The proposed action would add language that would require a clearly marked range on the trim indication system where take-off is safe

for all center-of-gravity positions. Adopting this proposal would eliminate regulatory differences between the airworthiness standards of the United States and the Joint Aviation Requirements of Europe without affecting current industry design practices.

Timetable:

Action	Date	FR Cite
NPRM	10/02/02	67 FR 61836
NPRM Comment Period End	12/02/02	
Final Action	08/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Project Number: ANM-00-567.

Agency Contact: Kenneth Frey, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, WA 98055-4056
Phone: 425 227-2673

RIN: 2120-AH40**2096. POWERPLANT CONTROLS ON TRANSPORT CATEGORY AIRPLANES, GENERAL****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 106(g); 49 USC 40113**CFR Citation:** 14 CFR 25**Legal Deadline:** None

Abstract: This rulemaking proposes to amend the airworthiness standards for transport category airplanes concerning design requirements for powerplant valves controlled from the flightdeck. Adopting this proposal would eliminate regulatory differences between the airworthiness standards of the United States and the Joint Aviation Requirements of Europe, without affecting current industry design practices.

Timetable:

Action	Date	FR Cite
NPRM	05/08/02	67 FR 30820
NPRM Comment Period End	07/08/02	
Final Action	08/00/04	

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

Agency Contact: Mike McRae, Airframe and Propulsion Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue SW, Renton, WA 98055-4056
Phone: 425 227-2133

RIN: 2120-AH65**2097. TRANSPONDER CONTINUOUS OPERATION****Priority:** Other Significant

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

CFR Citation: 14 CFR 21**Legal Deadline:** None

Abstract: This proposal would amend the instrument and equipment requirements for airplanes operated in domestic, flag, and supplemental operations. Specifically, the FAA proposes to require affected airplanes to be equipped with provisions that would help assure immediate activation of the designated air traffic control (ATC) hijack alert code, and continuous transmission of that code to ATC during the hijack situation. The FAA is proposing this action in response to the heightened threat to U.S. civil action. This action is significant because of substantial public safety interest.

Timetable:

Action	Date	FR Cite
NPRM	01/14/03	68 FR 1942
NPRM Comment Period End	03/17/03	
Final Action	12/00/04	

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

Agency Contact: Richard Jennings, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 1895 Phoenix Boulevard, Suite 450, Atlanta, GA 30349
Phone: 770 703-6090

RIN: 2120-AH67

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2098. SECURITY CONSIDERATIONS FOR THE FLIGHTDECK ON FOREIGN-OPERATED TRANSPORT CATEGORY AIRPLANES**Priority:** Other Significant**Legal Authority:** 49 USC 106(g); 49 USC 40104 to 40105; 49 USC 40113; 49 USC 40119; 49 USC 44701 to 44702; 49 USC 44712; 49 USC 44716 to 44717; 49 USC 44722**CFR Citation:** 14 CFR 129**Legal Deadline:** None**Abstract:** This amendment requires improved flightdeck security and operational procedural changes to prevent unauthorized access to the flightdeck on passenger-carrying aircraft operated by foreign carriers under the provisions of part 129. This amendment applies the same flightdeck security enhancements to foreign air carriers as were previously applied to U.S. air carriers. This action is significant because of safety and substantial public interest.**Timetable:**

Action	Date	FR Cite
Final Rule	06/21/02	67 FR 42450
Final Rule Effective	06/21/02	
Final Rule Effective Date	12/30/02	
Final Rule; Request for Comments	12/30/02	67 FR 79822
Comment Period End	02/28/03	
Final Action	09/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Marlene Lovack, International Liaison Staff, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591 Phone: 202 385-4678**Related RIN:** Related to 2120-AA56**RIN:** 2120-AH70**2099. PICTURE IDENTIFICATION REQUIREMENTS****Priority:** Other Significant**Legal Authority:** 49 USC 106(g); 49 USC 40113; 49 USC 44701 to 44711; 49 USC 45102 to 45103; 49 USC 45301 to 45302**CFR Citation:** 14 CFR 61**Legal Deadline:** None**Abstract:** This rule revises the pilot certificate requirements to require a person to carry a photo identification acceptable to the Administrator when exercising the privileges of a pilot certificate. These measures are intended to address security concerns regarding the identification of pilots. This rulemaking is significant because of safety and substantial public interest.**Timetable:**

Action	Date	FR Cite
Final Rule; Request for Comments	10/28/02	67 FR 65858
Final Rule Effective	10/28/02	
Comment Period End	11/27/02	
Final Action	10/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** John D. Lynch, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591 Phone: 202 267-3844**RIN:** 2120-AH76**2100. AREA NAVIGATION (RNAV) AND MISCELLANEOUS AMENDMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 106(g); 49 USC 1155; 49 USC 40103 to 40105; 49 USC 40113; 49 USC 40119 to 40120; 49 USC 41706; 49 USC 44101; 49 USC 44111; 49 USC 44113; 49 USC 44701 to 44702; 49 USC 44705; 49 USC 44709 to 44713; 49 USC 44715 to 44717; 49 USC 44722; 49 USC 44901 to 44904; 49 USC 44906; 49 USC 44912; 49 USC 46105; 49 USC 46306; 49 USC 46315; 49 USC 46316; 49 USC 46504; 49 USC 46506 to 46507; 49 USC 47122; 49 USC 47508; 49 USC 47528 to 47531**CFR Citation:** 14 CFR 1; 14 CFR 91; 14 CFR 95; 14 CFR 97; 14 CFR 121; 14 CFR 129; 14 CFR 135**Legal Deadline:** None**Abstract:** The FAA is amending its regulations to reflect technological advances that support area navigation (RNAV); make certain terms consistent with those of the International Civil Aviation Organization; remove the middle marker as a required component of instrument landing systems; and clarify airspace terminology. The changes are intended to facilitate the

transition from ground-based navigation to new reference sources, enable advancements in technology, and increase efficiency of the National Airspace System.

Timetable:

Action	Date	FR Cite
NPRM	12/17/02	67 FR 77326
NPRM Comment Period End	01/31/03	
NPRM Comment Period Reopened	04/08/03	68 FR 16992
Comment Period End	07/07/03	
Final Action	11/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Lawrence Buehler, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591 Phone: 202 267-8452**RIN:** 2120-AH77**2101. FLIGHTDECK SECURITY ON FOREIGN-OPERATED AIRPLANES****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 106(g); 49 USC 40104 to 40105; 49 USC 40113; 49 USC 40119; 49 USC 41706; 49 USC 44701 to 44702; 49 USC 44716 to 44717; 49 USC 44722; 49 USC 44901 to 44904; 49 USC 44906**CFR Citation:** 14 CFR 129**Legal Deadline:** None**Abstract:** This final rule excludes airplanes with fewer than 19 passenger seats, eliminates the term "or on overflights," changes the compliance date for affected airplanes, and changes the term "transport category aircraft" to "transport category airplanes."**Timetable:**

Action	Date	FR Cite
Request for Comments	12/30/02	67 FR 79822
Comment Period End	02/28/03	
Final Action	09/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Brian Staurseth, Flight Standards Service, Department of

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Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591
Phone: 202 385-4561

RIN: 2120-AH86

2102. • PROCESS FOR REQUESTING WAIVER OF MANDATORY SEPARATION AGE FOR CERTAIN FEDERAL AVIATION ADMINISTRATION (FAA) AIR TRAFFIC CONTROLLERS

Priority: Other Significant

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

CFR Citation: 14 CFR 65

Legal Deadline: None

Abstract: This rulemaking would establish procedures by which an air traffic controller in a flight service station, enroute or terminal facility, or at the David J. Hurley Air Traffic Control System Command Center, may request a waiver of the mandatory separation age. By taking this action, DOT implements congressional authority to issue such exemptions. This rule is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
Final Action	07/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 2120-AI18

2103. • FUEL TANK SAFETY COMPLIANCE EXTENSION AND AGING AIRPLANE NOTICE

Priority: Substantive, Nonsignificant

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

CFR Citation: None

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Final Action	07/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Mario L. Giordano, Aircraft Maintenance Division, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., S. W., Washington, DC 20408
Phone: 412 262-9024
Fax: 202-267-5115
Email: mario.giordano@faa.gov

RIN: 2120-AI20

2104. • AIRCRAFT ASSEMBLY PLACARD REQUIREMENTS

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

Legal Authority: 49 USC 106(g); 49 USC 40113; 49 USC 40119; 49 USC 41706; 49 USC 44101; 49 USC 44701 to 44702; 49 USC 44705; 49 USC 44709 to 44711; 49 USC 44713; ...

CFR Citation: 14 CFR 121

Legal Deadline: Final, Statutory, May 31, 2004, Responds to Act of Congress. These changes are necessary to respond to an Act of Congress directing that the notice or placard must be installed by June 12, 2005.

Abstract: This action amends the passenger information rules for scheduled air carriers. It requires a notice or placard informing passengers

of the name of the country in which the airplane was finally assembled. These changes are necessary to respond to an Act of Congress directing that the notice or placard must be installed by June 12, 2005.

Timetable:

Action	Date	FR Cite
Final Action	07/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Gary Davis, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591
Phone: 202 267-8166
Email: gary.davis@faa.gov

RIN: 2120-AI24

2105. HARMONIZATION OF NOISE CERTIFICATION STANDARDS FOR PROPELLER-DRIVEN SMALL AIRPLANES

Priority: Substantive, Nonsignificant

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

CFR Citation: 14 CFR 36

Legal Deadline: None

Abstract: This final rule harmonizes two technical items with international regulations to provide uniform noise certification standards for airplanes certificated in the United States and JAA (European Joint Aviation Authorities) countries. This will help to simplify airworthiness approvals for import and export purposes. The revisions to these two items will apply only to a small number of older-technology airplanes.

Timetable:

Action	Date	FR Cite
NPRM	06/06/03	68 FR 34256
NPRM Comment Period End	07/07/03	
Final Action	12/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

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

RIN: 2120-AI25

2106. • MINIMUM FLIGHT ALTITUDES AND RESTRICTIONS FOR FLIGHT OPERATIONS IN THE VICINITY OF CERTAIN VENUES

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 106(g); 49 USC 1155; 49 USC 40103; 49 USC 40113; 49 USC 40120; 49 USC 44101; 49 USC 44111; ...

CFR Citation: 14 CFR 91

Legal Deadline: None

Abstract: This final rule codifies current minimum flight altitudes and restrictions for flight operations over certain sport event venues. The FAA is taking this action in response to the Congressional mandates contained in Section 521 of the Consolidated Appropriations act of 2004 (Public Law 108-199).

Timetable:

Action	Date	FR Cite
Final Action	07/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Sheri Edgett Baron, Office of Air Traffic Airspace Management, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591
Phone: 202 267-8783
Email: sheri.baron@faa.gov

RIN: 2120-AI33

2107. • PROHIBITION AGAINST CERTAIN FLIGHTS BY SYRIAN AIR CARRIERS TO THE UNITED STATES

Priority: Other Significant

Legal Authority: 49 USC app 1301(7), 1303, 1344, 1348, 1352 to 1355, 1401, 1421 to 1431, 1471 to 1472; 49 USC 1502, 1510, 1522, 2121 to 2125; 42 USC 4321 et seq; 49 USC 106(g); EO 11514

CFR Citation: None

Legal Deadline: None

Abstract: This rulemaking will prohibit takeoffs from or landings in the

territory of the United States by any air carrier owned or controlled by Syria when engaged in scheduled international air services, except in the event of an emergency. This prohibition does not affect overflights of United States territory by such carriers. This rulemaking is significant because it addresses security issues implemented by Executive Order 13338, which mandates sanctions on certain operations to the United States by Syrian air carriers.

Timetable:

Action	Date	FR Cite
Final Action	06/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For More Information: dms.dot.gov

URL For Public Comments: dms.dot.gov

Agency Contact: Joan Allen, Department of Transportation, Federal Aviation Administration, X, X, DC 20591
Phone: 202 267-7037
Email: joan.allen@faa.gov
RIN: 2120-AI34

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

Long-Term Actions

2108. IFR ALTITUDES; MISCELLANEOUS AMENDMENTS

Priority: Routine and Frequent

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

CFR Citation: 14 CFR 95

Legal Deadline: None

Abstract: This is a nonsignificant body of regulations which prescribes altitudes for the operation of aircraft under instrument flight rules (IFR) on Federal airways, jet routes, area navigation low or high routes, or other direct routes for which a minimum en route IFR altitude is designated in 14 CFR part 95. In addition, mountainous areas and changeover points are designated. These regulations are an established body of technical

requirements that are issued routinely and frequently to maintain operational efficiency. Total actions expected—270. 10/00/2003 - 10/00/2004.

Timetable:

Action	Date	FR Cite
Action will continue through	10/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Michael L. Henry, General Aviation and Commercial Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591
Phone: 202 267-8212

Don Pate, Mike Monroney Aeronautical Center, Department of Transportation, Federal Aviation Administration, 6500 South MacArthur, Oklahoma City, OK 73125
Phone: 405 954-4161

RIN: 2120-AA63

2109. AIRWORTHINESS DIRECTIVES

Priority: Routine and Frequent

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

CFR Citation: 14 CFR 39

Legal Deadline: None

Abstract: The FAA issues type certificates for "products," which are aircraft, engines, propellers, and some appliances. The FAA issues a regulation called an Airworthiness Directive (AD) to address an unsafe condition in a type certificated product,

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Long-Term Actions

if that unsafe condition is likely to exist or develop in products of the same type design. Part 39 of title 14 requires each operator of a product affected by an AD to comply with the terms of the AD, in order to operate that product; the AD may mandate operational limitations, maintenance, or alterations for the affected product. The vast majority of routine and frequent Airworthiness Directives are nonsignificant. Total actions expected—550. 10/00/2003 to 10/00/2004.

Timetable:

Action	Date	FR Cite
Actions will continue through	10/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: None

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

RIN: 2120-AA64

2110. STANDARD INSTRUMENT APPROACH PROCEDURES; MISCELLANEOUS AMENDMENTS

Priority: Routine and Frequent

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

CFR Citation: 14 CFR 97

Legal Deadline: None

Abstract: Standard Instrument Approach Procedures (SIAP) provide for instrument letdown to airports in the United States. They are a nonsignificant body of regulations that are complex and technical in nature and require routine and frequent rulemaking to maintain efficiency. The FAA issues, revises, and cancels SIAPs by adopting amendments that are incorporated into 14 CFR part 97. Contemporaneously with publication in the Federal Register, the SIAPs are made available to the Aeronautical Charting and Cartography Office in the FAA and other publishers of aeronautical charts where they are

published as approach procedure charts or "approach plates." These charts are made available to the members of the aviation community for use by pilots in making instrument approaches. Total actions expected—3,300. 10/00/2003 - 10/00/2004.

Timetable:

Action	Date	FR Cite
Actions Will Continue Through	10/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Michael L. Henry, General Aviation and Commercial Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591
Phone: 202 267-8212

Don Pate, Mike Monroney Aeronautical Center, Department of Transportation, Federal Aviation Administration, 6500 South MacArthur, Oklahoma City, OK 73125
Phone: 405 954-4161

RIN: 2120-AA65

2111. AIRSPACE ACTIONS

Priority: Routine and Frequent

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

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

Legal Deadline: None

Abstract: This is a nonsignificant body of regulations which designates airspace areas, airways, routes, and reporting points to facilitate safe navigation. These regulations are technical in nature and are issued routinely and frequently to maintain operational efficiency. Total actions expected—450. 10/00/2003 through 10/00/2004.

Timetable:

Action	Date	FR Cite
Actions Will Continue Through	10/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Pat Crawford, Manager, Airspace Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591
Phone: 202 267-9255

RIN: 2120-AA66

2112. RETROFIT OF IMPROVED SEATS IN AIR CARRIER TRANSPORT CATEGORY AIRPLANES

Priority: Other Significant

Legal Authority: 49 USC 106(g); 49 USC 40113; 49 USC 40119; 49 USC 44101; 49 USC 44701 to 44702; 49 USC 44705; 49 USC 44709 to 44711; 49 USC 44713

CFR Citation: 14 CFR 121; 14 CFR 135

Legal Deadline: NPRM, Statutory, April 28, 1988.

Abstract: This action would require that all seats of transport category airplanes used in air carrier operations and transport category airplanes used in scheduled intrastate service comply with improved crashworthiness standards. The Airport and Airways Safety and Capacity Expansion Act of 1987 directs the Secretary of Transportation to initiate a rulemaking proceeding to consider requiring all seats on board all air carrier aircraft to meet improved crashworthiness standards based upon the best available testing standards. The intended effect of this action is to increase passenger protection and survivability in survivable impact accidents. This rulemaking is considered significant because of its safety implications and statutory requirements.

Timetable:

Action	Date	FR Cite
NPRM	05/17/88	53 FR 17650
NPRM Comment Period End	10/14/88	
NPRM Comment Period Reopened	10/30/98	63 FR 58331
NPRM Comment Period End	01/08/99	
SNPRM	10/04/02	67 FR 62294
SNPRM Comment Period End	12/03/02	
SNPRM Extension of Comment Period	12/03/02	67 FR 71908
SNPRM Comment Period End	03/03/03	
Final Action	04/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

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Long-Term Actions

Government Levels Affected: None**Additional Information:** Docket 13464.
Project Number: AIR-88-136R.ANALYSIS: Regulatory Evaluation,
05/17/88, 53 FR 17650**Agency Contact:** Hal Jensen, Aircraft
Certification Service, Department of
Transportation, Federal Aviation
Administration, 800 Independence
Avenue SW., Washington, DC 20591
Phone: 202 267-9578**RIN:** 2120-AC84**2113. FLIGHT CREWMEMBER DUTY
PERIOD LIMITATIONS, FLIGHT TIME
LIMITATIONS, AND REST
REQUIREMENTS****Priority:** Other Significant**Legal Authority:** 49 USC 106(g); 49
USC 40113; 49 USC 40119; 49 USC
44101; 49 USC 44701 to 44701; 49 USC
44705; 49 USC 44709 to 44711; 49 USC
44712; 49 USC 44713; 49 USC 44715;
49 USC 44716 to 44717; 49 USC 44722;
49 USC 44901; 49 USC 44903 to 44904;
49 USC 44912**CFR Citation:** 14 CFR 121; 14 CFR 135**Legal Deadline:** None**Abstract:** This rulemaking would
amend the regulations on duty period
limitations, flight time limitations, and
rest requirements for flight
crewmembers engaged in air
transportation. The FAA proposes
additional changes in response to
comments received on the NPRM. The
changes are necessary to ensure that the
rules will continue to provide the
minimum level of safety. This
rulemaking responds to public and
congressional interest in regulating
flight crewmember rest requirements,
NTSB Safety Recommendations,
petitions for rulemaking, and scientific
data. This action is considered
significant because of substantial public
interest.**Timetable:**

Action	Date	FR Cite
NPRM	12/20/95	60 FR 65951
NPRM Comment Period End	03/19/96	
NPRM Comment Period Extended to 6/19/96	03/20/96	61 FR 11492

Next Action Undetermined

**Regulatory Flexibility Analysis
Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** Project
Number: AFS-94-443RANALYSIS: Regulatory Evaluation,
12/20/95, 60 FR 65951**Agency Contact:** Kent Stephens, Flight
Standards Service, Department of
Transportation, Federal Aviation
Administration, 800 Independence
Avenue SW., Washington, DC 20951
Phone: 202 267-7493**RIN:** 2120-AF63**2114. CHILD RESTRAINT SYSTEMS****Priority:** Other Significant**Legal Authority:** 49 USC 106(g); 49
USC 40103; 49 USC 40113; 49 USC
40120; 49 USC 44101; 49 USC 44111;
49 USC 44701; 49 USC 44709; 49 USC
44711; 49 USC 44712; 49 USC 44715
to 44718; 49 USC 44722; 49 USC
46306; 49 USC 46315; 49 USC 46502**CFR Citation:** 14 CFR 91; 14 CFR 121;
14 CFR 125; 14 CFR 135**Legal Deadline:** None**Abstract:** This action sought public
comment on issues relating to the use
of child restraint systems in aircraft
during all phases of flight (i.e., taxi,
takeoff, landing, or any other time the
seat belt sign is illuminated).
Specifically, the agency sought
information about existing child
restraint systems, the development of
new and improved child restraint
systems, the ease with which existing
or new child restraint systems can be
used, and the effectiveness of changing
the current child restraint system
regulations. The advance notice
gathered information in response to a
recommendation made by the White
House Commission on Aviation Safety
and Security. Approximately 130
comments were received on the
ANPRM. This information is needed so
that the FAA can determine the best
way to ensure the safety of children
while on board aircraft.**Timetable:**

Action	Date	FR Cite
ANPRM	02/18/98	63 FR 8324
ANPRM Comment Period End	06/18/98	

Next Action Undetermined

**Regulatory Flexibility Analysis
Required:** No**Small Entities Affected:** No**Government Levels Affected:**
Undetermined**Additional Information:** Project
Number: AFS-97-261R**Agency Contact:** Nancy L. Claussen,
Flight Standards Service, Department of
Transportation, Federal Aviation
Administration, 2800 N. 44th Street,
Suite 450, Phoenix, AZ 85008
Phone: 602 379-4350**RIN:** 2120-AG43**2115. NOISE STRINGENCY INCREASE
FOR SINGLE-ENGINE
PROPELLER-DRIVEN SMALL
AIRPLANES****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 4321; 49 USC
106(g); 49 USC 40113; 49 USC 44701;
49 USC 44702; 49 USC 44704; 49 USC
44715**CFR Citation:** 14 CFR 36**Legal Deadline:** None**Abstract:** The FAA is proposing a
change to the noise limits for propeller-
driven small airplanes. The FAA, the
European Joint Aviation Authorities
(JAA), and representatives from the
United States and European propeller-
driven small airplane industries
developed the ICAO Annex 16 noise
limit change in a joint effort. The
proposed change would provide nearly
uniform noise certification standards
for airplanes certificated in the United
States and in the JAA countries.**Timetable:**

Action	Date	FR Cite
NPRM	02/11/04	69 FR 6856
NPRM Comment Period End	06/10/04	
Final Action	10/00/05	

**Regulatory Flexibility Analysis
Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Project
Number: AEE-01-133R.**Agency Contact:** Mehmet Marsan,
Office of Environment and Energy,
Department of Transportation, Federal
Aviation Administration, 800
Independence Avenue SW.,
Washington, DC 20591
Phone: 202 267-7703**RIN:** 2120-AH44

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2116. ESTABLISHMENT OF ORGANIZATION DESIGNATION AUTHORIZATION PROCEDURES**Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 106(g); 49 USC 40105; 49 USC 40113; 49 USC 44701 to 44702; 49 USC 44707; 49 USC 44709; 49 USC 44711; 49 USC 44715; 49 USC 45303; 49 USC 46105**CFR Citation:** 14 CFR 21; 14 CFR 121; 14 CFR 135; 14 CFR 145; 14 CFR 183**Legal Deadline:** None**Abstract:** This proposed rulemaking would create an Organization Designation Authorization (ODA) Program that would incorporate all organization designee rules within 14 CFR 183. It will expand the approval functions of FAA organization designees, standardize these functions to increase efficiency, and expand eligibility for organization designees, including organizations not eligible under the current rules. These actions would provide the FAA with a more efficient process to delegate certain tasks to external organizations while preserving and increasing aviation safety.**Timetable:**

Action	Date	FR Cite
NPRM	01/21/04	69 FR 2970
NPRM Comment Period End	05/20/04	

Next Action Undetermined

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Ralph Meyer, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 6500 S. MacArthur Blvd, ARB Room 304A, Oklahoma City, OK 73169

Phone: 405 954-7072

RIN: 2120-AH79**2117. INELIGIBILITY FOR AN AIRMAN CERTIFICATE BASED ON SECURITY GROUNDS****Priority:** Other Significant**Legal Authority:** 49 USC 106(g); 49 USC 40113; 49 USC 44701 to 44703; 49 USC 44707; 49 USC 44709 to 44711; 49 USC 45102 to 45103; 49 USC 45301 to 45302**CFR Citation:** 14 CFR 61**Legal Deadline:** None**Abstract:** This action provides the authority to revoke a pilot certificate or deny an application for a pilot certificate based on a written determination by the Under Secretary of Transportation for Security that an individual poses a security risk related to aviation. This final rule addresses the security concerns of who should hold a pilot certificate issued by the FAA and is necessary to enhance security in air transportation. This rulemaking is significant because of substantial public interest.**Timetable:**

Action	Date	FR Cite
Final Rule; Request for Comments	01/24/03	68 FR 3772
Final Rule Effective	01/24/03	
Comment Period End	03/25/03	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Peter J. Lynch, Office of the Chief Counsel, Department of Transportation, Federal Aviation Administration, 800 Independence Ave. SW., Washington, DC 20591
Phone: 202 267-3137**RIN:** 2120-AH84**2118. STAGE 4 AIRCRAFT NOISE STANDARDS****Priority:** Other Significant**Legal Authority:** 42 USC 4321 et seq; 49 USC 106(g); 49 USC 1155; 49 USC 40103; 49 USC 40113; 49 USC 40120; 49 USC 44101; 49 USC 44111; 49 USC 44701 to 44702; 49 USC 44711; 49 USC 44712; 49 USC 44715 to 44717; 49 USC 44722; 49 USC 46306; 49 USC 46315; 49 USC 46316; 49 USC 46504; 49 USC 46506; 49 USC 46507; 49 USC 47122; 49 USC 47508; 49 USC 47528 to 47531, sec 305; PL 96-193; EO 11514; ...**CFR Citation:** 14 CFR 36; 14 CFR 93**Legal Deadline:** None**Abstract:** The FAA is proposing a new noise standard for subsonic jet airplanes and subsonic transport category large airplanes. This noise standard would ensure that the latest available noise reduction technology is incorporated into new aircraft designs. This noise standard, Stage 4, would apply to any person submitting an

application for a new airplane type design on and after January 1, 2003. The standard could be chosen voluntarily prior to that date. This noise standard is intended to provide uniform noise certification standards for Stage 4 airplanes certificated in the United States and those airplanes that meet the new International Civil Aviation Organization Annex 16 Chapter 4 noise standard. This notice is significant because it affects all newly designated aircraft.

Timetable:

Action	Date	FR Cite
NPRM	12/01/03	68 FR 67330
NPRM Comment Period End	03/01/04	
Final Action	07/00/05	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Laurette Fisher, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591
Phone: 202 267-3561
Fax: 202-267-5594**RIN:** 2120-AH99**2119. EXTENDED OPERATIONS (ETOPS) OF MULTI-ENGINE AIRPLANES****Priority:** Other Significant**Legal Authority:** 49 USC 106(g); 49 USC 40113; 49 USC 40119; 49 USC 41706; 49 USC 44101 to 44702; 49 USC 44704; 49 USC 44709; 49 USC 44712; 49 USC 44715 to 44717; 49 USC 44722; 49 USC 46105**CFR Citation:** 14 CFR 1; 14 CFR 21; 14 CFR 25; 14 CFR 33; 14 CFR 121; 14 CFR 135**Legal Deadline:** None**Abstract:** The FAA proposes to issue regulations governing the design, maintenance, and operation of airplanes and engines for flights that go certain long distances beyond an adequate airport. This proposal would extend some requirements that previously applied only to two-engine airplanes to airplanes with more than two-engines. The proposed rule implements existing best practices and

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policy, industry recommendations and international standards to assure that long-range flights will operate safely.

Timetable:

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

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Eric VanOpstal, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20594
Phone: 202 267-3774

RIN: 2120-AI03

2120. • CONTINUED AIRWORTHINESS OF AIRPLANE STRUCTURE

Priority: Substantive, Nonsignificant

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

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This proposed rulemaking would require type certificate holders and supplemental type certificate holders of certain transport category airplanes to develop data to support damage tolerance based inspections and procedures for their airplane baseline structure, including repairs, alterations and modifications to the baseline structure. It would also help ensure adequate and timely maintenance of the airplane's age sensitive parts and components. These actions are needed

to assure that Part 121 certificate holders have the necessary data to comply with the damage tolerance requirements of the Aging Airplane Safety rule.

Timetable:

Action	Date	FR Cite
NPRM	09/00/05	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: None

Agency Contact: Greg Schneider, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue SW, Renton, WA 98055
Phone: 425 227-2116
Fax: 425-227-1181
Email: greg.schneider@faa.gov

RIN: 2120-AI32

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2121. REVISION OF AIR CARRIER CREWMEMBER AND TRAINING REGULATIONS

Priority: Substantive, Nonsignificant

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

CFR Citation: 14 CFR 60; 14 CFR 121

Legal Deadline: None

Abstract: This action proposes to revise title 14 of the Code of Federal Regulations part 121 subparts N, O, and P. The proposed revision and creation will address Advanced Qualification Programs and additional training programs. The rulemaking is needed to enhance crew resource management training, to permit rapid changes to training and checking requirements for emerging technologies, to improve safety, and to respond to numerous recommendations from various sources. The FAA has established an aviation rulemaking committee to address this issue. The committee provides a forum for the FAA and affected members of the aviation community to discuss issues and develop resolutions to facilitate the evolution of crewmember

qualification. This entry is being removed from the agenda. Future rulemaking action may be considered after receipt of input, guidance and recommendations of the committee.

Timetable:

Action	Date	FR Cite
Terminated	06/01/04	

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Project Number: AFS-97-335R.

Agency Contact: Jan Demuth, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591
Phone: 202 267-8166

RIN: 2120-AG57

2122. FIRE PROTECTION OF ELECTRICAL SYSTEM COMPONENTS ON TRANSPORT CATEGORY AIRPLANES

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 106(g); 49 USC 40113; 49 USC 44701; 49 USC 44702; 40 USC 44704

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This rulemaking will amend the airworthiness standards for transport category airplanes concerning the protection of electrical system components. This action will eliminate regulatory differences between the airworthiness standards of the United States and the Joint Aviation Requirements of Europe, without affecting current industry design practices

Timetable:

Action	Date	FR Cite
NPRM	05/15/01	66 FR 26964
NPRM Comment Period End	07/16/01	
Final Action	03/16/04	69 FR 12526

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Mahinder K. Wahi, Transport Airplane Directorate, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, WA 98055
Phone: 425 227-2142
Fax: 425-227-1320
Email: mahinder.wahi@faa.gov

Massoud Sadeghi, Aircraft Certification Service, Department of Transportation,

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Federal Aviation Administration, 1601 Lind Avenue SW., Renton, WA 98055-4056
Phone: 425 227-2117

RIN: 2120-AG92

2123. CERTIFICATION OF AIRPORTS

Priority: Other Significant

Legal Authority: 49 USC 106(g); 49 USC 40113; 49 USC 40119; 49 USC 44101; 49 USC 44701 to 44706; 49 USC 44709 to 40711; 49 USC 44713; 49 USC 44716 to 44717; 49 USC 44719; 49 USC 44722; 49 USC 44901; 49 USC 44903 to 44904; 49 USC 44912; 49 USC 46105

CFR Citation: 14 CFR 121; 14 CFR 139

Legal Deadline: None

Abstract: This action proposes to revise the current airport certification regulation and to establish certification requirements for airports serving scheduled air carrier operations in aircraft with 10 to 30 seats. In addition, changes are proposed to address National Transportation Safety Board recommendations and petitions for exemptions and rulemaking. A section of an air carrier operation regulation also would be amended to conform with proposed changes to airport certification requirements. The FAA believes that these proposed revisions are necessary to ensure safety in air transportation and to provide a comparable level of safety at all certificated airports. This action is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	06/21/00	65 FR 38636
Correction	08/21/00	65 FR 50669
NPRM Comment Period Extended	08/22/00	65 FR 50945
NPRM Comment Period End	09/19/00	
NPRM Extended Comment Period End	11/03/00	
Final Action	02/10/04	69 FR 6380

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Project Number: AAS-97-072R.

ANALYSIS: Regulatory Evaluation, 06/21/00

Agency Contact: Linda Bruce, Office of Airport Safety and Standards, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591
Phone: 202 267-8553

RIN: 2120-AG96

2124. ELECTRICAL INSTALLATION, NICKEL CADMIUM BATTERY INSTALLATION, AND NICKEL CADMIUM BATTERY STORAGE

Priority: Substantive, Nonsignificant

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

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This action amends the airworthiness standards for transport category airplanes concerning electrical equipment and nickel cadmium battery installations, and nickel cadmium battery storage. This rulemaking eliminates regulatory differences between the airworthiness standards of the United States and the Joint Aviation Requirements of Europe, without affecting current industry design practices.

Timetable:

Action	Date	FR Cite
NPRM	05/17/01	66 FR 27582
NPRM Comment Period End	07/16/01	
Final Action	03/16/04	69 FR 12526

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Massoud Sadeghi, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, WA 98055-4056
Phone: 425 227-2117

RIN: 2120-AH27

2125. DESIGN AND INSTALLATION OF ELECTRONIC EQUIPMENT ON TRANSPORT CATEGORY AIRPLANES

Priority: Substantive, Nonsignificant

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

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This action amends the airworthiness standards for transport category airplanes concerning the design and installation of electronic equipment. The rule requires that such equipment be designed and installed so that it does not cause essential loads to become inoperative as a result of electrical power supply transients or transients from other causes. Adopting this rulemaking would eliminate regulatory differences between the airworthiness standards of the United States and the Joint Aviation Requirements of Europe, without affecting current industry design practices

Timetable:

Action	Date	FR Cite
NPRM	05/15/01	66 FR 26956
NPRM Comment Period End	07/16/01	
Final Action	03/16/04	69 FR 12526

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Stephen M. Slotte, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, WA 98055-2315
Phone: 425 227-2315

Fax: 425 227-1320

Email: steve.slotte@faa.gov

RIN: 2120-AH28

2126. ELECTRICAL CABLES

Priority: Substantive, Nonsignificant

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

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This rule amends the airworthiness standards for transport category airplanes concerning electrical cables. This action harmonizes part 25 and JAR-25 requirements concerning cable installations and clarifies the cable design requirements ensuring that the designer considers the critical conditions, routings, and markings of a proper installation. This rulemaking eliminates regulatory differences between the airworthiness standards of the United States and the Joint Aviation Requirements of Europe, without

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affecting current industry design practices.

Timetable:

Action	Date	FR Cite
NPRM	05/15/01	66 FR 26942
NPRM Comment Period End	07/16/01	
Final Action	03/16/04	69 FR 12526

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Stephen M. Slotte, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, WA 98055-2315
Phone: 425 227-2315
Fax: 425 227-1320
Email: steve.slotte@faa.gov

RIN: 2120-AH29

2127. DESIGN STANDARDS FOR FUSELAGE DOORS ON TRANSPORT CATEGORY AIRPLANES

Priority: Substantive, Nonsignificant

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

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This action would amend the design standards for fuselage doors, hatches, and exits on transport category airplanes. This proposal would relieve a certification burden on industry by eliminating regulatory differences between the air standards of the United States and Joint Aviation Requirements of Europe without affecting current industry design practices.

Timetable:

Action	Date	FR Cite
NPRM	01/14/03	68 FR 1932
NPRM Comment Period End	04/14/03	
Final Action	05/03/04	69 FR 24496

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Project Number: ANM-96-398.

Agency Contact: Jeff Gardlin, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue SW, Renton, WA 98055-4056

Phone: 425 227-2136

RIN: 2120-AH34

2128. REVISIONS TO PASSENGER FACILITY CHARGE RULE FOR COMPENSATION TO AIR CARRIERS

Priority: Other Significant

Legal Authority: 49 USC 106(g); 49 USC 40116 to 40117; 49 USC 47111; 49 USC 47114 to 47116; 49 USC 47524; 49 USC 47526

CFR Citation: 14 CFR 158

Legal Deadline: Final, Statutory, June 12, 2004.

Abstract: This rule would amend the passenger facility charge (PFC) rules by changing the amount and basis of compensation an air carrier may receive for collecting, handling, and remitting PFC revenue. This action is necessary because statute mandates that air carriers receive fair and reasonable compensation for their expenses.

Timetable:

Action	Date	FR Cite
NPRM	11/27/02	67 FR 70878
NPRM Comment Period End	01/13/03	
NPRM; Extension of Comment Period	01/14/03	68 FR 1807
NPRM; Extension of Comment Period End	02/12/03	
Final Action	03/18/04	69 FR 12940

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Project Number: APP-00-672R.

Agency Contact: Joseph Hebert, Passenger Facility Charge Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591
Phone: 202 267-8902

RIN: 2120-AH43

2129. REPORTS BY CARRIERS ON INCIDENTS INVOLVING ANIMALS DURING AIR TRANSPORT

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 106(g); 49 USC 1153; 49 USC 40101; 49 USC 40102; 49 USC 40103; 49 USC 40113; 49 USC 41721; 49 USC 44105; 49 USC

44111; 49 USC 44701 to 44717; 49 USC 44722; 49 USC 44901; 49 USC 44903; 49 USC 44904; 49 USC 44906; 49 USC 44912; 49 USC 44914; 49 USC 44936; 49 USC 44938; 49 USC 46103; 49 USC 46105

CFR Citation: 14 CFR 119

Legal Deadline: None

Abstract: This action implements section 710 of P.L. 106-181, the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, by requiring air carriers that provide scheduled passenger air transportation to submit monthly to the Secretary of Transportation, through the Animal & Plant Health Inspection Service of the United States Department of Agriculture, a report on any incidents involving the loss, injury, or death of an animal during air transport provided by the air carrier.

Timetable:

Action	Date	FR Cite
NPRM	09/27/02	67 FR 61238
NPRM Comment Period End	10/28/02	
NPRM Comment Period Extended to 12/27/2002	10/18/02	67 FR 64331
Final Rule	08/11/03	68 FR 47798

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: James Whitlow, Office of the Chief Counsel, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591
Phone: 202 267-3222

RIN: 2120-AH69

2130. FLIGHT VISIBILITY; VISION ENHANCING EQUIPMENT

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 106(g); 49 USC 40103; 49 USC 40113; 49 USC 40120; 49 USC 44101; 49 USC 44111; 49 USC 44701; 49 USC 44709; 49 USC 44711; 49 USC 44712; 49 USC 44715; 49 USC 44716; 49 USC 44717; 49 USC 44722; 49 USC 46306; 49 USC 46317; 49 USC 44722; 49 USC 46306; 49 USC 46315

CFR Citation: 14 CFR 91

Legal Deadline: None

Abstract: This rule would allow persons who voluntarily equip their

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airplanes with certain vision enhancing devices to descend below decision height or minimum descent altitude when flight visibility is below minimums, subject to certain training and other requirements.

Timetable:

Action	Date	FR Cite
NPRM	02/10/03	68 FR 6802
NPRM Correction	03/03/03	
NPRM Comment Period End	03/27/03	
Final Action	01/09/04	69 FR 1620

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

Agency Contact: Les Smith, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591
Phone: 202 385-4586

RIN: 2120-AH78**2131. PROHIBITION OF CONSTRUCTION OR ALTERATION IN THE VICINITY OF THE PRIVATE RESIDENCE OF THE PRESIDENT OF THE UNITED STATES****Priority:** Other Significant**Legal Authority:** 49 USC 302; 49 USC 322; 49 USC 324**CFR Citation:** 14 CFR 76**Legal Deadline:** None

Abstract: This final rule will revise part 76 under title 14 of the Code of Federal Regulations to require notice to be filed with the FAA for the construction or alteration of any object or the alteration of any existing object that would exceed 50 feet above ground level and is within 3 nautical miles of the private residence of the President of the United States. This action also establishes an obstruction standard for those objects within the designated area surrounding the residence. This action is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
Final Rule With Request for Comments	04/22/03	68 FR 19730
Comment Period End	06/23/03	
Final Action	02/06/04	69 FR 5682

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

Agency Contact: Sheri Edgett-Baron, Air Traffic Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591
Phone: 202 267-9354

RIN: 2120-AH83**2132. SECURITY CONTROL OF AIR TRAFFIC****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 106(g); 49 USC 40104; 49 USC 40106; 49 USC 40113; 49 USC 44502; 49 USC 44721**CFR Citation:** 14 CFR 99**Legal Deadline:** None

Abstract: As a result of a recent review, it was determined that the regulations required minor revisions to be consistent with recently issued congressional legislation and agreements between agencies regarding the security control of air traffic operations in the NAS.

Timetable:

Action	Date	FR Cite
Final Action	03/30/04	69 FR 16753

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

Agency Contact: Terry Brown, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591
Phone: 202 267-8783

RIN: 2120-AI04**2133. DEVELOPMENT OF MAJOR REPAIR DATA, SPECIAL FEDERAL AVIATION REGULATION NO. 36****Priority:** Substantive, Nonsignificant

Legal Authority: 49 USC 106(g); 49 USC 40113; 49 USC 40119; 49 USC 41706; 49 USC 44101; 49 USC 44701; 49 USC 44702; 49 USC 44705; 49 USC 44709; 49 USC 44713; 49 USC 44716; 49 USC 44711; 49 USC 44717; ...

CFR Citation: 14 CFR 121; 14 CFR 135; 14 CFR 145**Legal Deadline:** None

Abstract: The FAA is amending and extending Special Federal Aviation Regulation No. 36 (SFAR 36). This direct final rule extends the expiration of the SFAR five years, to January 23, 2009. Extension of the regulation continues to provide, for those who qualify, an alternative to gaining direct FAA approval of major repair data on a case-by-case basis. Also, the FAA makes a technical amendment to Section No 4 (Application) of the SFAR to accurately reflect the FAA Certificate Holding District Office as the proper office to which applications for SFAR 36 be submitted.

Timetable:

Action	Date	FR Cite
Final Action	12/19/03	68 FR 65376

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

Agency Contact: Ralph Meyer, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 6500 S. MacArthur Blvd, ARB Room 304A, Oklahoma City, OK 73169
Phone: 405 954-7072

RIN: 2120-AI09**2134. SECURITY CONTROL OF AIR TRAFFIC****Priority:** Substantive, Nonsignificant

Legal Authority: 49 USC 106(g); 49 USC 40101; 49 USC 40103; 49 USC 40104; 49 USC 40106; 49 USC 40113; 49 USC 40120; 49 USC 44502; 49 USC 44721

CFR Citation: 14 CFR 99**Legal Deadline:** None

Abstract: This action addresses FAA's regulations governing the security control of air traffic to reflect the changing environment and the increased role of federal agencies in the security control of air traffic operation in the National Airspace Systems (NAS).

Timetable:

Action	Date	FR Cite
Final Action	03/30/04	69 FR 16754

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

DOT—FAA

Completed Actions

Additional Information: This rulemaking was a duplicate of RIN 2120-AI04.

Agency Contact: Terry Brown, Airspace and Rules Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591
Phone: 202 267-8783

RIN: 2120-AI11

2135. • SERVICE DIFFICULTY REPORTS

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 40113; 49 USC 40119; 49 USC 106(g); 49 USC 44101; 49 USC 44701 to 44702; 49 USC 44705; 49 USC 44707; 49 USC 44709 to 44713; 49 USC 44715 to 44717; 49 USC 44722; 49 USC 44901

CFR Citation: 14 CFR 121; 14 CFR 125; 14 CFR 135; 14 CFR 145

Legal Deadline: None

Abstract: The Federal Aviation Administration (FAA) is further delaying the effective date of a final rule that amends the reporting requirements for air carriers and certificated domestic and foreign repair station operators concerning failures, malfunctions, and defects of aircraft, aircraft engines, systems, and components. This action is prompted by the FAA's decision to address

industry concerns about the final rule. Delaying the effective date of the final rule will allow the agency time for consideration of industry concerns.

Timetable:

Action	Date	FR Cite
Final Action	12/30/03	68 FR 75116

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Jose Figueroa, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 5601 Mariner Street, Suite 310, Tampa, FL 33609-3413
Phone: 813 287-4932

RIN: 2120-AI13

2136. • ELECTRICAL EQUIPMENT AND INSTALLATIONS, STORAGE BATTERY INSTALLATION; ELECTRONIC EQUIPMENT; AND FIRE PROTECTION OF ELECTRICAL SYSTEM COMPONENTS ON TRANSPORT CATEGORY AIRPLANES

Priority: Substantive, Nonsignificant

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

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This final rule, a consolidation of four rulemaking actions, amends the airworthiness standards for transport category airplanes concerning the design and installation of electronic equipment, the protection of electrical system components, nickel cadmium battery installations, and nickel cadmium battery storage. This amendment eliminates regulatory differences between the airworthiness standards for the United States and the Joint Aviation Requirements of Europe, without affecting current industry design practices.

Timetable:

Action	Date	FR Cite
Final Action	03/16/04	69 FR 12526

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: This rulemaking consolidates the following rulemakings: 2120-AH27, 2120-AH28, 2120-AH29, 2120-AG92.

Agency Contact: Massoud Sadeghi, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, WA 98055-4056
Phone: 425 227-2117

RIN: 2120-AI21

Department of Transportation (DOT)

Federal Highway Administration (FHWA)

Proposed Rule Stage

2137. REVISIONS TO HIGHWAY BRIDGE REPLACEMENT AND REHABILITATION PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: PL 97-424, sec 161; 23 USC 109(a); 23 USC 144(g); PL 105-178, sec 1101(a)(3); 23 USC 109(h); 23 USC 144; 23 USC 151; 23 USC 315; 23 USC 319; 33 USC 401; 33 USC 409 et seq; 33 USC 511 et seq; PL 97-134, sec 4(b); PL 105-206; ...

CFR Citation: 23 CFR 650; 23 CFR 1.32; 49 CFR 1.48(b)

Legal Deadline: None

Abstract: The FHWA is proposing to amend its regulation outlining the highway bridge replacement and rehabilitation program (HBRRP). The HBRRP was established in accordance

with section 124 of the Surface Transportation Assistance Act of 1978 (Pub. L. 95-599, 92 Stat. 2689). It was established to assist the States in the replacement and rehabilitation of bridges declared unsafe because of structural deficiencies, physical deterioration, or functional obsolescence.

This regulation has not been revised since it was issued in 1979. The FHWA proposes changes to this regulation to better meet the needs of the State and local governments, while simultaneously meeting the national goals of improving the condition of the nation's bridges.

Timetable:

Action	Date	FR Cite
ANPRM	09/26/01	66 FR 49152
ANPRM Comment Period End	12/26/01	
NPRM	06/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Thomas Everett, Team Leader, Bridge Programs, Department of Transportation, Federal Highway Administration, 400 Seventh St., S.W., Washington, DC 20590
Phone: 202 366-4675

RIN: 2125-AE75

DOT—FHWA

Proposed Rule Stage

2138. MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS; MINIMUM RETROREFLECTIVITY GUIDELINES FOR TRAFFIC SIGNS

Priority: Substantive, Nonsignificant

Legal Authority: 23 USC 101(a); 23 USC 104; 23 USC 105; 23 USC 109(d); 23 USC 114(a)

CFR Citation: 23 CFR 655; 49 CFR 1.48(b)

Legal Deadline: None

Abstract: The FHWA is inviting comments on proposed standards for retroreflectivity of traffic signs. Section

406(a) of the Department of Transportation and Related Agencies Appropriations Act of 1993, requires the Secretary of Transportation to revise the MUTCD to include a standard for a minimum level of retroreflectivity that must be maintained for traffic signs.

The FHWA is interested in establishing standards for nighttime visibility of traffic signs. The FHWA will develop these standards by considering the results of research, engineering practices and comments received in response to this notice of proposed amendments.

Timetable:

Action	Date	FR Cite
Notice of Proposed Amendments	06/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 2125-AE98

Department of Transportation (DOT)

Final Rule Stage

Federal Highway Administration (FHWA)

2139. WORK ZONE MOBILITY AND SAFETY

Priority: Substantive, Nonsignificant

Legal Authority: 23 USC 105; 23 USC 106; 23 USC 109; 23 USC 110; 23 USC 115; 23 USC 315; 23 USC 320; PL 102-240, sec 1051; PL 104-59, sec 358

CFR Citation: 23 CFR 636; 23 CFR 1.32; 49 CFR 1.48; 23 CFR 630

Legal Deadline: None

Abstract: The FHWA proposes to amend its regulations on traffic safety and mobility in highway and street work zones. Section 1051 of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) required the Secretary of Transportation (Secretary) to develop and implement a highway work zone safety program which would improve work zone safety at highway construction sites. This provision of ISTEA was implemented through non-regulatory action.

A notice published in the Federal Register on October 24, 1995 (60 FR 54562) provided an outline of the work zone safety initiative.

The current proposed regulatory action would further enhance the work zone safety initiative by expanding its focus to include both safety and mobility. The proposed action would incorporate the use of new work zone techniques and technologies, update current policy and regulation, and emphasize issues affecting the safety and mobility of highway workers and highway users.

Timetable:

Action	Date	FR Cite
ANPRM	02/06/02	67 FR 5532
ANPRM Comment Period End	06/06/02	
Notice of Public Meetings	08/09/02	67 FR 51802
NPRM	05/07/03	68 FR 24384
NPRM Comment Period End	09/04/03	
Supplemental NPRM	05/13/04	69 FR 26513
Other/Supplemental NPRM End of Comment Period	06/14/04	
Final Action	12/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Scott Battles, Office of Transportation Operations, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-4372

RIN: 2125-AE29

2140. NATIONAL BRIDGE INSPECTION STANDARDS

Priority: Other Significant

Unfunded Mandates: Undetermined

Legal Authority: 23 USC 109(a); 23 USC 109(h); 23 USC 144; 23 USC 151; 23 USC 315; 23 USC 319; EO 11988; ...

CFR Citation: 23 CFR 650; 23 CFR 1.32; 49 CFR 1.48(b)

Legal Deadline: None

Abstract: The FHWA is proposing to amend and update its regulation on National Bridge Inspection Standards (NBIS). The FHWA asked in an ANPRM whether there is a need to update the regulations to incorporate current, state-of-the-art bridge inspection practices which public authorities may be using. A public authority means a Federal, State, county, town, or township, Indian tribe, municipal, or other local government or instrumentality with the authority to finance, build, operate, or maintain toll or toll-free facilities. The primary purpose of the NBIS is to identify bridges that need work to ensure the safety of the traveling public.

The FHWA proposed a revision of its regulation on the NBIS to address perceived ambiguities in the NBIS since it was last updated over 14 years ago. The proposed changes would clarify the NBIS language that is vague or ambiguous; reorganize the NBIS into a more logical sequence; and make the regulation easier to read and understand, not only by the inspector in the field, but also by those administering the highway bridge inspection programs at the State and Federal level. This rulemaking is significant because of the public and congressional interest in bridge safety.

Timetable:

Action	Date	FR Cite
ANPRM	09/26/01	66 FR 49154
ANPRM Comment Period End	12/26/01	

DOT—FHWA

Final Rule Stage

Action	Date	FR Cite
NPRM	09/09/03	68 FR 53063
NPRM Comment Period End	11/10/03	
Final Action	10/00/04	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Local, State, Tribal**Agency Contact:** Wade F. Casey, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-9487**RIN:** 2125-AE86**2141. UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION FOR FEDERAL ASSISTED PROGRAM****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 4601 et seq; 49 CFR 1.48**CFR Citation:** 49 CFR 24**Legal Deadline:** None

Abstract: The FHWA is proposing to update general policies and make needed changes to the regulations implementing the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act). Except for minor adjustments, this regulation has not been revised or updated in 15 years and the FHWA has received numerous

requests from Federal and State agencies to update the regulation. The FHWA proposes these changes that will assist individuals and businesses that are relocated as a result of a Federal or Federal-aid project.

Timetable:

Action	Date	FR Cite
NPRM	12/17/03	68 FR 70342
NPRM Comment Period End	02/17/04	
Final Action	12/00/04	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal**Agency Contact:** Ron Fannin, Team Leader, Professional Development and Training Team, Department of Transportation, Federal Highway Administration, Office of Real Estate Services, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-2042**RIN:** 2125-AE97**2142. • THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS; SPECIFIC SERVICE AND GENERAL SERVICE SIGNING FOR 24-HOUR PHARMACIES AND ERRATA TO THE 2003 MUTCD****Priority:** Substantive, Nonsignificant**Legal Authority:** 23 USC 101(a), 104, 109(d), 114(a), 217, 315; 23 USC 402(a); 49 CFR 1.48(b); PL 108 to 199**CFR Citation:** 23 CFR 655.601(a); 23 CFR 1.32**Legal Deadline:** Final, Statutory, July 21, 2004.

Abstract: This interim final rule amends the 2003 Edition of the MUTCD to permit the use of specific service and general service signing to assist motorists in locating 24-hour pharmacy services that are open to the public.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/10/04	69 FR 25828
Interim Final Rule Comment Period End	06/30/04	
Interim Final Rule Effective	07/21/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Ernest D.L. Huckaby, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-9064**RIN:** 2125-AF02

Department of Transportation (DOT)

Federal Highway Administration (FHWA)

Long-Term Actions

2143. TRUCK SIZE AND WEIGHT, ROUTE DESIGNATIONS; LENGTH, WIDTH, AND WEIGHT LIMITATIONS**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 23 USC 127; 23 USC 315; 49 USC 31111; 49 USC 31112; 49 USC 31114; 49 CFR 1.48(b)(19)**CFR Citation:** 23 CFR 658**Legal Deadline:** None

Abstract: The FHWA seeks public comment in response to issues raised in a separate proposed rulemaking that sought public comment on possible changes to current Federal motor carrier size and weight regulations. The

FHWA issued an NPRM entitled "Commercial Vehicle Width Exclusive Devices," on July 29, 2002, at 67 FR 48994. The NPRM's proposed changes dealt with devices, attached to the side of commercial motor vehicles for safety or efficiency purposes, that are now allowed a 3-inch exclusion whenever the width of a commercial motor vehicle is checked for compliance with Federal commercial vehicle width limitations. In response to a suggestion that the United States harmonize its width exclusion provision with those maintained by Canada and Mexico, the FHWA proposed that the current U.S. exclusion limit be increased from 3 to 4 inches.

Some respondents to the NPRM raised safety concerns about the 1-inch increase and the lack of information presented by the FHWA on possible consequences. This SNPRM, therefore, is seeking public input from domestic and foreign sources for information from studies or other sources, of the results of similar increases in width exclusion on highway safety. Evidence provided from this SNPRM will help the FHWA more definitively determine if the proposed 1-inch increase would have a significant, detrimental effect on highway safety, or if the increase should be pursued in the name of NAFTA harmonization.

DOT—FHWA

Long-Term Actions

Timetable:

Action	Date	FR Cite
Supplemental NPRM	03/12/04	69 FR 11997
Supplemental NPRM Comment Period End	05/11/04	
Next Action	Undetermined	

Regulatory Flexibility Analysis
Required: No

Small Entities Affected: No

Government Levels Affected: State

Agency Contact: Robert E.L. Davis,
Transportation Analyst, Department ofTransportation, Federal Highway
Administration, 400 Seventh Street
SW., Washington, DC 20590
Phone: 202 366-2997

Related RIN: Related to 2125-AE90

RIN: 2125-AE99

Department of Transportation (DOT)

Completed Actions

Federal Highway Administration (FHWA)

2144. FEDERAL LANDS HIGHWAY PROGRAM; MANAGEMENT SYSTEMS PERTAINING TO THE NATIONAL PARK SERVICE, INCLUDING THE PARK ROADS AND PARKWAYS PROGRAM

Priority: Other Significant

Legal Authority: 23 USC 134; 23 USC 135; 23 USC 204; 23 USC 315; PL 105-178

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: The FHWA was delegated the authority to serve as the lead agency to develop transportation planning procedures pertaining to the National Park Service, the Forest Service, the Fish and Wildlife Service, and the Bureau of Indian Affairs that are consistent with the metropolitan and statewide transportation planning processes. The FHWA and the appropriate Federal land management agencies are also given the authority to develop safety, bridge, pavement, and congestion management systems for roads funded under the Federal lands highways program (FLHP). The roads funded under the FLHP include park roads and parkways, forest highways, refuge roads, and Indian reservation roads.

The FHWA sought public comment on four related ANPRMs that were published on September 1, 1999. The comment period closed on November 1, 1999. Six organizations provided comments on the ANPRM pertaining to the National Park Service (NPS) and the park roads and parkways program. The comments generally supported the development of a separate rule for each agency including one for the NPS. In related NPRMs, the FHWA sought public comment on a proposed rule to implement section 1115(d) of the Transportation Equity Act for the 21st Century (TEA-21) implementing safety, bridge, pavement, and congestion

management systems developed by FHWA's Federal Lands Highway program office in consultation with the NPS.

This final rule provides for the development and implementation of safety, bridge, pavement and congestion management systems for facilities serving the National Park Service funded under the FLHP. These management systems will provide a strategic approach to transportation planning, program development, and project selection.

Timetable:

Action	Date	FR Cite
ANPRM	09/01/99	64 FR 47749
ANPRM Comment Period End	11/01/99	
NPRM	01/08/03	68 FR 1080
NPRM Comment Period End	03/10/03	
Final Action	02/27/04	69 FR 9470
Final Action Effective	03/29/04	

Regulatory Flexibility Analysis
Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Butch Wlaschin,
Federal Lands Highway Office,
Department of Transportation, Federal
Highway Administration, 400 Seventh
Street SW., Washington, DC 20590
Phone: 202 366-9486

RIN: 2125-AE52

2145. FEDERAL LANDS HIGHWAY PROGRAM; MANAGEMENT SYSTEMS PERTAINING TO THE BUREAU OF INDIAN AFFAIRS, INCLUDING THE INDIAN RESERVATIONS ROAD PROGRAM

Priority: Other Significant

Legal Authority: 23 USC 315; PL 105-178; 23 USC 134; 23 USC 135; 23 USC 204

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: The FHWA was delegated the authority to serve as the lead agency to develop transportation planning procedures pertaining to the National Park Service, the Forest Service, the Fish and Wildlife Service, and the Bureau of Indian Affairs that are consistent with the metropolitan and statewide transportation planning processes. The FHWA and the appropriate Federal land management agencies are also given the authority to develop safety, bridge, pavement, and congestion management systems for roads funded under the Federal lands highways program (FLHP). The roads funded under the FLHP include park roads and parkways, forest highways, refuge roads, and Indian reservation roads.

The FHWA sought public comment on four related ANPRMs that were published on September 1, 1999. The comment period closed on November 1, 1999. Eight organizations provided comments on the ANPRM pertaining to the Bureau of Indian Affairs (BIA) and the Indian reservation roads program. The comments generally supported the development of a separate rule for each agency including one for the BIA. In related NPRMs, the FHWA sought public comment on a proposed rule to implement section 1115(d) of the Transportation Equity Act for the 21st Century (TEA-21), for the proposed safety, bridge, pavement, and congestion management systems developed by FHWA's Federal Lands Highway program office in consultation with the BIA.

This final rule provides for the development and implementation of safety, bridge, pavement and congestion management systems for facilities serving the Bureau of Indian Affairs funded under the FLHP. These management systems will provide a strategic approach to transportation

DOT—FHWA

Completed Actions

planning, program development, and project selection.

Timetable:

Action	Date	FR Cite
ANPRM	09/01/99	64 FR 47746
ANPRM Comment Period End	11/01/99	
NPRM	01/08/03	68 FR 1105
NPRM Comment Period End	03/10/03	
Final Action	02/27/04	69 FR 9490
Final Action Effective	03/29/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Butch Wlaschin, Federal Lands Highway Office, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-9486

RIN: 2125-AE53

2146. FEDERAL LANDS HIGHWAY PROGRAM; MANAGEMENT SYSTEMS PERTAINING TO THE FISH AND WILDLIFE SERVICE, INCLUDING THE REFUGE ROADS PROGRAM

Priority: Other Significant

Legal Authority: 23 USC 134; 23 USC 135; 23 USC 204; 23 USC 315; PL 105-178

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: The FHWA was delegated the authority to serve as the lead agency to develop transportation planning procedures pertaining to the National Park Service, the Forest Service, the Fish and Wildlife Service, and the Bureau of Indian Affairs that are consistent with the metropolitan and statewide transportation planning processes. The FHWA and the appropriate Federal Land Management agencies are also given the authority to develop safety, bridge, pavement, and congestion management systems for roads funded under the Federal lands highways program (FLHP). The roads funded under the FLHP include park roads and parkways, forest highways, refuge roads, and Indian reservation roads.

The FHWA sought public comment on four related ANPRMs that were published on September 1, 1999. The comment period closed on November

1, 1999. Six organizations provided comments on the ANPRM pertaining to the Fish and Wildlife Service (FWS) and the refuge roads program. The comments generally supported the development of a separate rule for each agency including one for the FWS. In related NPRMs, the FHWA sought public comment on a proposed rule to implement section 1115(d) of the Transportation Equity Act for the 21st Century (TEA-21) for the proposed safety, bridge, pavement and congestion management systems developed by FHWA's Federal Lands Highway program office in consultation with the FWS.

This final rule provides for the development and implementation of safety, bridge, pavement and congestion management systems for facilities serving the National Wildlife Refuge System funded under the FLHP. These management systems will provide a strategic approach to transportation planning, program development, and project selection.

Timetable:

Action	Date	FR Cite
ANPRM	09/01/99	64 FR 47741
ANPRM Comment Period End	11/01/99	
NPRM	01/08/03	68 FR 1096
NPRM Comment Period End	03/10/03	
Final Action	02/27/04	69 FR 9438
Final Action Effective	03/29/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Butch Wlaschin, Federal Lands Highway Office, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-9486

RIN: 2125-AE54

2147. FEDERAL LANDS HIGHWAY PROGRAM; MANAGEMENT SYSTEMS PERTAINING TO THE FOREST SERVICE, INCLUDING THE FOREST HIGHWAYS PROGRAM

Priority: Other Significant

Legal Authority: 23 USC 135; 23 USC 204; 23 USC 315; PL 105-178; 23 USC 134

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: The FHWA was delegated the authority to serve as the lead agency to develop transportation planning procedures pertaining to the National Park Service, the Forest Service, the Fish and Wildlife Service, and the Bureau of Indian Affairs that are consistent with the metropolitan and statewide transportation planning processes. The FHWA and the appropriate Federal land management agencies are given the authority to develop safety, bridge pavement, and congestion management systems for roads funded under the Federal lands highways program. The roads funded under the FLHP include park roads and parkways, forest highways, refuge roads, and Indian reservation roads.

The FHWA sought public comment on four related ANPRMs that were published on September 1, 1999. The comment period closed on November 1, 1999. Seven organizations provided comments on the ANPRM pertaining to the Forest Service (FS) and the forest highway program. The comments generally supported the development of a separate rule for each agency including one for the FS. In related NPRMs, the FHWA sought public comment on a proposed rule to implement section 1115(d) of the Transportation Equity Act for the 21st Century (TEA-21) for the proposed safety, bridge, pavement and congestion management systems developed by FHWA's Federal Lands Highway program office in consultation with the FS.

This final rule provides for the development and implementation of safety, bridge, pavement, and congestion management systems for facilities serving the forest service funded under the FLHP. These management systems will provide a strategic approach to transportation planning; program development, and project selection.

Timetable:

Action	Date	FR Cite
ANPRM	09/01/99	64 FR 47744
ANPRM Comment Period End	11/01/99	
NPRM	01/08/03	68 FR 1088
NPRM Comment Period End	03/10/03	
Final Action	02/27/04	69 FR 9476
Final Action Effective	03/29/04	

DOT—FHWA

Completed Actions

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Butch Wlaschin, Federal Lands Highway Office, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-9486

RIN: 2125-AE55

2148. COMMERCIAL VEHICLE WIDTH EXCLUSIVE DEVICES

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 31111; 49 USC 31113

CFR Citation: 23 CFR 658

Legal Deadline: None

Abstract: The Senate Committee on Appropriations requested the FHWA to consider a special allowance, within reasonable safety limitations, concerning the commercial movement of recreational vehicles (RVs) with incidental appurtenances, such as retractable awnings, that extend beyond current Federal width limitations. A number of States have enacted laws that allow incidental appurtenances on noncommercial RVs to exceed State width limitations. Therefore, the FHWA amends its regulation on truck size and weight by removing RV's from consideration as commercial motor vehicles and grants the States additional flexibility to deal with certain appurtenances extending from the side of the RV's. These changes allow the States the discretion to regulate the width of RV's and allow RV's to be exempt from any special use over-width permit requirements.

Timetable:

Action	Date	FR Cite
NPRM	07/29/02	67 FR 48994
NPRM Comment Period End	09/27/02	
Final Action	03/12/04	69 FR 11994
Final Action Effective	04/12/04	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: State

Agency Contact: Robert E.L. Davis, Transportation Analyst, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-2997

Related RIN: Related to 2125-AE99

RIN: 2125-AE90

2149. INTERSTATE HIGHWAY SYSTEM

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

Legal Authority: 23 USC 103

CFR Citation: 23 CFR 476

Legal Deadline: None

Abstract: The FHWA and the FTA jointly remove part 476 of title 23 of the Code of Federal Regulations that prescribed policies and procedures for implementation of section 103(c)(4) of title 23, United States Code, which permitted the withdrawal of Interstate System segments and the substitution of mass transit or highway projects. The Congress recognized the expiration of this program by eliminating the underlying statutory authority for this regulation in section 1106(b) of the Transportation Equity Act for the 21st Century.

Timetable:

Action	Date	FR Cite
Final Action	11/26/03	68 FR 66338
Final Action Effective	11/26/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Donald J. West, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590
Phone: 202 366-4652

RIN: 2125-AF00

2150. • CONTRACT ADMINISTRATION, REMOVAL OF MISCELLANEOUS, OBSOLETE OR REDUNDANT REGULATIONS

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

Legal Authority: 23 USC 101; 23 USC 106; 23 USC 109; 23 USC 112; 23 USC 113; 23 USC 114; 23 USC 116; 23 USC 119; 23 USC 120; 23 USC 121

CFR Citation: 23 CFR 140; 23 CFR 630; 23 CFR 633; 23 CFR 635; 23 CFR 640; 23 CFR 200

Legal Deadline: None

Abstract: This final rule rescinds several regulations that have been superceded by legislation, specifically, the Transportation Equity Act for the 21st Century (TEA-21). The FHWA is removing certain sections related to construction engineering costs; administration of direct Federal construction contracts; interstate maintenance guidance; and the certification acceptance program, as necessary in order to update the agency's regulations related to these topics. These updates are intended to reflect the applicable provisions of title 23, United States Code, as amended by TEA-21, and avoid any possible redundancy or conflict with the Federal Acquisition Regulations System.

Timetable:

Action	Date	FR Cite
Final Action	02/13/04	69 FR 7116
Final Action Effective	02/13/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Jennifer Balis, Contract Administration Engineer, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590-0001
Phone: 202 493-7302

RIN: 2125-AF01

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

Prerule Stage

2151. SAFETY FITNESS PROCEDURES; SAFETY RATINGS

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 31144

CFR Citation: 49 CFR 385

Legal Deadline: None

Abstract: This rulemaking would reinstate the 1998 ANPRM that requested public comment on a future rating system that could be used to make safety fitness determinations and meet the demands of shippers, insurers, and other parties interested in evaluating motor carrier performance. The same or similar questions will be presented to the public again. There is concern that public comments may be significantly different today than in 1998 because of the time elapsed and the safety status (SafeStat) measurement system that was not available to the public in 1998.

Timetable:

Action	Date	FR Cite
ANPRM	07/20/98	63 FR 38788
ANPRM Comment Period End	09/18/98	
Second ANPRM	09/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Bryan Price, Transportation Specialist, PRISM Team, Department of Transportation, Federal Motor Carrier Safety Administration, Office of Enforcement and Compliance, Federal Building, 1000 Liberty Avenue, Room 305, Pittsburgh, PA 15222
Phone: 412 395-4816

RIN: 2126-AA37

2152. • BROKERS OF HOUSEHOLD GOODS TRANSPORTATION BY MOTOR VEHICLE

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

Unfunded Mandates: Undetermined

Legal Authority: 49 USC 13501, 13901, and 13902

CFR Citation: 49 CFR 371

Legal Deadline: None

Abstract: The FMCSA has granted the American Moving and Storage Association's petition for rulemaking.

This rulemaking will solicit public comment on whether the general property broker regulations under Part 371 have failed to protect consumers of household goods. This rulemaking is significant because of substantial public and industry interest.

Timetable:

Action	Date	FR Cite
ANPRM	11/00/04	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Additional Information: Docket No. FMCSA-2004-17008.

Agency Contact: Nathaniel Jackson, Household Goods Team Leader, Department of Transportation, Federal Motor Carrier Safety Administration, MC-PSD, Commercial Enforcement (MC-ECC), Office of Enforcement & Compliance, 400 Seventh Street, SW., Washington, DC 20590
Phone: 202 385-2369

RIN: 2126-AA84

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

Proposed Rule Stage

2153. COMMERCIAL LEARNER PERMITS

Priority: Substantive, Nonsignificant

Legal Authority: PL 99-570, Title XII, 100 Stat. 3207 (1986); 49 USC 31102 and 31136

CFR Citation: 49 CFR 383, 384, 386, and 395; 49 CFR 1.73

Legal Deadline: None

Abstract: This rulemaking would establish Federal minimum standards for States to issue commercial driver's licenses (CDLs). Given the fact that an NPRM was issued on October 23, 1990, FMCSA is considering issuing a supplemental NPRM to account for subsequent changes in the CDL program.

Timetable:

Action	Date	FR Cite
NPRM	08/22/90	55 FR 34478
NPRM Comment Period End	10/22/90	

Action

Date	FR Cite
Comment Period Extended	10/23/90 55 FR 42741
Supplemental NPRM (SNPRM)	05/00/05

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State

Agency Contact: Robert Redmond, Senior Transportation Specialist, Department of Transportation, Federal Motor Carrier Safety Administration, MC-ESS, State Programs Division, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-5014

RIN: 2126-AA03

2154. QUALIFICATION OF DRIVERS; FIELD OF VISION

Priority: Other Significant

Legal Authority: 49 USC 504; 49 USC 31502

CFR Citation: 49 CFR 391

Legal Deadline: None

Abstract: As part of a review of the medical qualification standards applicable to interstate CMV drivers, the agency (then the FHWA) issued an ANPRM in February of 1992 to consider whether to amend the driver qualification requirements regarding the vision standard. A temporary waiver program was initiated and was concluded on March 31, 1996, to permit the agency to observe and collect data on the driving experience of a group of vision-deficient drivers who meet certain preconditions. The agency considered further research to develop comprehensive performance-based visual standards for all commercial drivers. Information about

DOT—FMCSA

Proposed Rule Stage

the proposed research plan and public hearing on the subject was published on June 5, 1996. The agency entered into a contract with a medical center to develop medically based recommendations for amending the current Federal vision requirements. Recommendations were delivered in October 1998. After evaluating and considering these recommendations, FHWA has decided to publish an NPRM to amend its regulation governing the visual field requirement in the vision standard. This action is significant because of substantial public interest and safety implications.

Timetable:

Action	Date	FR Cite
ANPRM	02/28/92	57 FR 6793
ANPRM Comment Period End	04/28/92	
Information Notice NPRM	06/05/96 10/00/04	61 FR 28547

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected:

Undetermined

Additional Information: FHWA adopted a final rule to allow drivers holding valid waivers from both the vision and diabetes standards to continue to operate in interstate commerce after March 31, 1996. See NPRM (61 FR 606, Jan. 8, 1996); Final Rule (61 FR 13338, March 26, 1996); Final Rule; technical correction (61 FR 17253, April 19, 1996). (See notices published February 28, 1992 (57 FR 6793); March 25, 1992 (57 FR 10295); June 3, 1992 (57 FR 22370); October 6, 1994 (59 FR 50887); and November 17, 1994 (59 FR 59386).)

Agency Contact: Kaye Kirby, Health & Welfare Specialist, Department of Transportation, Federal Motor Carrier Safety Administration, Physical Qualifications (MC-PSP), Office of Bus and Truck Standards and Operations, 400 – Seventh St., SW., Washington, DC 20590

Phone: 202 366-4001

RIN: 2126-AA05

2155. MEDICAL QUALIFICATION REQUIREMENTS AS PART OF THE COMMERCIAL DRIVER'S LICENSE (CDL) PROCESS

Priority: Other Significant

Legal Authority: sec 215, PL 106-159; 113 Stat. 1748, 1767 (1999); 49 USC 31305 note and 31502

CFR Citation: 49 CFR 383, 384, and 391

Legal Deadline: None

Abstract: This rulemaking will provide for a Federal medical certification as part of the commercial driver's license (CDL) program, and implement section 215 of the Motor Carrier Safety Improvement Act of 1999. Incorporating medical qualification verification and documentation into State-administered CDL procedures will improve highway safety by preventing medically-unqualified individuals from obtaining a CDL. It will also eliminate the requirement for CDL operators to carry their medical certificate in addition to their CDL. This action is considered significant because of substantial public and congressional interest.

Timetable:

Action	Date	FR Cite
ANPRM	07/15/94	59 FR 36338
ANPRM Comment Period End	11/14/94	
NPRM	12/00/04	

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected:

Undetermined

Additional Information: Docket No. FMCSA-97-2210.

Agency Contact: Teresa Doggett, Physical Qualifications Division, Department of Transportation, Federal Motor Carrier Safety Administration, MC-PSD, Office of Bus and Truck Standards and Operations, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-2990

RIN: 2126-AA10

2156. UNIFIED REGISTRATION SYSTEM

Priority: Other Significant

Legal Authority: PL 104-88; 109 Stat. 803, 888 (1995); 49 USC 13908

CFR Citation: 49 CFR parts 360, 365, 366, 368, 387, and 390

Legal Deadline: Final, Statutory, January 1, 1998.

Abstract: FMCSA is developing this rulemaking to consider replacing four current identification and registration systems — USDOT identification number system, single-State registration system, registration/licensing system, and financial responsibility system — with a unified registration system. It will consolidate and simplify current Federal registration processes and increase public accessibility to data about interstate and foreign motor carriers, property brokers, and freight forwarders. This action is considered significant because of substantial congressional and industry interest.

Timetable:

Action	Date	FR Cite
ANPRM	08/26/96	61 FR 43816
ANPRM Comment Period End	10/25/96	
NPRM	11/00/04	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Federalism: Undetermined

Additional Information: Docket No. FMCSA-97-2349

Agency Contact: Robert F. Schultz Jr., Driver and Carrier Operations Division, Department of Transportation, Federal Motor Carrier Safety Administration, MC-PSD, Office of Bus and Truck Standards and Operations, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-2718

RIN: 2126-AA22

2157. TRANSPORTATION OF HOUSEHOLD GOODS; CONSUMER PROTECTION REGULATIONS (RULEMAKING RESULTING FROM A SECTION 610 REVIEW)

Priority: Other Significant

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

CFR Citation: 49 CFR 375 and 377

Legal Deadline: None

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Proposed Rule Stage

Abstract: The interim final rule on the transportation of household goods, published on June 11, 2003, and modified by technical amendments on March 5, 2004 and April 2, 2004, amended the FMCSA regulations governing interstate transportation of household goods to specify how motor carriers that transport household goods must assist individual customers who ship household goods. The current phase of the rulemaking is in response to petitions for reconsideration of the interim final rule on household goods transportation. The petitions were filed by the American Moving and Storage Association and the United Van Lines/Mayflower Transit, LLC. The public comments on each phase of this rulemaking will be considered when finalizing the rule. This action is considered significant because of substantial industry and public interest.

Timetable:

Action	Date	FR Cite
NPRM	05/15/98	63 FR 27126
NPRM Comment Period End	07/14/98	
NPRM Extension and Reopening of Comment Period	08/12/98	63 FR 43128
NPRM Comment Period End	10/13/98	
Interim Final Rule (IFR)	06/11/03	68 FR 35064
Interim Final Rule Comment Period End	08/11/03	
IFR Effective	09/09/03	
IFR Compliance Date Delayed	09/30/03	68 FR 56208
Technical Amendments to IFR	03/05/04	69 FR 10570
Clarification of Technical Admendments and Delay of Compliance Date	04/02/04	69 FR 17313
Effective Date of Technical Amendments and Compliance	05/05/04	
Second NPRM	02/00/05	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** Docket No. FMCSA-97-2979.**Agency Contact:** Nathaniel Jackson, Household Goods Team Leader, Department of Transportation, Federal Motor Carrier Safety Administration,MC-PSD, Commercial Enforcement (MC-ECC), Office of Enforcement & Compliance, 400 Seventh Street, SW., Washington, DC 20590
Phone: 202 385-2369**RIN:** 2126-AA32**2158. NEW ENTRANT SAFETY ASSURANCE PROCESS****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Unfunded Mandates:** Undetermined**Legal Authority:** PL 106-159, sec 210; 113 Stat 1748 (1999); PL 107-87, sec 350; 49 USC 31144**CFR Citation:** 49 CFR 385**Legal Deadline:** None

Abstract: This rulemaking will establish minimum requirements for new entrant motor carriers to ensure that they are knowledgeable about applicable Federal motor carrier safety standards. After ensuring that they are knowledgeable, the new entrants will operate for 18 months in which time they must pass a safety review in order to receive permanent operating authority. This rule is significant because of public and congressional interest in rules required by MCSIA.

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	01/00/05	

Regulatory Flexibility Analysis Required: Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** None**Federalism:** Undetermined

Agency Contact: Mary Pat Woodman, Chief, Enforcement and Compliance Division, Department of Transportation, Federal Motor Carrier Safety Administration, MC-ECE, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-9699

RIN: 2126-AA59**2159. POSTING OF EMPLOYEE PROTECTIONS INFORMATION****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 31105 and 31136**CFR Citation:** Not Yet Determined**Legal Deadline:** None

Abstract: This rulemaking would require employers to display a poster notifying commercial motor vehicle (CMV) operators and other employees of their whistle-blower rights, consistent with 49 U.S.C. 31105, and language will be added under Part 391 to clarify that the right also exists under part 386 for drivers to file complaints with FMCSA. It would also clarify FMCSA's complaint process, and provide for coordination of safety complaints between FMCSA and the Occupational Safety and Health Administration (OSHA).

Timetable:

Action	Date	FR Cite
NPRM	07/00/04	

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

Agency Contact: Janet Nunn, Office of Policy, Plans and Regulations, Department of Transportation, Federal Motor Carrier Safety Administration, MC-PRR, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-2797
Email: janet.nunn@fmcsa.dot.gov

RIN: 2126-AA68**2160. PENALTIES, INSPECTION, AND DECAL DISPLAY REQUIREMENTS FOR MEXICO-DOMICILED MOTOR CARRIERS****Priority:** Other Significant**Legal Authority:** sec 350, PL 107-87; 49 USC 31136 and 31502**CFR Citation:** 49 CFR 386; 49 CFR 396**Legal Deadline:** None

Abstract: This rulemaking would amend part 396 of the Federal Motor Carrier Safety Regulations (FMCSRs) to incorporate requirements, as codified in parts 365 and 385, that all commercial motor vehicles operated by Mexico-domiciled motor carriers holding authority to transport property or passengers beyond the commercial zones of U.S. municipalities on the United States-Mexico border must display a Commercial Vehicle Safety Alliance (CVSA) decal issued by a certified inspector. Adding this requirement to part 396 will enable FMCSA to assess civil penalties against

DOT—FMCSA

Proposed Rule Stage

Mexico-domiciled long-haul motor carriers that operate vehicles without the necessary CVSA decal. This rulemaking will also clarify that carriers will be required to obtain the necessary inspection decal before proceeding beyond border ports of entry or nearby commercial motor vehicle safety inspection facility. By providing for more effective enforcement of the inspection and decal requirements, this rule will help ensure that these motor carriers operate safe vehicles in the United States. This action is considered significant because of substantial public and congressional interest.

Timetable:

Action	Date	FR Cite
NPRM	11/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses**Government Levels Affected:** None**Federalism:** Undetermined

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

RIN: 2126-AA72

2161. HOURS OF SERVICE OF DRIVERS; SUPPORTING DOCUMENTS**Priority:** Other Significant**Unfunded Mandates:** Undetermined

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

CFR Citation: 49 CFR 385, 390, and 395

Legal Deadline: Final, Statutory, February 1996.

Abstract: This rulemaking would amend the hours-of-service recordkeeping requirements to clarify what supporting documents motor carriers must have to verify hours-of-service records. It will clarify: That the duty of motor carriers is to verify the accuracy of drivers' hours of service (HOS) and records of duty status (RODS) including automatic on-board records; that the driver's duty is to collect and submit to the motor carrier

all supporting documents with the RODS; that carriers are required to maintain supporting documents with the RODS; and that a supporting document based self-monitoring system is required to be the primary method for ensuring compliance with the HOS regulations. It will propose the use of electronic documents as a supplement to, and in certain instances in lieu of, paper supporting documents in recognition of developing technologies. It will clarify the definitions of "supporting documents," "employee," and "driver," and the current requirement that each motor carrier use a self-monitoring system to verify HOS and RODS. This rulemaking is considered significant because of substantial industry interest and safety.

Timetable:

Action	Date	FR Cite
NPRM	04/20/98	63 FR 19457
NPRM Comment	06/19/98	
Period End		
Supplemental NPRM	10/00/04	

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: Businesses**Government Levels Affected:** Undetermined**Federalism:** Undetermined

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

Related RIN: Split from 2126-AA23

RIN: 2126-AA76

2162. ACUTE AND CRITICAL VIOLATIONS**Priority:** Substantive, Nonsignificant

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

CFR Citation: 49 CFR 385**Legal Deadline:** None

Abstract: This rulemaking would modify Appendix B to Part 385 to update the factors and regulations affecting a motor carrier's safety fitness. It is necessary to amend the list of acute and critical regulations, because FMCSA has established operating procedures and issued several

regulations, as directed by the ICC Termination Act of 1995, the Transportation Equity Act for the 21st Century, and the Motor Carrier Safety Improvement Act of 1999.

Timetable:

Action	Date	FR Cite
NPRM	10/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses**Government Levels Affected:** Undetermined

Agency Contact: Mary Pat Woodman, Chief, Enforcement and Compliance Division, Department of Transportation, Federal Motor Carrier Safety Administration, MC-ECE, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-9699

RIN: 2126-AA77

2163. QUALIFICATIONS OF MOTOR CARRIERS TO SELF-INSURE THEIR OPERATIONS AND FEES TO SUPPORT THE APPROVAL AND COMPLIANCE PROCESS; WITHDRAWAL

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

Legal Authority: 49 USC 13906, 31138, and 31139

CFR Citation: 49 CFR 387**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
To Be Withdrawn	11/00/04	

Regulatory Flexibility Analysis

Required: No

DOT—FMCSA

Proposed Rule Stage

Small Entities Affected: No
Government Levels Affected: None
Agency Contact: Valerie Height, Transportation Specialist, Department of Transportation, Federal Motor Carrier Safety Administration, MC-PRR, Office of Policy Plans and Regulation (MC-PRR), 400 Seventh Street SW., Washington, DC 20590
 Phone: 202 366-0901
RIN: 2126-AA82

2164. • HOURS OF SERVICE OF DRIVERS—SLEEPER BERTH REST PERIOD
Priority: Other Significant. Major status under 5 USC 801 is undetermined.
Unfunded Mandates: Undetermined
Legal Authority: 49 USC 31136 and 31502
CFR Citation: 49 CFR 395
Legal Deadline: None
Abstract: FMCSA has granted the American Trucking Association's (ATA's) petition for rulemaking. This rulemaking will consider whether to permit sleeper berth rest periods to extend maximum on-duty time limits when followed by 10 hours off-duty, and will address the complex issues surrounding sleeper berth rest periods, off-duty requirements, and related matters. This rulemaking is considered significant because of substantial industry interest and safety implications.

Timetable:

Action	Date	FR Cite
NPRM	03/00/05	

Regulatory Flexibility Analysis Required: Undetermined
Small Entities Affected: Businesses
Government Levels Affected: Undetermined
Federalism: Undetermined
Agency Contact: Mary Moehring, Chief, Driver and Carrier Operations Division, Department of Transportation, Federal Motor Carrier Safety

Administration, MC-PSD, Office of Bus and Truck Standards and Operations, 400 Seventh Street, SW., Washington, DC 20590
 Phone: 202 366-4001
RIN: 2126-AA85

2165. • INSPECTION, REPAIR, AND MAINTENANCE OF INTERMODAL CONTAINER CHASSIS
Priority: Other Significant. Major status under 5 USC 801 is undetermined.
Unfunded Mandates: Undetermined
Legal Authority: 49 USC 31136 and 31502
CFR Citation: 49 CFR 385, 390, 393, and 396
Legal Deadline: None

Abstract: This rulemaking will 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 transportation; provide 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. This rulemaking is considered significant because of substantial industry and congressional interest and safety implications.

Timetable:

Action	Date	FR Cite
NPRM	03/00/05	

Regulatory Flexibility Analysis Required: Undetermined
Government Levels Affected: Undetermined
Federalism: Undetermined
Agency Contact: Larry M. Minor, Chief, Vehicle and Roadside Operations Division, Department of Transportation, Federal Motor Carrier Safety

Administration, MC-PSV, Office of Bus and Truck Standards and Operations, 400 Seventh Street SW., Washington, DC 20590
 Phone: 202 366-4009
Related RIN: Related to 2126-AA38
RIN: 2126-AA86

2166. • CARGO SECUREMENT STANDARDS
Priority: Substantive, Nonsignificant
Legal Authority: 49 USC 31136 and 31502
CFR Citation: 49 CFR 393.5; 49 CFR 393 subpart I
Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	01/00/05	

Regulatory Flexibility Analysis Required: Undetermined
Government Levels Affected: Undetermined
Federalism: Undetermined
Agency Contact: Larry M. Minor, Chief, Vehicle and Roadside Operations Division, Department of Transportation, Federal Motor Carrier Safety Administration, MC-PSV, Office of Bus and Truck Standards and Operations, 400 Seventh Street SW., Washington, DC 20590
 Phone: 202 366-4009
Related RIN: Related to 2126-AA27
RIN: 2126-AA88

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

Final Rule Stage

2167. FEDERAL MOTOR CARRIER SAFETY REGULATIONS; HAZARDOUS MATERIALS SAFETY PERMITS

Priority: Other Significant

Legal Authority: 49 USC 5105 and 5109

CFR Citation: 49 CFR 385, 390, and 397; 49 CFR 1

Legal Deadline: Final, Statutory, November 15, 1991.

Abstract: This rule will establish a system for issuing permits to motor carriers that transport certain types of hazardous materials, if they are determined to be fit, willing, and able to perform the transportation safely. They include: Class A or B explosives, liquefied natural gases, hazardous materials designated as extremely toxic by inhalation, and a highway route controlled quantity of radioactive materials. It will also require pre-trip inspection and certification of a motor vehicle used to transport a highway route controlled quantity of a radioactive material. This action is considered significant because of substantial public interest and security.

Timetable:

Action	Date	FR Cite
NPRM	06/17/93	58 FR 33418
NPRM Comment Period End	08/16/93	
Supplemental NPRM	08/19/03	68 FR 49737
SNPRM/Correction	09/11/03	68 FR 53535
SNPRM Comment Period End	10/20/03	
Final Action	06/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Michael M. Johnsen, Department of Transportation, Federal Motor Carrier Safety Administration, Hazardous Materials Div. (MC-ECH), Office of Enforcement and Compliance, 400 Seventh Street, SW., Washington, DC 20590
Phone: 202 366-4111

RIN: 2126-AA07

2168. MINIMUM TRAINING REQUIREMENTS FOR ENTRY-LEVEL COMMERCIAL MOTOR VEHICLE OPERATORS

Priority: Other Significant

Legal Authority: PL 102-240, sec 4007(a); 105 Stat. 1914, 2151 (1991)

CFR Citation: 49 CFR 380

Legal Deadline: Final, Statutory, December 18, 1993.

Abstract: This rule will establish standards requiring entry-level training for commercial motor vehicle (CMV) operators who are required to hold or obtain a commercial driver's license (CDL). This rule implements section 4007 of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), which directed the Secretary of DOT to promulgate safety regulations for entry-level training of drivers in the heavy truck, motor coach, and school bus industries. This action is considered significant due to substantial public and industry interest.

Timetable:

Action	Date	FR Cite
ANPRM	06/21/93	58 FR 33874
ANPRM Comment Period End	08/20/93	
Report to Congress	02/05/96	
Notice; Availability of Report	04/25/96	61 FR 18355
NPRM	08/15/03	68 FR 48863
NPRM Comment Period End	10/14/03	
Final Action	05/21/04	69 FR 29384
Final Action Effective	07/20/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: In February 1996, the Secretary submitted to Congress the report entitled, Assessing the Adequacy of Commercial Motor Vehicle Training: Final Report and the first Cost-Benefit analysis, as required by the ISTEA. The report is available through the National Technical Information Service (Order No. PB96-141536). For further information, please call 1-800-553-6847.

Agency Contact: Ronald Finn, Transportation Specialist, Department of Transportation, Federal Motor Carrier Safety Administration, MC-ESS, Office of Safety Programs, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-0647

RIN: 2126-AA09

2169. RULES OF PRACTICE FOR MOTOR CARRIER PROCEEDINGS; INVESTIGATIONS; DISQUALIFICATIONS AND PENALTIES

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 113 and 307

CFR Citation: 49 CFR 385 and 386; 49 CFR 1.73

Legal Deadline: None

Abstract: This rule will amend the FMCSA's rules of practice for motor carrier safety, hazardous materials, and other enforcement proceedings, including motor carrier safety rating appeals, driver qualification proceedings and its schedule of penalties for violations of the FMCSRs and the HMRs. Provisions on investigative authority and procedures and general motor carrier responsibilities will also be added. This rule is intended to increase the efficiency of the procedures, enhance due process and the awareness of the public and regulated community, and accommodate recent program changes.

Timetable:

Action	Date	FR Cite
NPRM	04/29/96	61 FR 18866
NPRM Comment Period End	07/29/96	
Supplemental NPRM	10/21/96	61 FR 54601
SNPRM Comment Period End	11/20/96	
Final Action	01/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

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

RIN: 2126-AA15

2170. RAILROAD-HIGHWAY GRADE CROSSING SAFETY

Priority: Other Significant

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

CFR Citation: 49 CFR 392

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

DOT—FMCSA

Final Rule Stage

Abstract: This rulemaking would prohibit operators of commercial motor vehicles from driving onto a railroad grade crossing unless there is sufficient space to drive completely through the crossing without stopping. Required by the Hazardous Materials Transportation Authorization Act of 1994, this rulemaking is intended to reduce the incidence of collisions between trains and commercial motor vehicles. This action is considered significant because of substantial public interest and safety issues.

Timetable:

Action	Date	FR Cite
NPRM	07/30/98	63 FR 40691
NPRM Comment Period End	11/27/98	
Final Action	04/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Local, State

Federalism: Undetermined

Additional Information: Docket No.

Agency Contact: Richard Brennan, Department of Transportation, Federal Motor Carrier Safety Administration, Driver and Carrier Division (MC-PSD), Office of Bus and Truck Standards and Operations, 400 Seventh St., SW, Washington, , DC 20590
Phone: 202 366-3493

RIN: 2126-AA18

2171. GENERAL JURISDICTION OVER FREIGHT FORWARDER SERVICE

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 13903

CFR Citation: 49 CFR 373

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	01/28/97	62 FR 4096
NPRM Comment Period End	03/31/97	
Final Action	06/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Docket No.

Agency Contact: Lorena Beauchesne, Regulatory Development Division, Department of Transportation, Federal Motor Carrier Safety Administration, Office of Policy Plans and Regulation (MC-PRR), 400 7th Street, SW., Washington, DC 20590
Phone: 202 366-5043

RIN: 2126-AA25

2172. FEDERAL MOTOR CARRIER SAFETY REGULATIONS; WAIVERS, EXEMPTIONS, AND PILOT PROGRAMS; RULES AND PROCEDURES

Priority: Substantive, Nonsignificant

Legal Authority: PL 105-178, sec 4007; 112 Stat. 107 (1998); 49 USC 31315

CFR Citation: 49 CFR 381

Legal Deadline: Final, Statutory, December 9, 1998.

Abstract: This rule adopts the interim regulations contained in Part 381, which provide requirements and procedures for motor carriers to obtain waivers and exemptions from the Federal Motor Carrier Safety Regulations, and submit ideas for pilot programs to evaluate innovative alternatives to the regulations. This rule implements section 4007 of the Transportation Equity Act for the 21st Century.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/08/98	63 FR 67600
Interim Final Rule Effective	12/08/98	
Interim Final Rule Comment Period End	02/08/99	
Final Action	06/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Larry M. Minor, Chief, Vehicle and Roadside Operations Division, Department of Transportation, Federal Motor Carrier Safety Administration, MC-PSV, Office of Bus and Truck Standards and Operations,

400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-4009

RIN: 2126-AA41

2173. PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION; GENERAL AMENDMENTS

Priority: Substantive, Nonsignificant

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

CFR Citation: 49 CFR 392 and 393

Legal Deadline: None

Abstract: This rulemaking would amend part 393 of the Federal Motor Carrier Safety Regulations by: Removing obsolete and redundant regulations; responding to several petitions for rulemaking; providing improved definitions of vehicle types, systems, and components; resolving inconsistencies between part 393 and the National Highway Traffic Safety Administration's Federal Motor Vehicle Safety Standards (49 CFR 571); and codifying certain FMCSA regulatory guidance concerning the requirements of part 393. Generally, the amendments will not involve establishing new or more stringent requirements but will provide clarification of existing requirements.

Timetable:

Action	Date	FR Cite
NPRM	04/14/97	62 FR 18170
NPRM Comment Period Extended	06/12/97	62 FR 32066
NPRM Comment Period End	06/13/97	
Comment Period End	07/28/97	
Public Meeting	02/20/98	63 FR 8606
Final Action	12/00/04	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Undetermined

Agency Contact: Larry M. Minor, Chief, Vehicle and Roadside Operations Division, Department of Transportation, Federal Motor Carrier Safety Administration, MC-PSV, Office of Bus and Truck Standards and Operations, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-4009

RIN: 2126-AA61

2174. CERTIFICATION OF SAFETY AUDITORS, SAFETY INVESTIGATORS, AND SAFETY INSPECTORS

Priority: Other Significant

Legal Authority: sec 211, PL 106–159; 113stat. 1754 (1999); sec 350, PL 107–87; 49 USC 31148

CFR Citation: 49 CFR 385

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

Abstract: This rule will require that any safety inspection, audit, or review be conducted by a certified safety auditor, inspector, or investigator. It will give the FMCSA authority to decertify an investigator, including a third-party investigator for failure to meet the prescribed certification standards. It is required by section 211 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). This rule is considered significant because of public and congressional interest.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/19/02	67 FR 12776
IFR Comment Period End	05/20/02	
IFR Effective Date Delayed	06/17/02	67 FR 41196
IFR Date Effective	06/17/02	
Extension of Statutory Compliance Date	07/28/03	68 FR 44378
Notice of Environmental Assessment	10/02/03	68 FR 56863
EA Comment Period End	11/03/03	
Notice of statutory compliance date	12/23/03	68 FR 74287
Final Action	05/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Mary Pat Woodman, Chief, Enforcement and Compliance Division, Department of Transportation, Federal Motor Carrier Safety Administration, MC–ECE, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366–9699

RIN: 2126–AA64

2175. CERTIFICATION OF COMPLIANCE WITH FEDERAL MOTOR VEHICLE SAFETY STANDARDS (FMVSS)

Priority: Other Significant

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

CFR Citation: 49 CFR 393.8

Legal Deadline: None

Abstract: This rule will require motor carriers to ensure that each commercial motor vehicle (CMV) they operate in interstate commerce displays a label certifying that the vehicle complies with all applicable Federal Motor Vehicle Safety Standards (FMVSS) in effect on the date of manufacture. It will also ensure that all motor carriers operating CMVs in the United States use only vehicles that were certified by the manufacturer as meeting all applicable Federal safety performance requirements. This action is considered significant because of substantial public and congressional interest and safety implications.

Timetable:

Action	Date	FR Cite
NPRM	03/19/02	67 FR 12782
NPRM Comment Period End	05/20/02	
Final Action	09/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Docket No.

Agency Contact: Deborah M. Freund, Senior Transportation Specialist, Department of Transportation, Federal Motor Carrier Safety Administration, MC–PSV, Office of Bus and Truck Standards and Operations, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366–4009

Related RIN: Related to 2127–AI59, Related to 2127–AI60, Related to 2127–AI64

RIN: 2126–AA69

2176. LIMITATIONS ON ISSUANCE OF COMMERCIAL DRIVER'S LICENSE WITH HAZARDOUS MATERIALS ENDORSEMENT

Priority: Other Significant

Legal Authority: sec 1012, PL 107–56; 115 Stat. 272 (2001); 49 USC 5103a.

CFR Citation: 49 CFR 383

Legal Deadline: None

Abstract: This rule will prohibit States from issuing, renewing, transferring, or upgrading a commercial driver's license (CDL) with a hazardous materials endorsement, unless the TSA has first conducted a background check on the applicant and determined that the applicant does not pose a security risk warranting denial of the hazardous materials endorsement. FMCSA and TSA simultaneously published interim final rules. This action is considered significant because of substantial industry and public interest and national security.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/05/03	68 FR 23844
IFR Effective	05/05/03	
IFR Comment Period End	07/07/03	
Compliance Date Delayed	11/07/03	68 FR 63030
Comment Period End	01/06/04	
Final Action	06/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State

Agency Contact: Robert Redmond, Senior Transportation Specialist, Department of Transportation, Federal Motor Carrier Safety Administration, MC–ESS, State Programs Division, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366–5014

RIN: 2126–AA70

2177. REGISTRATION ENFORCEMENT

Priority: Other Significant

Legal Authority: PL 106–159, sec 205; 113 Stat 1748, 1762 (1999); 49 USC 13902(e)

CFR Citation: 49 CFR 350 and 392

Legal Deadline: None

DOT—FMCSA

Final Rule Stage

Abstract: This rule would provide that a motor carrier who is subject to the registration requirements under 49 U.S.C. 13902 may not operate a commercial motor vehicle in interstate commerce unless it has registered with FMCSA. It will also prohibit motor carriers from operating beyond the scope of their registered authorization. Further, if vehicles are discovered operating in violation of such registration requirements, they will be placed out of service, and the carrier may be subject to additional penalties. This action makes State enforcement of the registration requirements a condition of MCSAP eligibility. This action is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/28/02	67 FR 55162
IFR Effective	09/27/02	
IFR Comment Period End	10/28/02	
Final Action	06/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Agency Contact: Mary Pat Woodman, Chief, Enforcement and Compliance Division, Department of Transportation, Federal Motor Carrier Safety Administration, MC-ECE, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-9699

RIN: 2126-AA78

2178. TITLE VI REGULATIONS FOR FMCSA FINANCIAL ASSISTANCE RECIPIENTS

Priority: Substantive, Nonsignificant

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

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: This rulemaking would clarify and modify the applicability of DOT's (49 CFR 21) and FHWA's (23 CFR 200) Title VI regulations as they relate to FMCSA grant recipients, pursuant to section 106(b) of the Motor Carrier Safety Improvement Act of 1999.

Timetable:

Action	Date	FR Cite
Interim Final Rule (IFR)	06/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 2126-AA79

2179. PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION; FUEL SYSTEMS

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 31136 and 31502; and 49 CFR 1.73

CFR Citation: 40 CFR 86; 49 CFR 393

Legal Deadline: None

Abstract: This rule will revise the Federal Motor Carrier Safety Regulations (FMCSRs) concerning fuel tank fill rates for gasoline- and methanol-fueled vehicles. Specifically, it will (1) make that provision of the FMCSRs compatible with EPA requirements for vehicles up to 14,000 lbs. GVWR, (2) make permanent the terms of the exemptions previously granted to motor carriers operating certain gasoline-fueled CMVs manufactured by Ford Motor Company and by General Motors, and (3) incorporate into the FMCSRs previously issued regulatory guidance concerning the applicability of NHTSA fuel system integrity regulations for vehicles subject to 49 CFR 571.301 at the time of manufacture.

Timetable:

Action	Date	FR Cite
NPRM	11/12/03	68 FR 64072
NPRM Comment Period End	01/12/04	
Final Action	06/03/04	69 FR 31302
Final Action Effective	07/06/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Deborah M. Freund, Senior Transportation Specialist, Department of Transportation, Federal Motor Carrier Safety Administration, MC-PSV, Office of Bus and Truck Standards and Operations, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-4009

RIN: 2126-AA80

Department of Transportation (DOT)

Federal Motor Carrier Safety Administration (FMCSA)

Long-Term Actions

2180. COMMERCIAL DRIVER'S LICENSE STANDARDS; BIOMETRIC IDENTIFIER

Priority: Other Significant

Legal Authority: sec 9105(a), PL 100-690; 102 Stat. 4527, 4530 (1988); sec 4011(c), PL 105-178; 112 Stat. 107 (1998)

CFR Citation: 49 CFR 383

Legal Deadline: Final, Statutory, December 31, 1990.

Abstract: This rulemaking would establish minimum uniform standards for a biometric identification system for commercial motor vehicle (CMV) operators, as directed by section 9105 of the Truck and Bus Safety and Regulatory Reform Act of 1988. In 1989, the agency published an ANPRM seeking comments on a pilot

demonstration project using biometric data including retinal eye scans and fingerprint technologies. After reviewing the comments, the agency determined at the time that technology had not progressed to the point where a nationwide identification system could be cost-effective and provide the benefits for which a system was intended. In 1991, FHWA published a Notice of Information summarizing results of the pilot study, and

DOT—FMCSA

Long-Term Actions

comments on the ANPRM, to explain how the studied technologies fell short of the demands of the commercial licensing environment at the time.

Section 4011(c) of the Transportation Equity Act for the 21st Century (1998), which amended 49 USC 31308, requires each commercial driver's license (CDL) issued by the States after January 1, 2001, to have unique identifiers (which may include biometric identifiers). A pilot study was conducted to collect over 16,000 sample digital facial images and sets of fingerprints from volunteers in California, Georgia, and West Virginia; California provided the lead for this study. The pilot study has been completed and a report delivered in November 2002. FMCSA is considering setting biometric storage and transmission standards which States would use if they voluntarily wish to store fingerprint images and transmit such images to other States upon request. Further action on this rulemaking is on hold pending action by the Transportation Security Administration. This action is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	05/15/89	54 FR 20875
ANPRM Comment Period End	07/14/89	
Information Notice	03/08/91	56 FR 9925
NPRM	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State

Agency Contact: Ronald Finn, Transportation Specialist, Department of Transportation, Federal Motor Carrier Safety Administration, MC-ESS, Office of Safety Programs, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-0647

RIN: 2126-AA01

2181. APPLICATION BY CERTAIN MEXICO-DOMICILED MOTOR CARRIERS TO OPERATE BEYOND U.S. MUNICIPALITIES AND COMMERCIAL ZONES ON THE U.S.-MEXICO BORDER

Priority: Other Significant

Legal Authority: 5 USC 553 and 559; 16 USC 1456; 49 USC 13101, 13301, and 13901 et seq.; 49 USC 31138 and 31144

CFR Citation: 49 CFR 365

Legal Deadline: None

Abstract: This rulemaking will change FMCSA regulations and the form, OP-1(MX), governing applications by Mexico-domiciled property and passenger carriers who want to operate within the United States beyond the municipalities adjacent to Mexico in Texas, New Mexico, Arizona, and California, and beyond the commercial zones of such municipalities. FMCSA published interim rules in anticipation of a presidential order lifting the current statutory moratorium on authorizing such operations. On November 27, 2002, President Bush modified the moratorium. The form requires additional information about the applicant's business and operating practices, which will help the FMCSA determine if the applicant will be able to meet the safety standards established for operating in interstate commerce in the United States. The interim final rule included requirements that were not part of the NPRM but which were necessary to comply with the fiscal year 2002 DOT Appropriations Act. This action is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	05/03/01	66 FR 22371
NPRM Comment Period End	07/02/01	
Interim Final Rule (IFR)	03/19/02	67 FR 12702
IFR Comment Period End	04/18/02	
IFR Effective Date	05/03/02	
Notice of Intent To Prepare EIS	08/26/03	68 FR 51322
Scoping Meetings on EIS	10/08/03	68 FR 58162
Final Action	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: *On April 21, 2004, the Supreme Court heard arguments on the Ninth Circuit Court's decision that DOT must prepare a full EIS under the National Environmental Policy Act (NEPA), and make state implementation plan conformity determinations under the Clean Air Act (CAA), before permitting Mexican-domiciled carriers to operate in the U.S. On June 7, 2004, the Supreme Court ruled unanimously that DOT can skip the environmental study.

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

RIN: 2126-AA34

2182. SAFETY MONITORING SYSTEM AND COMPLIANCE INITIATIVE FOR MEXICO-DOMICILED MOTOR CARRIERS OPERATING IN THE UNITED STATES

Priority: Other Significant

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

CFR Citation: 49 CFR 385

Legal Deadline: None

Abstract: This rule implements a safety monitoring system and compliance initiative designed to evaluate the continuing safety fitness of all Mexico-domiciled motor carriers within 18 months after receiving a provisional Certificate of Registration or provisional authority to operate in the United States. The rule also establishes suspension and revocation procedures for provisional Certificates of Registration and operating authority, and incorporates 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. This action is significant due to public interest and safety-related issues.

Timetable:

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

DOT—FMCSA

Long-Term Actions

Action	Date	FR Cite
Interim Final Rule	03/19/02	67 FR 12758
IFR Comment Period End	04/18/02	
IFR Effective	05/03/02	
Notice of Intent To Prepare EIS	08/26/03	68 FR 51322
Scoping Meetings on EIS	10/08/03	68 FR 58162
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: *On April 21, 2004, the Supreme Court heard arguments on the Ninth Circuit Court's decision that DOT must prepare a full EIS under NEPA, and make state implementation plan conformity determinations under the CAA, before authorizing Mexican trucks to operate in the U.S. On June 7, 2004, the

Supreme Court ruled unanimously that DOT can skip the environmental study.

Agency Contact: Mary Pat Woodman, Chief, Enforcement and Compliance Division, Department of Transportation, Federal Motor Carrier Safety Administration, MC-ECE, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-9699

RIN: 2126-AA35

Department of Transportation (DOT)

Completed Actions

Federal Motor Carrier Safety Administration (FMCSA)

2183. MINIMUM TRAINING REQUIREMENTS FOR LONGER COMBINATION VEHICLE (LCV) OPERATORS AND LCV DRIVER-INSTRUCTOR REQUIREMENTS

Priority: Other Significant

Legal Authority: 49 USC 31307; PL 102-240, sec 4007(b)

CFR Citation: 49 CFR 380 and 391

Legal Deadline: Final, Statutory, December 18, 1993.

Abstract: This final rule establishes minimum training requirements for operators of longer combination vehicles and requirements for the instructors who train these operators, as mandated by the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA). Section 4007 of ISTEA directed that training for LCV operators include certification of an operator's proficiency by an instructor who has met the requirements established by the Secretary of DOT. This rule is considered significant because of substantial public interest and safety.

Timetable:

Action	Date	FR Cite
ANPRM	01/15/93	58 FR 4638
ANPRM Comment Period End	03/16/93	
NPRM	08/12/03	68 FR 47890
NPRM Comment Period End	10/14/03	
Final Rule	03/30/04	69 FR 16722
Final Rule Effective	06/01/04	
Other/Correction	05/19/04	69 FR 28846
Correction Effective Date	06/01/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Robert Redmond, Senior Transportation Specialist, Department of Transportation, Federal Motor Carrier Safety Administration, MC-ESS, State Programs Division, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-5014

RIN: 2126-AA08

2184. SAFETY PERFORMANCE HISTORY OF NEW DRIVERS

Priority: Other Significant

Legal Authority: sec. 114, PL 103-311, 108 Stat. 1673, 1677 (1994); sec. 204, PL 104-88, 109 Stat. 803, 941 (1995); sec. 4014, PL 105-178, 112 Stat. 107, 409 (1998); sec. 217, PL 106-159, 113 Stat. 1748, 1767 (1999); 49 USC 508, 5101-5127; 49 USC 13301, 13902, 31133, 31136, 31502, and 31504

CFR Citation: 49 CFR 390 and 391

Legal Deadline: NPRM, Statutory, January 1999, See PL 105-178, sec 4014.

Abstract: The final rule responds to the Hazardous Materials Transportation Authorization Act of 1994. In accordance with the Act, the agency (FHWA) proposed changes concerning what minimum safety performance history information new or prospective employers would be required to seek concerning commercial motor vehicle (CMV) drivers and from where that information should be obtained. The Small Business Administration's (SBA) Chief Counsel for Advocacy requested more in-depth Paperwork Reduction Act and Regulatory

Flexibility Act analyses of the NPRM. In response to SBA's comments to the docket and section 4014 of the Transportation Equity Act for the 21st Century (TEA-21), FMCSA published an SNPRM to address issues, such as small business burden, and to incorporate new requirements of limitation of liability and driver privacy protections imposed by TEA-21. The changes were considered significant because of substantial public interest and privacy implications.

Timetable:

Action	Date	FR Cite
NPRM	03/14/96	61 FR 10548
NPRM Comment Period End	05/13/96	
Supplemental NPRM	07/17/03	68 FR 42339
SNPRM Comment Period End	09/02/03	
Final Rule	03/30/04	69 FR 16684
Final Rule Effective	04/29/04	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: Docket No. FMCSA-97-2277.

Agency Contact: Mary Moehring, Chief, Driver and Carrier Operations Division, Department of Transportation, Federal Motor Carrier Safety Administration, MC-PSD, Office of Bus and Truck Standards and Operations, 400 Seventh Street, SW., Washington, DC 20590
Phone: 202 366-4001

RIN: 2126-AA17

DOT—FMCSA

Completed Actions

2185. GENERAL REQUIREMENTS; INSPECTION, REPAIR, AND MAINTENANCE; INTERMODAL CONTAINER CHASSIS AND TRAILERS

Priority: Other Significant

Legal Authority: 49 USC 504; 49 USC 31133, 31136, and 31502

CFR Citation: 49 CFR 390 and 396

Legal Deadline: None

Abstract: This action was withdrawn. These issues will be addressed under RIN 2126-AA86. In response to a petition for rulemaking filed by the American Trucking Association, Inc. (ATA) and the ATA Intermodal Conference (petitioners), the agency (FHWA) agreed to consider revisions to requirements in parts 390 and 396 that place upon motor carriers the responsibility for maintaining intermodal container chassis and trailers. These regulations prescribe requirements for the inspection, repair and maintenance of commercial motor vehicles. This rulemaking was considered significant because of substantial industry interest.

Timetable:

Action	Date	FR Cite
ANPRM	02/17/99	64 FR 7849
ANPRM Comment Period End	04/19/99	
Comment Period End	05/05/99	64 FR 24128
Comment Period Extended	08/30/99	
NOI To Consider a Reg Neg Process	11/29/02	67 FR 71127
Comment Period End	01/13/03	
Comment Period Extended	02/24/03	68 FR 8580
Comment Period End	04/10/03	
Withdrawn	12/31/03	68 FR 75478

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Deborah M. Freund, Senior Transportation Specialist, Department of Transportation, Federal Motor Carrier Safety Administration,

MC-PSV, Office of Bus and Truck Standards and Operations, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-4009

RIN: 2126-AA38

2186. FEDERAL MOTOR CARRIER SAFETY REGULATIONS; INTERSTATE SCHOOL BUS SAFETY

Priority: Other Significant

Legal Authority: PL 105-178, sec 4024

CFR Citation: 49 CFR 390, 391, 392, 393, and 395

Legal Deadline: Other, Statutory, December 9, 1998, PL 105-178, sec 4024.

Abstract: This rulemaking was withdrawn. FMCSA had considered making the Federal Motor Carrier Safety Regulations (FMCSRs) apply to all interstate school transportation operations by local educational agencies. FMCSA was to make a determination whether to make the FMCSRs applicable to such operations, as directed by section 4024 of the Transportation Equity Act for the 21st Century. FMCSA published an ANPRM requesting comments, data, and information to assist in making this determination. FMCSA determined that the costs would have exceeded the benefits. This action was considered significant because of the interest of the public and private sectors in the possibility the rule would have expand Federal Motor Carrier Safety Regulations to cover government-operated school buses in interstate commerce.

Timetable:

Action	Date	FR Cite
ANPRM	10/22/01	66 FR 53373
ANPRM Comment Period End	01/22/02	
Withdrawn	03/24/04	69 FR 13803

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: State

Agency Contact: Philip Hanley, Department of Transportation, Federal Motor Carrier Safety Administration, MC-PSB, Office of Enforcement and Compliance, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-6811

RIN: 2126-AA53

2187. DRUG AND ALCOHOL MANAGEMENT INFORMATION SYSTEM (MIS) REPORTING

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

Legal Authority: 49 USC 31133, 31136, 31301, and 31502

CFR Citation: 49 CFR 382

Legal Deadline: None

Abstract: The DOT revised its drug and alcohol testing rules in part 40 (68 FR 43946, July 25, 2003) by replacing the old multiple-page MIS reporting forms with a single one-page form for use by FMCSA, FAA, FTA, FRA, RSPS, and USCG. The form is required by part 40. The FMCSA made conforming amendments to its drug and alcohol testing rules in part 382 consistent with DOT requirements.

Timetable:

Action	Date	FR Cite
Final Rule	12/31/03	68 FR 75455
Final Rule Effective	12/31/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

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

RIN: 2126-AA83

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

Prerule Stage

2188. FRONTAL OFFSET PROTECTION

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

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

CFR Citation: 49 CFR 571.208

Legal Deadline: None

Abstract: The agency is considering establishing a Federal motor vehicle safety standard for high-speed frontal offset crash testing. The frontal offset test is a crash test for automobiles and light trucks in which the subject vehicles are run into a deformable honeycomb barrier. The barrier contacts only 40 percent of the front of the vehicle, simulating an off-center frontal collision. The agency is considering adding the offset test to the frontal occupant protection standard to measure vehicle structural integrity and reduce the number and severity of lower-body injuries. NHTSA is also examining whether implementing a new offset test might create disbenefits.

Timetable:

Action	Date	FR Cite
Request for Comments	02/03/04	69 FR 5108
Comment Period Extended	04/06/04	69 FR 18105

Action	Date	FR Cite
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Comment Period End	07/05/04	
Agency Decision	10/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

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

Related RIN: Related to 2127-AI39

RIN: 2127-AH73

2189. REDUCED STOPPING DISTANCE REQUIREMENTS FOR TRUCK TRACTORS

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

Legal Authority: 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166; 49 CFR 1.50

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: The agency is considering reducing stopping distance requirements for truck tractors equipped with air brake systems. Advances in heavy vehicle braking systems show that improved stopping performance is attainable for these vehicles. Such improvements would reduce the stopping distance disparity with light vehicles, and would result in fewer deaths and injuries and reduce property damage due to fewer crashes between truck tractors and light vehicles.

Timetable:

Action	Date	FR Cite
ANPRM	07/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Jeffrey Woods, Safety Standards Engineer Office of Crash Avoidance Standards, Department of Transportation, National Highway Traffic Safety Administration, NVS-122, Vehicle Dynamics Division, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-2720
Fax: 202 366-4329
RIN: 2127-AJ37

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

Proposed Rule Stage

2190. SEATING SYSTEMS PERFORMANCE

Priority: Substantive, Nonsignificant

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

CFR Citation: 49 CFR 571.207

Legal Deadline: None

Abstract: Environmental Research and Safety Technologists of Flagstaff, AZ, petitioned the agency to reexamine the seatback performance requirements of the standard in rear impact crashes.

Timetable:

Action	Date	FR Cite
ANPRM	10/04/89	54 FR 40896
ANPRM Comment Period End	12/04/89	
Request for Comments	11/23/92	57 FR 54958

Action	Date	FR Cite
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Comment Period End	01/22/93	
NPRM	08/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Petitions for rulemaking were granted 07/24/89. See a related rulemaking action involving these petitioners under RIN 2127-AC57. The first part of the research is complete. A computer model and a prototype seat were developed. Information on this research is available in the docket along with a report on crash data analysis. The agency is currently evaluating the research results and conducting dynamic seat testing.

Agency Contact: Lori Summers, Division Chief, Department of Transportation, National Highway Traffic Safety Administration, NVS-112, Light Duty Vehicle Division, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-4917
Fax: 202 366-4329
RIN: 2127-AD08

2191. CERTIFICATION REQUIREMENTS OF MULTISTAGE VEHICLES

Priority: Substantive, Nonsignificant

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

CFR Citation: 49 CFR 567; 49 CFR 568; 49 CFR 1.50

Legal Deadline: None

DOT—NHTSA

Proposed Rule Stage

Abstract: The agency proposed to amend the certification requirements that apply to incomplete vehicles other than chassis-cabs. Incomplete vehicles are vehicles that include at least a frame and chassis structure, power train, steering system, suspension system, and brake system, but need further manufacturing performed on them to become completed vehicles. The agency proposed to extend the certification requirements currently applying to chassis-cabs to all types of incomplete vehicles. The agency recognizes that manufacturers who build vehicles in more than one stage are faced with somewhat different problems than manufacturers who build vehicles in a single stage, especially when it comes to certifying vehicles to meet Federal Motor Vehicle Safety Standards. The agency held a public meeting to listen to the views of these groups and others with respect to improving the vehicle certification process. The agency established a negotiated rulemaking advisory committee to develop recommended amendments to the existing regulations. The agency will publish the findings and recommendations of the negotiated rulemaking advisory committee and request comments from the public.

Timetable:

Action	Date	FR Cite
NPRM	12/03/91	56 FR 61392
NPRM Comment Period End	01/31/92	
Announced Public Meeting	11/17/95	60 FR 57694
Notice of Intent	05/20/99	64 FR 27499
Notice of Formation of Advisory Committee	11/26/99	64 FR 66447
Notice of Meetings	02/07/00	65 FR 5847
Notice	04/19/00	65 FR 20936
SNPRM	09/00/04	

Regulatory Flexibility Analysis Required: Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None

Agency Contact: Rebecca MacPherson, Attorney Advisor, Office of Chief Counsel, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-2992

RIN: 2127-AE27**2192. REAR CONVEX CROSS-VIEW MIRRORS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.111**Legal Deadline:** None

Abstract: In response to a petition for rulemaking, the agency requested comments on the issue of rear mounted cross-view mirrors on light and medium duty trucks for the purpose of eliminating the blind spot directly behind the vehicle. The petitioner requested that these mirrors be mandated to eliminate backing crashes where children could be seriously injured or killed. Petition was granted.

Timetable:

Action	Date	FR Cite
Request for Comments	06/17/96	61 FR 30586
Comment Period End	10/15/96	
ANPRM	11/27/00	65 FR 70681
ANPRM Comment Period End	01/26/01	
NPRM	08/00/04	

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

Agency Contact: Richard Van Iderstine, Chief, Visibility and Injury Prevention Division NVS-121, Department of Transportation, National Highway Traffic Safety Administration, Office of Crash Avoidance Stds., 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-2720

Fax: 202 366-4329

RIN: 2127-AG41**2193. UPGRADE ROOF CRASHWORTHINESS****Priority:** Other Significant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.216**Legal Deadline:** None

Abstract: Mitigation of rollover fatal and serious injuries is one of the agency's highest priorities. Rollover crashes constitute about 3% of passenger vehicle crashes, but about

1/3 of the fatalities. Since light trucks are more prone to rollover, and as their percentage of the U.S. fleet continues to increase, this crash mode continues to constitute a disproportionate segment of the Nation's highway safety problem. As part of the agency's comprehensive approach to rollover, and in response to a petition for rulemaking, the agency is considering whether an upgrade to the roof crush requirements is warranted. This rulemaking is significant because of public interest in vehicle safety.

Timetable:

Action	Date	FR Cite
Request for Comments	10/22/01	66 FR 53376
Comment Period End	12/06/01	
NPRM	11/00/04	

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

Agency Contact: George Mouchahoir, Team Leader, Special Vehicles and Systems Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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Email: gmouchahoir@nhtsa.dot.gov

Related RIN: Related to 2127-AH74**RIN:** 2127-AG51**2194. UPGRADE DOOR RETENTION PERFORMANCE****Priority:** Other Significant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.206**Legal Deadline:** None

Abstract: Based upon annual average estimates from the 1988 through 1996 Fatal Analysis Reporting System (FARS) and the National Automotive Sampling System (NASS), there is an annual average of 2,515 fatalities and 1,882 serious injuries due to door ejections. Side door ejections are the second leading cause of ejections in all crashes, superseded only by ejections through fixed glazing. One of the activities of agency rollover research focuses on reducing injuries and fatalities resulting from side

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doorejections. This research has led the agency to identify potential significant solutions to mitigating a substantial number of these fatalities and injuries by improving side door retention performance. Therefore, the agency is proposing to upgrade the door retention requirements. This rulemaking is significant because of public interest in vehicle safety.

Timetable:

Action	Date	FR Cite
NPRM	07/00/04	

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

Agency Contact: George Mouchahoir, Team Leader, Special Vehicles and Systems Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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Email: gmouchahoir@nhtsa.dot.gov

RIN: 2127-AH34

2195. SPECIAL PURPOSE VEHICLES**Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.224**Legal Deadline:** None

Abstract: This rulemaking responds to a petition for rulemaking from Thieman Tailgates, Inc., concerning the Federal motor vehicle safety standard requiring trailers and semitrailers to be equipped with rear impact guards. The petitioner asked us to amend the standard so that it expressly excludes trailers with rear-mounted liftgates or to exclude rear impact guards on those trailers from the energy absorption requirements. In response, NHTSA has proposed to specifically exclude trailers with "tuckunder liftgates," and to amend the definition of "special purpose vehicle," and to amend the requirements concerning the location of the rearmost surface of the rear impact guard.

Timetable:

Action	Date	FR Cite
NPRM	02/27/04	69 FR 9288

Action	Date	FR Cite
NPRM Comment Period End	04/27/04	
Agency Decision	06/00/04	

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

Agency Contact: George Mouchahoir, Team Leader, Special Vehicles and Systems Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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RIN: 2127-AH75

2196. LOW-SPEED VEHICLE PERFORMANCE REQUIREMENTS**Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.500**Legal Deadline:** None

Abstract: Low-speed vehicles (LSV) have a maximum speed of between 20 and 25 miles per hour (mph). These vehicles are required to have certain equipment some of which does not have any performance requirements. The agency is proposing to set performance criteria for the various safety systems and hardware necessary for use on these vehicles.

Timetable:

Action	Date	FR Cite
NPRM	12/00/04	

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

Agency Contact: William Evans, Safety Standards Engineer, Department of Transportation, National Highway Traffic Safety Administration, Office of Crash Avoidance, NVS-123, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-2272

RIN: 2127-AH80

2197. HEADLAMP GLARE**Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.108**Legal Deadline:** None

Abstract: The current standard sets minimum and maximum headlamp intensities to ensure the driver of the vehicle sees as much of the roadway as possible, while minimizing glare for other drivers using the road. The agency has been receiving a significant number of public complaints about headlamp glare from other vehicles. Technological changes, fleet mix changes, and an increase in the average driver age, cause the agency to reexamine seeing distance and glare.

Timetable:

Action	Date	FR Cite
Request for Comments (Auxiliary Lamps)	09/28/01	66 FR 49594
Reopen Comment Period	11/30/01	66 FR 59769
Comment Period End	12/22/01	
Comment Period End	01/28/02	
To Be Withdrawn	06/00/04	

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

Agency Contact: Edward Glancy, Senior Attorney Advisor, Office of the Chief Counsel, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-2992

RIN: 2127-AH81

2198. MOTORCYCLE HEADLAMP SYSTEM**Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.108**Legal Deadline:** None

Abstract: This action was added to NHTSA's regulatory agenda in response to a petition for rulemaking pertaining to requirements for a motorcycle headlamp system which includes the

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height of the upper beam and the number of headlamp and light source. The agency has decided to withdraw this action.

Timetable:

Action	Date	FR Cite
Agency Decision	08/00/04	

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

Agency Contact: Kenneth Hardie, Safety Standards Engineer Office of Crash Avoidance Standards, Department of Transportation, National Highway Traffic Safety Administration, NVS-121, Visibility and Injury Prevention Division, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-2720
Fax: 202 366-4329

RIN: 2127-AH92**2199. IMPROVE MOTORCYCLE HELMET HEAD PROTECTION****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.218**Legal Deadline:** None

Abstract: In 2002, 3,244 motorcyclists were killed and an additional 65,000 injured in traffic crashes on U.S. highways. This represents a 42% increase fatalities over the past 5 years. The agency believes that when used, motorcycle helmets are a most effective method to reduce deaths and injuries in motorcycle crashes. The agency is reviewing the standard to see if any changes are warranted.

Timetable:

Action	Date	FR Cite
Agency Decision	07/00/04	

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

Agency Contact: George Mouchahoir, Team Leader, Special Vehicles and Systems Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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RIN: 2127-AI03**2200. SEAT BELT EMERGENCY LOCKING RETRACTOR****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.209**Legal Deadline:** None

Abstract: In response to a petition for rulemaking, the agency is proposing clarifications concerning the test procedure for the acceleration pulse shape, onset rate, time duration, and acceleration tolerance for seat belt emergency locking retractors.

Timetable:

Action	Date	FR Cite
NPRM	06/00/04	

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

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

RIN: 2127-AI38**2201. ADAPTATION OF INSTRUMENTED LOWER LEGS FOR HYBRID III MALE AND FEMALE ADULT DUMMIES****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 572**Legal Deadline:** None

Abstract: The agency is proposing the use of crash test dummies with instrumented lower legs to assess the crashworthiness and the potential of lower limb injuries to occupants of passenger cars, vans, light trucks, and sport utility vehicles. The new legs would be retrofits for un-instrumented

legs in current Hybrid III male and female adult size dummies. The legs will be used to monitor both the inertial impact and floor pan intrusion effects upon injury potential to the knees, tibia, ankle, and feet. The new legs will permit the agency to assess the injury potential to the lower legs in current motor vehicles during crashes and also enable the vehicle manufacturers to design and construct vehicles that will minimize lower limb injuries.

Timetable:

Action	Date	FR Cite
Agency Decision	10/00/04	

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

Agency Contact: Sean Doyle, Engineer, Office of Crashworthiness Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590
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Fax: 202 366-4329
Email: sean.doyle@nhtsa.dot.gov

Related RIN: Related to 2127-AH73**RIN:** 2127-AI39**2202. CARGO CARRYING CAPACITY****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 575**Legal Deadline:** None

Abstract: In response to a petition for rulemaking, the agency is considering mandatory consumer information in the form of a label that will inform the consumer of the Cargo Carrying Capacity (CCC) of motor homes, travel trailers, and fifth wheel travel trailers. Such labeling will help the consumer make informed decisions during the purchasing process, act as a reference during cargo loading and encourage the recreational vehicle industry to allow for greater cargo carrying capacities which in turn will reduce instances of overloading.

Timetable:

Action	Date	FR Cite
NPRM	01/00/05	

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

Agency Contact: William Evans, Safety Standards Engineer Office of Crash Avoidance Stds., NVS-123, Department of Transportation, National Highway Traffic Safety Administration, NVS-123, Vehicle Controls and Adapted Vehicle Division, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-2272

RIN: 2127-AI50**2203. CHILD RESTRAINT SYSTEM WEBBING STRENGTH****Priority:** Substantive, Nonsignificant

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

CFR Citation: 49 CFR 571.213**Legal Deadline:** None

Abstract: The agency is proposing to require minimum breaking strengths for child restraint systems webbing.

Timetable:

Action	Date	FR Cite
NPRM	07/00/04	

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

Agency Contact: George Mouchahoir, Team Leader, Special Vehicles and Systems Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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RIN: 2127-AI66**2204. EVENT DATA RECORDERS****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.

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

CFR Citation: Not Yet Determined**Legal Deadline:** None

Abstract: In the past several years, there has been considerable interest

from the safety community in establishing requirements for event data recorders (EDRs). We believe it is timely to consider what role NHTSA should take in implementing EDRs in motor vehicles. Recently, NHTSA received a petition requesting that NHTSA initiate rulemaking to require the installation of EDRs in new vehicles. The agency decided to issue a Federal Register notice asking for comments. NHTSA will decide what to do after review of comments and other related information.

Timetable:

Action	Date	FR Cite
Request for Comments	10/11/02	67 FR 63493
Comment Period End	01/09/03	
Comment Period Extended	01/10/03	68 FR 1508
Comment Period End	02/28/03	
NPRM	06/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Undetermined**Federalism:** Undetermined

Agency Contact: Dr. William R.S. Fan, Safety Standards Engineer, Department of Transportation, National Highway Traffic Safety Administration, Room 5320F, NVS-112, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-4922
Fax: 202 366-4329

RIN: 2127-AI72**2205. GM PETITION ON AMENDING FMVSS NO. 301 AND FMVSS NOS. 208, 212, 219, 303, AND 305****Priority:** Substantive, Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1497

CFR Citation: 49 CFR 571.208; 49 CFR 571.212; 49 CFR 571.219; 49 CFR 571.301; 49 CFR 571.303; ...

Legal Deadline: None

Abstract: NHTSA published an NPRM on November 13, 2000, proposing to upgrade the rear- and side-impact tests in FMVSS No. 301, Fuel System Integrity. The NPRM requested comments on a number of particular issues. One of the requests, item 3.h, proposed to eliminate the second sentence in the standard's S7.11(b), which describes the test vehicle loading

conditions. GM submitted comments on the issue and recommended specific changes. In addition, GM petitioned NHTSA to amend FMVSS Nos. 208, 212, 219, 303 and 305 with identical language that GM recommended for amending FMVSS No. 301.

Timetable:

Action	Date	FR Cite
NPRM	11/00/04	

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

Agency Contact: George Mouchahoir, Team Leader, Special Vehicles and Systems Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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RIN: 2127-AI76**2206. INCORPORATION OF EUROSID II DUMMY INTO 49 CFR PART 572****Priority:** Substantive, Nonsignificant**Unfunded Mandates:** Undetermined

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

CFR Citation: 49 CFR 572**Legal Deadline:** None

Abstract: Incorporation of the EuroSID II, Side Impact Crash Test Dummy, into part 572 is being considered to support the forthcoming upgrade of FMVSS 214, Side Impact Regulation and to attain harmonization of crash test tools on a worldwide basis. The EuroSID is one of the alternative crash test tools being evaluated to upgrade FMVSS 214.

Timetable:

Action	Date	FR Cite
NPRM	08/00/04	

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

Agency Contact: Stanley Backaitis, Engineer, Office of Crashworthiness Standards, Department of Transportation, National Highway Traffic Safety Administration, 400

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RIN: 2127-AI89

2207. VEHICLES BUILT IN TWO OR MORE STAGES—STANDARD 201 (PETITIONS FOR RECONSIDERATION)

Priority: Substantive, Nonsignificant

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

CFR Citation: 49 CFR 571.201

Legal Deadline: None

Abstract: In response to a petition for rulemaking, the agency is considering an amendment to FMVSS No. 201 Occupant Protection in Interior Impact as the requirements apply to vehicles manufactured in two or more stages.

An interim final rule was published on June 18, 2002, (67 FR 41348) that amended the schedule for compliance by manufacturers of vehicles built in two or more stages with the upper interior head protection requirements of FMVSS No. 201.

Timetable:

Action	Date	FR Cite
NPRM	09/00/04	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Dr. William R.S. Fan, Safety Standards Engineer, Department of Transportation, National Highway Traffic Safety Administration, Room 5320F, NVS-112, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-4922
Fax: 202 366-4329

RIN: 2127-AI93

2208. PART 571.3 DEFINITIONS, DESIGNATED SEATING POSITION

Priority: Substantive, Nonsignificant

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

CFR Citation: 49 CFR 571.3

Legal Deadline: None

Abstract: The agency is considering an amendment to part 571.3 Definitions,

to redefine the term “designated seating position” (DSP) in order to establish an objective criteria that is more enforceable.

Timetable:

Action	Date	FR Cite
NPRM	07/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

Phone: 202 366-4917

Fax: 202 366-4329

RIN: 2127-AI94

2209. CRS REGISTRATION RULEMAKING, FMVSS NO. 213 AND PART 588

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1409

CFR Citation: 49 CFR 571.213; 49 CFR 588

Legal Deadline: None

Abstract: This rule would modify the registration card by adding a space for the consumer’s email address. Amending the registration card would require modification to FMVSS No. 213, “Child Restraint Systems,” and part 588, “Child Restraint Systems Recordkeeping Requirements.”

Timetable:

Action	Date	FR Cite
NPRM	06/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: George Mouchahoir, Team Leader, Special Vehicles and Systems Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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RIN: 2127-AI95

2210. VEHICLE MODIFICATIONS TO ACCOMMODATE PEOPLE WITH DISABILITIES

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 322, 30111, 30115, 30117, 30122 and 30166; Delegation of authority of 49 CFR 1.50

CFR Citation: 49 CFR 595

Legal Deadline: None

Abstract: NPRM proposing to extend part 595 subpart C, vehicle modifications to accommodate people with disabilities, to include portions of FMVSS Nos. 201, 208, and 225.

Timetable:

Action	Date	FR Cite
NPRM	08/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Rebecca MacPherson, Attorney Advisor, Office of Chief Counsel, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-2992

RIN: 2127-AJ07

2211. SIDE IMPACT PROTECTION UPGRADE—STANDARD 214

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

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

CFR Citation: 49 CFR 571.214

Legal Deadline: None

Abstract: Two Federal motor vehicle safety standards (FMVSS) No. 201, “Occupant Protection in Interior Impact” and No. 214, “Side Impact Protection,” specify requirements for side impact protection. At present, FMVSS No. 214 specifies a moving deformable barrier (MDB) test addressing mainly the chest injury problem. The head injury reduction is partially addressed in FMVSS No. 201. The agency is considering amending FMVSS No. 214 to add a vehicle-to-pole impact test to reduce the number of fatal and serious head injuries not addressed in FMVSS No. 201.

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Timetable:

Action	Date	FR Cite
NPRM	06/00/04	

Regulatory Flexibility Analysis

Required: No

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

Agency Contact: Lori Summers, Division Chief, Department of Transportation, National Highway Traffic Safety Administration, NVS-112, Light Duty Vehicle Division, 400 Seventh Street SW., Washington, DC 20590
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Dr. William R.S. Fan, Safety Standards Engineer, Department of Transportation, National Highway Traffic Safety Administration, Room 5320F, NVS-112, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-4922
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RIN: 2127-AJ10

2212. AMEND REGULATORY DEFINITION OF MOTORCYCLE TO EXCLUDE LOW-SPEED MOTORCYCLES

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

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

CFR Citation: 49 CFR 575**Legal Deadline:** None

Abstract: Rulemaking to amend 49 CFR 571.3, Definitions, so that the definition of "motorcycle" will exclude low-speed motorcycles, i.e., those capable of a maximum speed of 20 mph or less.

Timetable:

Action	Date	FR Cite
NPRM	09/00/04	

Regulatory Flexibility Analysis

Required: No

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

Agency Contact: Edward Glancy, Senior Attorney Advisor, Office of the Chief Counsel, Department of Transportation, National Highway Traffic Safety Administration, 400

Seventh Street SW., Washington, DC 20590

Phone: 202 366-2992

RIN: 2127-AJ13

2213. INCORPORATION OF SID-IIS SIDE IMPACT CRASH TEST DUMMY INTO PART 572

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

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

CFR Citation: 49 CFR 1.50**Legal Deadline:** None

Abstract: The agency is considering incorporation of a small adult side impact crash test dummy into Part 572 to support an upgrade of FMVSS No. 214.

Timetable:

Action	Date	FR Cite
NPRM	10/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No**Government Levels Affected:** Undetermined

Agency Contact: Stanley Backaitis, Engineer, Office of Crashworthiness Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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RIN: 2127-AJ16

2214. TIRE PRESSURE MONITORING SYSTEM

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

Legal Authority: 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; ...

CFR Citation: 49 CFR 571.138; 49 CFR 571.101**Legal Deadline:** None

Abstract: The Transportation Recall Enhancement Accountability and Documentation (TREAD) Act required the Secretary of Transportation to

initiate rulemaking to require a warning system in new motor vehicles to indicate to the operator when a tire is significantly under-inflated. The agency issued a final rule for tire pressure monitoring systems (TPMS)(establishing FMVSS No. 138) on June 5, 2002; however, that version of the standard was vacated by a decision issued by the U.S. Court of Appeals for the Second Circuit in August 2003.

The agency will take action in accordance with the Administrative Procedures Act to re-establish FMVSS No. 138, in a manner consistent with the court's decision, and provide a new phase-in period.

Timetable:

Action	Date	FR Cite
NPRM	09/00/04	

Regulatory Flexibility Analysis

Required: No

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

Agency Contact: Samuel Daniel, General Engineer Office of Crash Avoidance Stds., Department of Transportation, National Highway Traffic Safety Administration, NVS-122, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-4921

RIN: 2127-AJ23

2215. • FMVSS 114, "THEFT PROTECTION"

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

Legal Authority: 49 USC 30111**CFR Citation:** 49 CFR 571.114**Legal Deadline:** None

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

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Timetable:

Action	Date	FR Cite
NPRM	02/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Gayle Dalrymple, Safety Standards Engineer, Vehicle Controls and Adapted Vehicle Division, Department of Transportation, National Highway Traffic Safety Administration, Office of Crash Avoidance Standards NVS-123, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-5559

RIN: 2127-AJ31

2216. • CIVIL PENALTIES (PART 578)

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

Legal Authority: Not Yet Determined

CFR Citation: None

Legal Deadline: None

Abstract: This rule would adjust Civil Penalties pursuant to the Federal Civil Monetary Penalty Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Michael Kido, Trial Attorney, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590
Phone: 202 366-5263

RIN: 2127-AJ32

2217. • DEFECT AND NON-COMPLIANCE RESPONSIBILITY AND REPORTS (PARTS 573 AND 577)

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 30118 to 30120

CFR Citation: 49 CFR 573; 49 CFR 577

Legal Deadline: None

Abstract: This regulation would specify requirements for Regional Recalls.

Timetable:

Action	Date	FR Cite
NPRM	10/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

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RIN: 2127-AJ33

2218. • SCHEDULE OF FEES AUTHORIZED BY 49 USC 30141

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 322; 49 USC 30141

CFR Citation: 49 CFR 594

Legal Deadline: None

Abstract: This rulemaking would amend NHTSA's regulations establishing fees authorized by 49 U.S.C. 30141 for the purpose of reimbursing the government for certain costs incurred in administering the vehicle importation program. The amendments will adjust the fees to the level necessary for the government to recover the agency's actual costs. The agency is required under 49 U.S.C. 30141(e) to review and adjust these fees at least every 2 years. The fees were last adjusted in September 2002.

Timetable:

Action	Date	FR Cite
NPRM	07/00/04	
Final Action	09/00/04	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

URL For More Information: dms.dot.gov

URL For Public Comments: dms.dot.gov

Agency Contact: Coleman R. Sachs, Chief, Import and Certification Division, Office of Vehicle Safety Compliance, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Room 6111, NVS-223, Washington, DC 20590
Phone: 202 366-3151
Fax: 202-366-1024
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RIN: 2127-AJ34

2219. • REPORTING OF INFORMATION AND COMMUNICATIONS ABOUT POTENTIAL DEFECTS

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

Legal Authority: Not Yet Determined

CFR Citation: None

Legal Deadline: None

Abstract: Petition for Rulemaking to revise 49 CFR 579.28 to make the reporting date 60 days following the end of each calendar quarter.

Timetable:

Action	Date	FR Cite
NPRM	06/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Jonathan D. White, Chief, Recall Analysis Division, Office of Defects Investigation, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590
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RIN: 2127-AJ41

Department of Transportation (DOT)

Final Rule Stage

National Highway Traffic Safety Administration (NHTSA)

2220. RADIATOR SAFETY CAP**Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.402**Legal Deadline:** None

Abstract: In response to a petition for rulemaking, the agency proposed a new Federal motor vehicle safety standard regulating new radiator caps and coolant reservoir caps, and new passenger cars, multipurpose passenger vehicles, and light trucks with such caps. However, based on current cost estimates and reduced incidence to injuries, the agency intends to withdraw the rulemaking.

Timetable:

Action	Date	FR Cite
Request for Comments	06/10/93	58 FR 32503
Comment Period End	08/09/93	
NPRM	06/01/01	66 FR 29747
NPRM Comment Period End	07/31/01	
NPRM Comment Period Extended	08/02/01	66 FR 40176
NPRM Comment Period End	09/28/01	
To Be Withdrawn	08/00/04	

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

Agency Contact: Kenneth Hardie, Safety Standards Engineer Office of Crash Avoidance Standards, Department of Transportation, National Highway Traffic Safety Administration, NVS-121, Visibility and Injury Prevention Division, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-2720
Fax: 202 366-4329

RIN: 2127-AE59**2221. ALTERNATIVE GEOMETRIC VISIBILITY REQUIREMENTS FOR LAMPS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.108**Legal Deadline:** None

Abstract: In response to a petition for rulemaking, the agency proposed to

harmonize the lighting standard's geometric visibility requirements for signal lamps with those of the Economic Commission for Europe (ECE). Harmonization of the standard worldwide, would improve safety, and would allow manufacturers to reduce costs by producing to a single world vehicle standard rather than several. The agency issued additional/alternative proposals.

Timetable:

Action	Date	FR Cite
NPRM	10/26/95	60 FR 54833
NPRM Comment Period End	12/26/95	
SNPRM	12/10/98	63 FR 68233
SNPRM Comment Period End	03/10/99	
Final Rule	08/00/04	

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

Additional Information: On February 27, 1997 (62 FR 8883), the agency terminated rulemaking in which the agency had asked for comments on whether the performance and installation of front and rear fog lamps should be regulated. In response to these comments, the SAE has established a Fog Lamp Task Force to develop an internationally acceptable fog lamp standard on which a Federal standard could be based.

ANALYSIS: Regulatory Evaluation, 10/26/95, 60 FR 54833

Agency Contact: Richard Van Iderstine, Chief, Visibility and Injury Prevention Division NVS-121, Department of Transportation, National Highway Traffic Safety Administration, Office of Crash Avoidance Stds., 400 Seventh Street SW., Washington, DC 20590

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RIN: 2127-AF75**2222. POWER-OPERATED WINDOWS: ROOF PANELS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.118**Legal Deadline:** None

Abstract: In response to a petition for rulemaking, the agency is considering whether to amend the test procedure used to demonstrate compliance by adding an alternative testing specification for a noncontact automatic reversal system, in order to provide a more meaningful and realistic method for evaluating the compliance of such systems which do not rely on contact to sense an obstruction. Petition was granted.

Timetable:

Action	Date	FR Cite
NPRM	06/04/96	61 FR 28124
Correction	06/14/96	61 FR 30209
NPRM Comment Period End	08/05/96	
Final Rule	10/00/04	

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

Agency Contact: Mike Pyne, Safety Standards Engineer, Office of Crash Avoidance NVS-123, Department of Transportation, National Highway Traffic Safety Administration, NVS 123, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-4171

RIN: 2127-AF83**2223. DEALER NOTIFICATION OF DEFECT OR NONCOMPLIANCE DETERMINATION****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 30102; 49 USC 30103; 49 USC 30111; 49 USC 30112; 49 USC 30115; 49 USC 30116; 49 USC 30118; 49 USC 30119; 49 USC 30120; 49 USC 30163; 49 USC 30165**CFR Citation:** 49 CFR 573; 49 CFR 577**Legal Deadline:** None

Abstract: The rule will implement an amendment to 49 USC chapter 301 which prohibits dealers from selling motor vehicles or motor vehicle equipment that has been determined to contain a safety-related defect or noncompliance with a Federal motor vehicle safety standard until the defect or noncompliance is remedied. It will set forth criteria to govern the timing and content of notifications of defects and noncompliances that manufacturers must send to their dealers.

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Timetable:

Action	Date	FR Cite
NPRM	09/27/93	58 FR 50314
NPRM Comment Period End	10/27/93	
SNPRM	05/19/99	64 FR 27227
SNPRM Comment Period End	06/18/99	
Final Action	12/00/04	

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

Agency Contact: Geroge Person, Chief, Recall Management Division, Department of Transportation, National Highway Traffic Safety Administration, Office of Defects Investigation, 400 Seventh Street, SW, Washington, DC 20590

Phone: 202 366-5210

Fax: 202-366-7882

RIN: 2127-AG27

2224. POWER WINDOW SAFETY SWITCHES**Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.118**Legal Deadline:** None

Abstract: In response to a petition for rulemaking, the agency proposed to require each power-operated window, interior partition, and roof panel in a motor vehicle to be equipped with a switch designed so that contact by a form representing a small child's knee would not close a window, partition, or panel. The agency has evaluated non-crash fatality data from state records to determine the scope of the problem.

Timetable:

Action	Date	FR Cite
NPRM	11/15/96	61 FR 58504
NPRM Comment Period End	01/14/97	
Final Rule	07/00/04	

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

Agency Contact: Mike Pyne, Safety Standards Engineer, Office of Crash Avoidance NVS-123, Department of

Transportation, National Highway Traffic Safety Administration, NVS 123, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-4171

RIN: 2127-AG36

2225. SIGNAL LAMPS USED WITH LIGHT-EMITTING DIODES**Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.108**Legal Deadline:** None

Abstract: In response to a petition for rulemaking, the agency proposed to revise the requirements for signal lamps equipped with 3 or more light-emitting diodes (LEDs). Upon further consideration, the agency has decided that further study/research is needed to adequately address this issue. Therefore, the 1998 proposal will be withdrawn.

Timetable:

Action	Date	FR Cite
NPRM	06/24/98	63 FR 34350
NPRM Comment Period Extended	08/03/98	63 FR 41222
NPRM Comment Period End	10/09/98	
To Be Withdrawn	08/00/04	

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

Agency Contact: Richard L. Van Iderstine, Division Chief, Visibility and Control Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-5280

RIN: 2127-AG88

2226. ALLOCATION OF FUEL ECONOMY CREDITS**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 49 USC 32903**CFR Citation:** 49 CFR 534**Legal Deadline:** None

Abstract: The agency is proposing rulemaking to clarify when and how

predecessor and successor automobile manufacturers may use the fuel economy credits of the predecessor or successor. The use of carry forward or carry back credits will be specified for manufacturers that merge. This action is considered significant because it will affect the treatment of the Corporate Average Fuel Economy (CAFE) penalties.

Timetable:

Action	Date	FR Cite
NPRM	01/22/01	66 FR 6523
Final Action	09/00/04	

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

Agency Contact: Edward Glancy, Senior Attorney Advisor, Office of the Chief Counsel, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-2992

RIN: 2127-AG97

2227. UPGRADE OF HEAD RESTRAINTS**Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166; 49 USC 322**CFR Citation:** 49 CFR 571.202**Legal Deadline:** None

Abstract: The agency has proposed to upgrade the current head restraint requirements to increase safety. The proposal also, until the upgraded requirements become effective, allows manufacturers to certify their vehicles either to the existing U.S. requirements or to the Economic Commission for Europe (ECE) Regulation No. 25. The upgrade proposed performance requirements intended to assure that the head restraint, if adjusted, will remain locked in specific height positions and calls for the installation of head restraints in rear seats. This rulemaking is significant because of public interest in motor vehicle safety due to its potential to mitigate whiplash injuries.

Timetable:

Action	Date	FR Cite
NPRM	01/04/01	66 FR 967

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Action	Date	FR Cite
NPRM Comment Period End	03/05/01	
Final Action	11/00/04	

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

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

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RIN: 2127-AH09

2228. REGISTERED IMPORTERS OF VEHICLES NOT ORIGINALLY MANUFACTURED TO CONFORM WITH THE FEDERAL MOTOR VEHICLE SAFETY STANDARDS**Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 30141; 49 USC 30147**CFR Citation:** 49 CFR 592**Legal Deadline:** None

Abstract: The agency proposed to reduce regulatory burdens associated with importation of Canadian vehicles for resale in the United States when those vehicles already comply in essential respects with the Federal motor vehicle safety standards. This proposal would enhance safety by revising application procedures to ensure a higher caliber of registered importers and clarifying existing obligations.

Timetable:

Action	Date	FR Cite
NPRM	11/20/00	65 FR 69810
NPRM Comment Period End	02/01/01	
Final Rule	09/00/04	

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

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RIN: 2127-AH67

2229. ACCELERATOR CONTROL SYSTEMS**Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.124**Legal Deadline:** None

Abstract: The agency reviewed this standard and published a Request for Comments to obtain information on electronic accelerator controls. After reviewing the comments received on this notice, the agency plans to propose a revision of the standard that will make explicit the application of the standard to electronic accelerator controls and the electric vehicles. The proposal will recognize that electronic engine controls vastly increase the ways manufacturers can achieve fail-safe performance in the event of a disconnection or severance of the accelerator control system and will propose a number of alternative compliance tests for fail-safe performance to avoid design restrictions.

Timetable:

Action	Date	FR Cite
Request for Comments	12/04/95	60 FR 62061
Comment Period End	02/02/96	
NPRM	07/23/02	67 FR 48117
Final Action	11/00/04	

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

Agency Contact: Mike Pyne, Safety Standards Engineer, Office of Crash Avoidance NVS-123, Department of Transportation, National Highway Traffic Safety Administration, NVS 123, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-4171

RIN: 2127-AH71

2230. VEHICLES WITH RAISED ROOFS**Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.216**Legal Deadline:** None

Abstract: This rulemaking is in response to petitions for reconsideration of a final rule published on April 27, 1999 (64 FR 22567, RIN 2127-AF40). The April 1999 final rule addressed testing methods for vehicles with raised- or sloped-roof structures. Petitioners have requested that the agency modify the portion of the rule that pertains to raised-roof vehicles, particularly those vehicles used for transporting disabled persons. This rulemaking will address the petitioners' concerns as well as a notice on roof crush resistance (see RIN 2127-AG51).

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/31/00	65 FR 4579
Interim Final Rule Effective	01/31/00	
Final Action	11/00/04	

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

Agency Contact: George Mouchahoir, Team Leader, Special Vehicles and Systems Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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Related RIN: Related to 2127-AG51

RIN: 2127-AH74

2231. BRAKE HOSES**Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.106**Legal Deadline:** None

Abstract: In response to a petition for rulemaking, the agency is considering whether to adopt portions of the brake

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component Federal safety provisions that are now in the Federal Motor Carrier Safety Administration regulations into the agency's brake regulation.

Timetable:

Action	Date	FR Cite
NPRM	05/15/03	68 FR 26384
NPRM Comment Period End	07/14/03	
Final Action	01/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Jeffrey Woods, Safety Standards Engineer Office of Crash Avoidance Standards, Department of Transportation, National Highway Traffic Safety Administration, NVS-122, Vehicle Dynamics Division, 400 Seventh Street SW., Washington, DC 20590

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RIN: 2127-AH79

2232. STOWABLE OR FOLD-AWAY CHILD RESTRAINT ANCHORAGES

Priority: Substantive, Nonsignificant

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

CFR Citation: 49 CFR 571.225

Legal Deadline: None

Abstract: This action proposes requests by petitions for reconsideration to permit stowing and fold-away anchors on vehicles. The proposal would set performance and other requirements for such anchors. This pertains to the requirements established in the final rule published March 5, 1999 (64 FR 10785, RIN 2127-AG50).

Timetable:

Action	Date	FR Cite
Final Action	08/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Other issues raised by the petitioners are being addressed in RIN 2127-AH65 - Child Restraint Anchorage Systems - Part 1 and RIN 2127-AH86 - Child Restraint Anchorage Systems - Part 2.

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RIN: 2127-AH85

2233. CLARIFY TEST PROCEDURES FOR BRAKE FLUIDS

Priority: Substantive, Nonsignificant

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

CFR Citation: 49 CFR 571.116

Legal Deadline: None

Abstract: The agency has proposed to revise the corrosion and evaporation test procedures for brake fluids. These revisions are intended to improve the levels of compliance test repeatability and/or reproducibility.

Timetable:

Action	Date	FR Cite
NPRM	01/16/01	66 FR 3527
NPRM Comment Period End	03/19/01	
Final Action	11/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Samuel Daniel, General Engineer Office of Crash Avoidance Stds., Department of Transportation, National Highway Traffic Safety Administration, NVS-122, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-4921

RIN: 2127-AH96

2234. LABEL PLACEMENT ON REAR IMPACT GUARDS

Priority: Substantive, Nonsignificant

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

CFR Citation: 49 CFR 571.223

Legal Deadline: None

Abstract: In response to petitions for rulemaking, the agency is proposing to

allow trailer manufacturers additional flexibility in the placement of the permanent label on the guard to minimize the probability that the label will be exposed to conditions—environmental, operational, or otherwise—that may damage or destroy the guard while maintaining a location that is easily accessible and visible for inspection and enforcement purposes. Other portions of the petitions are denied.

Timetable:

Action	Date	FR Cite
NPRM	03/29/02	67 FR 15154
NPRM Comment Period End	05/28/02	
Final Rule	12/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: George Mouchahoir, Team Leader, Special Vehicles and Systems Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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RIN: 2127-AI04

2235. REORGANIZE AND HARMONIZE CONTROLS AND DISPLAYS

Priority: Substantive, Nonsignificant

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

CFR Citation: 49 CFR 571.101

Legal Deadline: None

Abstract: The agency is proposing to reorganize the controls and displays requirements to make them more user-friendly and to harmonize the standard with the Canadian Motor Vehicle Safety Standard No. 101 on the same subject. These proposed changes will list the symbols used in the standard to improve driver recognition of the function of controls and the meaning of telltales.

Timetable:

Action	Date	FR Cite
NPRM	09/23/03	68 FR 55217

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Action	Date	FR Cite
NPRM Comment	11/24/03	
Period End		
Final Action	10/00/04	

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

Agency Contact: Gayle Dalrymple, Safety Standards Engineer, Vehicle Controls and Adapted Vehicle Division, Department of Transportation, National Highway Traffic Safety Administration, Office of Crash Avoidance Standards NVS-123, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-5559

RIN: 2127-AI09**2236. DISPOSITION OF REPLACED TIRES****Priority:** Substantive, Nonsignificant

Legal Authority: 49 USC 30102 to 30103; 49 USC 30112; 49 USC 30117 to 30121; 49 USC 30166 to 30167; Delegation of authority 49 CFR 1.50

CFR Citation: 49 CFR 573**Legal Deadline:** None

Abstract: Rule to implement section 7 of the TREAD Act, PL 106-414 49 USC 30120(d) by requiring a manufacturer who conducts a campaign to remedy a safety-related defect or noncompliance that involves the replacement of tires to develop a plan regarding the disposition of the tires that are replaced. The plan would address how to prevent, by means reasonably within the manufacturer's control, the disposal of replaced tires in landfills, particularly through shredding, crumbling, recycling, recovery, and other alternative beneficial nonvehicular uses.

Timetable:

Action	Date	FR Cite
NPRM	12/18/01	66 FR 65165
NPRM Comment	02/19/02	
Period End		
SNPRM	07/26/02	67 FR 48852
SNPRM Comment	08/26/02	
Period End		
Final Action	12/00/04	

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

Agency Contact: Jennifer T. Timian, Trial Attorney, Department of Transportation, National Highway Traffic Safety Administration, 5219, NCC-10, 400 Seventh Street, SW., Washington, DC 20590
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RIN: 2127-AI29

2237. IDLE STOP TECHNOLOGY USED IN SOME HYBRID ELECTRIC VEHICLES**Priority:** Substantive, Nonsignificant

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

CFR Citation: 49 CFR 571.102**Legal Deadline:** None

Abstract: The agency is proposing to amend the standard to clarify the intent of the standard and allow it to accommodate "idle stop technology" used in some hybrid electric vehicles. This will respond to existing interpretations which promised such a modification.

Timetable:

Action	Date	FR Cite
NPRM	05/15/03	68 FR 26269
NPRM Comment	07/14/03	
Period End		
Final Action	07/00/04	

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

Agency Contact: William Evans, Safety Standards Engineer Office of Crash Avoidance Stds., NVS-123, Department of Transportation, National Highway Traffic Safety Administration, NVS-123, Vehicle Controls and Adapted Vehicle Division, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-2272

RIN: 2127-AI43**2238. PROCEDURES FOR PARTICIPATING IN AND RECEIVING DATA FROM THE NATIONAL DRIVER REGISTRATION PROBLEM DRIVER POINTER SYSTEM****Priority:** Substantive, Nonsignificant

Legal Authority: 49 USC 30301 to 30308; PL 106-159, sec 204

CFR Citation: 23 CFR 1327**Legal Deadline:** None

Abstract: The agency is proposing to amend the National Driver Register regulations to implement an amendment made by the Motor Carrier Safety Improvement Act of 1999 (PL 106-159). The amendment requires a State, before issuing or renewing a motor vehicle operator's license to an individual, to query both the National Driver Register and the Commercial Driver's License Information System on the individual's driving record.

Timetable:

Action	Date	FR Cite
NPRM	03/31/04	69 FR 16853
NPRM Comment	06/01/04	
Period End		
Final Action	08/00/04	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** State

Agency Contact: Sean McLaurin, Chief, National Driver Register, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590

Phone: 202 366-4800

RIN: 2127-AI45**2239. PARKING BRAKES FOR NON-SCHOOL BUS VEHICLES****Priority:** Substantive, Nonsignificant

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

CFR Citation: 49 CFR 571.105**Legal Deadline:** None

Abstract: The agency is proposing to update the standard to require non-school bus vehicles with a gross vehicle weight rating (GVWR) over 10,000 pounds to be equipped with a hydraulic parking brake system.

Timetable:

Action	Date	FR Cite
NPRM	10/30/02	67 FR 66098
Final Action	11/00/04	

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

Agency Contact: Samuel Daniel, General Engineer Office of Crash

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Avoidance Stds., Department of Transportation, National Highway Traffic Safety Administration, NVS-122, 400 Seventh Street SW., Washington, DC 20590
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RIN: 2127-AI47

2240. HORIZONTAL DISCHARGE TRAILERS

Priority: Substantive, Nonsignificant

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

CFR Citation: 49 CFR 571.224

Legal Deadline: None

Abstract: In response to two petitions for rulemaking, the agency is considering excluding semitrailers equipped with "horizontal discharge trailers" from the current standard.

Timetable:

Action	Date	FR Cite
NPRM	09/19/03	68 FR 54879
NPRM Comment Period End	10/20/03	
Final Rule	07/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

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RIN: 2127-AI56

2241. HEAVIER HYBRID III TYPE 6-YEAR-OLD-SIZE TEST DUMMY

Priority: Substantive, Nonsignificant

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

CFR Citation: 49 CFR 572

Legal Deadline: None

Abstract: The agency is proposing to incorporate a heavier 6-year-old child dummy as part of the Hybrid III test dummy family. This dummy will have weight added to the existing dummy,

making it heavier than 60 pounds. The weighted 6-year-old dummy would have application for testing child restraint systems which are rated for weights above the current 6-year-old dummy weight and would serve as an interim device until such time as the Hybrid III 10-year-old dummy has been fully developed.

Timetable:

Action	Date	FR Cite
NPRM	05/07/03	68 FR 24417
NPRM Comment Period End	07/07/03	
Final Action	07/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Sean Doyle, Engineer, Office of Crashworthiness Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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RIN: 2127-AI58

2242. RETROACTIVE CERTIFICATION (POLICY STATEMENT)

Priority: Info./Admin./Other

Legal Authority: 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30166; 49 USC 32502; ...

CFR Citation: 49 CFR 567

Legal Deadline: None

Abstract: Policy statement will detail circumstances under which the agency will allow retroactive certification of heavy trucks and buses manufactured for use in Canada and Mexico.

Timetable:

Action	Date	FR Cite
Request for Comments	03/19/02	67 FR 12790
Comment Period End	05/20/02	
Final Action	12/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Rebecca MacPherson, Attorney Advisor, Office of Chief Counsel, Department of Transportation,

National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-2992

RIN: 2127-AI59

2243. RECORD RETENTION OF RETROACTIVELY CERTIFIED VEHICLES

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 30112; 49 USC 30115; 49 USC 30117 to 30121; 49 USC 30166 to 30167

CFR Citation: 49 CFR 576

Legal Deadline: None

Abstract: Record retention requirements for manufacturers who retroactively certify that heavy trucks and buses manufactured for use in Canada and Mexico met all applicable Federal motor vehicle safety standards on date of original manufacture.

Timetable:

Action	Date	FR Cite
NPRM	03/19/02	67 FR 12800
NPRM Comment Period End	05/20/02	
Final Action	12/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Rebecca MacPherson, Attorney Advisor, Office of Chief Counsel, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-2992

RIN: 2127-AI60

2244. ALLOW ROLL-BAR DURING BRAKE TESTING

Priority: Substantive, Nonsignificant

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

CFR Citation: 49 CFR 571.105

Legal Deadline: None

Abstract: The agency is proposing to allow vehicles with a gross vehicle weight rating of over 10,000 pounds to use a roll-bar during braking tests.

Timetable:

Action	Date	FR Cite
NPRM	11/04/03	68 FR 62417

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Final Rule Stage

Action	Date	FR Cite
NPRM Comment Period End	01/05/04	
Final Action	10/00/04	

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

Agency Contact: Samuel Daniel, General Engineer Office of Crash Avoidance Stds., Department of Transportation, National Highway Traffic Safety Administration, NVS-122, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-4921

Related RIN: Related to 2127-AH16**RIN:** 2127-AI63**2245. IMPORTATION OF COMMERCIAL MOTOR VEHICLES****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 30112**CFR Citation:** 49 CFR 591**Legal Deadline:** None

Abstract: This rulemaking would propose a definition of the term "import."

Timetable:

Action	Date	FR Cite
NPRM	03/19/02	67 FR 12806
NPRM Comment Period End	05/20/02	
Final Action	12/00/04	

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

Agency Contact: Edward Glancy, Senior Attorney Advisor, Office of the Chief Counsel, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-2992

RIN: 2127-AI64**2246. MOTORCYCLE BRAKE CONTROLS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.123**Legal Deadline:** None

Abstract: In response to a petition for rulemaking, the agency is proposing to allow a handlebar lever instead of a foot pedal to control the rear brakes on motorcycles which have no clutch control.

Timetable:

Action	Date	FR Cite
NPRM	11/21/03	68 FR 65667
NPRM Comment Period End	01/20/04	
Final Rule	10/00/04	

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

Agency Contact: Mike Pyne, Safety Standards Engineer, Office of Crash Avoidance NVS-123, Department of Transportation, National Highway Traffic Safety Administration, NVS 123, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-4171

RIN: 2127-AI67**2247. WARNING LABEL AND ADDITIONAL CONSPICUITY FEATURES FOR LOW SPEED VEHICLES****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 500**Legal Deadline:** None

Abstract: Low speed vehicles (whose top speed capability is, by definition, 25 mph) are required by NHTSA to meet certain minimum safety requirements. These requirements are less stringent and comprehensive than those for all other passenger motor vehicles. While low speed vehicles were originally intended for use on roadways in neighborhoods, gated communities, and similar environments with limited traffic, some States now permit them to be used on roads with posted speed limits up to 35 mph, and even higher in a few cases. Additionally, because various States treat these vehicles as zero emission vehicles, it is likely that larger volumes of these vehicles will enter service beginning in 2003. Given the small size

of these vehicles and their limited safety features, they offer less protection in a crash than a regular car, van, or truck does. This means a higher risk of injury or death in crashes, even at low speeds. Consequently, the agency is considering a label warning of this high risk and measures for increasing the conspicuity of low speed vehicles.

Timetable:

Action	Date	FR Cite
NPRM	07/12/02	67 FR 46149
Final Rule	11/00/04	

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

Agency Contact: Richard Van Iderstine, Chief, Visibility and Injury Prevention Division NVS-121, Department of Transportation, National Highway Traffic Safety Administration, Office of Crash Avoidance Stds., 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-2720
Fax: 202 366-4329

William Evans, Safety Standards Engineer, Department of Transportation, National Highway Traffic Safety Administration, Office of Crash Avoidance, NVS-123, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-2272

RIN: 2127-AI84**2248. REAR CENTER LAP/SHOULDER BELT REQUIREMENT—STANDARD 208****Priority:** Economically Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30177; 49 USC 30166**CFR Citation:** 49 CFR 571.208**Legal Deadline:** None

Abstract: The agency is considering an amendment to its occupant protection standard, FMVSS No. 208, to require the installation of Type 2 (lap/shoulder belt) assemblies for all rear non-outboard designated seating positions (DSPs) in passenger cars, trucks, and multipurpose passenger vehicles with a

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Final Rule Stage

Gross Vehicle Weight Rating (GVWR) of 4,536 kg (10,000 lbs.) or less.

Timetable:

Action	Date	FR Cite
NPRM	08/06/03	68 FR 46546
Final Rule	12/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

Phone: 202 366-4917

Fax: 202 366-4329

RIN: 2127-AI91

2249. ADAPTIVE FRONTAL LIGHTING

Priority: Substantive, Nonsignificant

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

CFR Citation: 49 CFR 1.50; 49 CFR 501.8; 49 CFR 571.108

Legal Deadline: None

Abstract: The National Highway Traffic Safety Administration is examining issues related to motor vehicle headlighting glare. This will look at Advanced Frontal Lighting systems to determine the adverse consequences to highway safety from glare as this new concept of adaptive lighting is introduced into the U.S. vehicle fleet. An initial notice of request for comment is being issued to gather information.

Timetable:

Action	Date	FR Cite
Request for Comments	02/12/03	68 FR 7101
Final Action	08/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Richard Van Iderstine, Chief, Visibility and Injury Prevention Division NVS-121, Department of Transportation, National Highway Traffic Safety Administration, Office of Crash Avoidance Stds., 400

Seventh Street SW., Washington, DC 20590

Phone: 202 366-2720

Fax: 202 366-4329

RIN: 2127-AI97

2250. 5TH PERCENTILE DUMMY BELTED BARRIER CRASH TEST REQUIREMENTS—STANDARD 208

Priority: Substantive, Nonsignificant

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

CFR Citation: 49 CFR 571.208

Legal Deadline: None

Abstract: The agency is considering an amendment to its occupant protection standard, FMVSS No. 208, to improve high speed crash protection to belted occupants of small stature that may sit in the full forward seat position.

Current crash test requirements for the 5th percentile adult female dummy include a 0-48 km/h belted rigid barrier crash test. The agency is considering increasing the maximum crash test speed from 48 km/h to 56 km/h to be consistent with the 50th percentile adult male requirements that will take effect according to the second phase of the FMVSS No. 208 Advanced Air Bag Final Rule (65 FR 30680).

Timetable:

Action	Date	FR Cite
NPRM	08/06/03	68 FR 46539
Final Rule	10/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

Phone: 202 366-4917

Fax: 202 366-4329

RIN: 2127-AI98

2251. REIMBURSEMENT PRIOR TO RECALL

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 30120(d)

CFR Citation: 49 CFR 573; 49 CFR 577

Legal Deadline: None

Abstract: This action responds to a petition for reconsideration of the reimbursement prior to recall rule (67 FR 64049).

Timetable:

Action	Date	FR Cite
Final Rule	07/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Andrew DiMarsico, Trial Attorney, Department of Transportation, National Highway Traffic Safety Administration, 5219, NCC-10, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-5263

Fax: 202 366-3820

Related RIN: Related to 2127-AI28

RIN: 2127-AJ05

2252. FEDERAL MOTOR VEHICLE SAFETY STANDARDS DEFINITION OF LOW SPEED VEHICLES

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

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

CFR Citation: 49 CFR 571.3

Legal Deadline: None

Abstract: This proposal addresses two petitions for rulemaking regarding the exclusion of trucks from the definition of "low-speed vehicle" (LSV). The proposed definition, would expand LSV class to include trucks, but would limit the class to small electric vehicles. In addition proposed definition is more objective than the current definition.

Timetable:

Action	Date	FR Cite
NPRM	12/08/03	68 FR 68319
Final Rule	12/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Gayle Dalrymple, Safety Standards Engineer, Vehicle Controls and Adapted Vehicle Division, Department of Transportation, National Highway Traffic Safety Administration,

DOT—NHTSA

Final Rule Stage

Office of Crash Avoidance Standards
NVS-123, 400 Seventh Street SW.,
Washington, DC 20590
Phone: 202 366-5559

RIN: 2127-AJ12

2253. PLATFORM LIFT SYSTEMS; PETITIONS FOR RECONSIDERATION

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30116; ...

CFR Citation: 49 CFR 571.403; 49 CFR 571.404

Legal Deadline: None

Abstract: In this action, the agency is responding to petitions for reconsideration to a final rule (67 FR 79416) that established Standard 404 (Platform Lift Installations in Motor Vehicles). Petitions included requests for clarification relative to special purpose lifts, lifts that manually stow and deploy, the meaning of the term "control systems," interlock sensors, location of lift controls, environmental resistance requirements, platform deflection requirements, lift lighting and edge guards. Changes made in response to the petitions for reconsideration will further improve and fine-tune the standards.

Timetable:

Action	Date	FR Cite
Final Action	12/07/02	67 FR 79416
Response to Petitions for Reconsideration	08/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: William Evans, Safety Standards Engineer Office of Crash Avoidance Stds., NVS-123, Department of Transportation, National Highway Traffic Safety Administration, NVS-123, Vehicle Controls and Adapted Vehicle Division, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-2272

RIN: 2127-AJ18

2254. • THEFT DATA FOR CALENDAR YEAR 2002

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

Legal Authority: 49 USC 33104 (b) (4)

CFR Citation: 49 CFR 541

Legal Deadline: None

Abstract: This action will publish the preliminary data on passenger motor vehicles that occurred in calendar year 2002 for MY 2002 vehicles. The theft data indicate the overall vehicles' theft rate in 2002. Publication of this data fulfills the agency's obligation to periodically obtain accurate and timely data and publish the information for review and comment.

Timetable:

Action	Date	FR Cite
NPRM	04/06/04	69 FR 18010
NPRM Comment Period End	06/07/04	
Final Action	07/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Rosalind Proctor, Division Chief, Consumer Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-0846

Fax: 202 493-2290

Email: rosaling.proctor@nhtsa.dot.gov

RIN: 2127-AJ27

2255. • INSURER REPORTING REQUIREMENTS FOR OCTOBER 2004

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 33112

CFR Citation: 49 CFR 544

Legal Deadline: None

Abstract: NHTSA proposes to update its lists in Appendices A, B, and C of Part 544 of passenger motor vehicle insurers that are required to file reports on their motor vehicle theft loss experience. If these revised appendices are adopted in a final rule, each insurer included in any of these appendices must file a report for the 2004 calendar year not later than October 25, 2004. Further, as long as the insurer remains listed, it must submit reports by each subsequent October 25.

Timetable:

Action	Date	FR Cite
NPRM	04/09/04	69 FR 18861
NPRM Comment Period End	06/07/04	
Final Action	07/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Rosalind Proctor, Division Chief, Consumer Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-0846

Fax: 202 493-2290

Email: rosaling.proctor@nhtsa.dot.gov

RIN: 2127-AJ29

2256. • LIST OF NONCONFORMING VEHICLES ELIGIBLE FOR IMPORTATION

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 322; 49 USC 30141

CFR Citation: 49 CFR 593

Legal Deadline: None

Abstract: In response to the November 2002 final rule, which adopted new and revised tire safety information provisions, NHTSA received petitions for reconsideration. After considering the petitions and other available information, the agency is modifying parts of the final rule, to eliminate unnecessary burdens on vehicle and tire manufacturers, while ensuring consumers get better information about tires.

This rulemaking also extends the effective date for compliance with the new labeling requirements for one year. The new effective date for the labeling requirements is September 1, 2005.

Timetable:

Action	Date	FR Cite
Final Action	11/18/02	67 FR 69600
Response to Petitions for Reconsideration	06/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For More Information:

dms.dot.gov

URL For Public Comments:

dms.dot.gov

Agency Contact: Coleman R. Sachs, Chief, Import and Certification Division, Office of Vehicle Safety Compliance, Department of

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Final Rule Stage

Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Room 6111, NVS-223, Washington, DC 20590
 Phone: 202 366-3151
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RIN: 2127-AJ35

2257. • TIRE SAFETY INFORMATION

Priority: Info./Admin./Other. Major status under 5 USC 801 is undetermined.

Legal Authority: Not Yet Determined

CFR Citation: None

Legal Deadline: None

Abstract: This document responds to petitions for reconsideration requesting changes to the Final Rule published on November 18, 2002 (November 2002 final rule). That final rule adopted new and revised tire safety information provisions in response to the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act of 2000. Specifically, the November 2002 final rule established a new Federal Motor Vehicle Safety Standard requiring improved labeling of tires to assist consumers in identifying tires that may be the subject of a safety recall. Further, the rule required other consumer information to increase public awareness of the importance and methods of observing motor vehicle tire load limits and maintaining proper tire inflation levels for the safe operation of a motor vehicle. The November 2002 final rule applied to all new and retreaded tires for use on vehicles with a gross vehicle weight rating (GVWR) of 10,000 pounds or less and to all vehicles with a GVWR of 10,000 pounds or less, except for motorcycles and low speed vehicles.

After considering the petitions and other available information, the agency is modifying certain aspects of its November 2002 final rule.

Timetable:

Action	Date	FR Cite
Final Action	06/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Mary Versailles, Office of Planning and Consumer Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-2057

RIN: 2127-AJ36

2258. • RESPONSE TO PETITIONS FOR RECONSIDERATION OF CHILD RESTRAINT ANCHORAGE SYSTEMS (FMVSS NO. 225)

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 1392

CFR Citation: 49 CFR 571.225

Legal Deadline: None

Abstract: On March 5, 1999, NHTSA published a final rule establishing Federal Motor Vehicle Safety Standard No. 225, "Child restraint anchorage systems." The rule required vehicle manufacturers to equip vehicles with new child restraint anchorage systems that are standardized and independent of the vehicle seat belts. NHTSA has published three notices in response to petitions for reconsideration submitted in response to the March 1999 final rule, the last of which was published on June 27, 2003. Petitions for reconsideration of the June 2003 final rule have been filed concerning manufacturing tolerance issues. This action responds to those issues.

Timetable:

Action	Date	FR Cite
Final Action	07/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: George Mouchahoir, Team Leader, Special Vehicles and Systems Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-4919

Fax: 202 366-4329

Email: gmouchahoir@nhtsa.dot.gov

RIN: 2127-AJ39

2259. • RESPONSE TO PETITIONS FOR RECONSIDERATION OF TREAD CHILD RESTRAINT PERFORMANCE (FMVSS NO. 213)

Priority: Substantive, Nonsignificant

Legal Authority: 15 US 1392

CFR Citation: 49 CFR 571.213

Legal Deadline: None

Abstract: On June 24, 2003, NHTSA published a final rule that fulfilled the mandate in the Transportation Recall Enhancement, Accountability and Documentation Act (the TREAD Act) (November 1, 2000, Pub. L. 106-414, 114 Stat. 1800) to initiate a rulemaking for the purpose of improving the safety of child restraints (reference 68 FR 37620). In response to the 2003 final rule, NHTSA received petitions for reconsideration concerning specifications for the crash pulse simulation and dummy clothing. This rulemaking action is based on those petitions for reconsideration.

Timetable:

Action	Date	FR Cite
Final Action	06/24/03	68 FR 37620
Response to Petitions for Reconsideration	07/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: George Mouchahoir, Team Leader, Special Vehicles and Systems Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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Email: gmouchahoir@nhtsa.dot.gov

RIN: 2127-AJ40

Department of Transportation (DOT)

Long-Term Actions

National Highway Traffic Safety Administration (NHTSA)

2260. REVIEW: SIDE-IMPACT PROTECTION

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

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

CFR Citation: 49 CFR 571.214

Legal Deadline: None

Abstract: This standard requires passenger cars manufactured after September 1, 1996, to provide occupant protection when impacted in the side by a moving deformable barrier. The agency has compared the actual risk of occupant injury in side-impact crashes of cars meeting the standard to the risk in pre-standard cars. The cost of the standard has been estimated. The technical report has been published. This regulation was selected for review because of its costs, potential benefits, and public interest.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/94	
Technical Report: Phase I	12/08/99	64 FR 68717
Comment Period End	04/06/00	
Summary and Discussion of Public Comments Sent to Docket: Phase 1	08/11/00	
End Review	06/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: The Phase I evaluation report indicates that the test injury criterion TTI(d) has a statistically significant association with fatality risk in actual side-impact crashes on the highway. In model years 1981-93 cars, models with low TTI(d) on the Federal motor vehicle safety standard no. 214 test tend to have low fatality risk.

Agency Contact: Charles J. Kahane, Chief, Evaluation Division, Office of Plans and Policy, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-2560
Fax: 202 366-2559
Email: ckahane@nhtsa.dot.gov

RIN: 2127-AF54

2261. REVIEW: REDESIGNED AIR BAGS

Priority: Substantive, Nonsignificant

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

CFR Citation: 49 CFR 571.208

Legal Deadline: None

Abstract: This standard was temporarily amended to make the unbelted test for vehicles with air bags less stringent and, in effect, make it easier for manufacturers to quickly depower their air bags. Redesigned air bags are likely to benefit out-of-position occupants and reduce drivers' arm injuries, but they might be less effective than earlier air bags for some occupants. This regulation was selected for review because of public interest, potential benefits, and possibility of higher risk for some vehicle occupants.

Timetable:

Action	Date	FR Cite
Begin Review	05/01/98	
End Review	12/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Charles J. Kahane, Chief, Evaluation Division, Office of Plans and Policy, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590
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RIN: 2127-AH13

2262. REVIEW: ANTILOCK BRAKE SYSTEMS FOR HEAVY TRUCKS

Priority: Substantive, Nonsignificant

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

CFR Citation: 49 CFR 571.105; 49 CFR 571.121

Legal Deadline: None

Abstract: These standards require antilock brake systems (ABS) on truck-tractors manufactured after March 1, 1997, semi-trailers and single-unit trucks equipped with air brakes after March 1, 1998, and single-unit trucks over 10,000 pounds GVWR equipped

with hydraulic brakes after March 1, 1999. The agency will study the influence of ABS on crash involvement rates and estimate the cost of ABS. These regulations were selected for review because of their costs, potential benefits, and public interest.

Timetable:

Action	Date	FR Cite
Begin Review	04/01/00	
Evaluation Plan Published	08/14/00	65 FR 49633
Collection of Information	10/05/01	66 FR 51093
Comment Period End	12/04/01	
End Review	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Charles J. Kahane, Chief, Evaluation Division, Office of Plans and Policy, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-2560
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Email: ckahane@nhtsa.dot.gov
RIN: 2127-AI14

2263. REVIEW: REAR-IMPACT GUARDS FOR TRUCK TRAILERS

Priority: Substantive, Nonsignificant

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

CFR Citation: 49 CFR 571.223; 49 CFR 571.224

Legal Deadline: None

Abstract: These standards set requirements for the geometry, configuration, strength, and energy absorption capability of rear-impact guards on full trailers and semi-trailers over 10,000 pounds GVWR manufactured after January 26, 1998. The agency will study the influence of these guards on injuries in passenger vehicles that rear-impact trailers. The cost of the standards will also be estimated. These regulations were selected for review because of their costs, potential benefits, and public interest.

Timetable:

Action	Date	FR Cite
Begin Review	04/15/00	

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Long-Term Actions

Action	Date	FR Cite
Evaluation Plan Published	08/14/00	65 FR 49633
Collection of Information	10/05/01	66 FR 51093
Comment Period End	12/04/01	
End Review	12/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Charles J. Kahane, Chief, Evaluation Division, Office of Plans and Policy, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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Email: ckahane@nhtsa.dot.gov

RIN: 2127-AI15

2264. CONVEX MIRRORS FOR COMMERCIAL TRUCKS

Priority: Substantive, Nonsignificant

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

CFR Citation: 49 CFR 571.111

Legal Deadline: None

Abstract: This action is in response to a petition for rulemaking that requests the agency to consider amending the regulation to require that all commercial trucks traveling on the interstate highway system have convex mirrors affixed to their front right and left fenders (such as those required on school buses).

Timetable:

Action	Date	FR Cite
Request for Comments	01/22/03	68 FR 2993
Comment Period Ends	03/24/03	
NPRM	07/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Richard L. Van Iderstine, Division Chief, Visibility and Control Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-5280

Related RIN: Related to 2127-AI53

RIN: 2127-AI52

2265. ENHANCED PASSENGER-SIDE MIRROR SYSTEM

Priority: Substantive, Nonsignificant

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

CFR Citation: 49 CFR 571.111

Legal Deadline: None

Abstract: In response to a petition for rulemaking from AM General, the agency is considering whether to amend the standard to permit passenger car mirrors on large MPVs and trucks (independent of their weight).

Timetable:

Action	Date	FR Cite
Request for Comments	01/22/03	68 FR 2993
Comment Period Ends	03/24/03	
NPRM	07/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Richard L. Van Iderstine, Division Chief, Visibility and Control Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-5280

Related RIN: Related to 2127-AI52

RIN: 2127-AI53

2266. REFORMING THE AUTOMOBILE FUEL ECONOMY STANDARDS PROGRAM

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

Legal Authority: 49 USC 32910

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: Through this action, the agency intends to begin a public discussion on potential ways, within current statutory authority, to update the Corporate Average Fuel Economy (CAFE) Program and to make it more consistent with our public policy

objectives. The agency will seek comments on a number of possible concepts and measures, and invite the public to present additional concepts not presented here. The discussion is not intended to address the stringency of proposed CAFE standards in the future, but rather the basic structure of the CAFE program. The agency is interested in any suggestions towards revamping the CAFE program in such a way as to enhance overall fuel economy while protecting occupant safety and American jobs.

The potential changes range from modest changes to existing definitions separating passenger cars from light trucks (i.e., vans, pickup trucks and SUVs) to more significant structural changes to light truck fuel economy standards. The definitional changes could potentially expand the definition of light truck to include larger SUV's that are not currently subject to fuel economy standards, add criteria to existing definitions of light trucks and ensure that vehicles subject to the lower fuel economy standards applicable to trucks have sufficient functionality to be properly classified as trucks. The advance notice also requests comment on changing the existing approach to setting light truck fuel economy standards from one of setting a fixed standard applicable to all sizes of trucks in the light truck fleet to one of setting a standard that changes in relationship to a selected attribute of trucks in the fleet. Under such an attribute-based standard, the required fuel economy would change in relationship to either the weight of the vehicle, the size of the vehicle, or both.

Timetable:

Action	Date	FR Cite
ANPRM	12/29/03	68 FR 74908
ANPRM Comment Period End	04/27/04	

Next Action Undetermined

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Otto Matheke, Attorney, Office of the Chief Counsel, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-5253

RIN: 2127-AJ17

DOT—NHTSA

Long-Term Actions

2267. • REFORMING THE AUTOMOBILE FUEL ECONOMY STANDARDS PROGRAM; REQUEST FOR PRODUCT PLAN INFORMATION

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

Legal Authority: 15 USC 2002; 49 CFR 1.50

CFR Citation: 49 CFR 533

Legal Deadline: None

Abstract: The purpose of this request for information is to acquire data regarding vehicle manufacturers' future product plans to assist the agency in analyzing possible reforms to the

corporate average fuel economy (CAFE) program, and the effect of these possible reforms on fuel economy manufacturers, consumers, the economy, motor vehicle safety and American jobs.

Timetable:

Action	Date	FR Cite
ANPRM	12/29/03	68 FR 74908
ANPRM Comment	04/27/04	
Period End		
Next Action	Undetermined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For More Information: dms.dot.gov

URL For Public Comments: dms.dot.gov

Agency Contact: Peter Feather, Division Chief Fuel Economy, Department of Transportation, National Highway Traffic Safety Administration, 400 7th Street SW., Room 5320, Washington, DC 20590
Phone: 202 366-2565
Fax: 202 366-4329
Email: peter.feather@nhtsa.dot.gov

RIN: 2127-AJ26

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

Completed Actions

2268. UPGRADE FUEL INTEGRITY PERFORMANCE REQUIREMENTS

Priority: Substantive, Nonsignificant

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

CFR Citation: 49 CFR 571.301

Legal Deadline: None

Abstract: On December 1, 2003, the agency issued a final rule to upgrade the rear impact requirements for fuel system integrity, and replace the standard's lateral (side) impact test procedure with the procedure specified in the agency's side impact protection standard.

Timetable:

Action	Date	FR Cite
Request for Comments	12/14/92	57 FR 59041
Comment Period End	02/12/93	
ANPRM	04/12/95	60 FR 18566
ANPRM Comment	06/12/95	
Period End		
NPRM	11/13/00	65 FR 67693
NPRM Comment	02/12/01	66 FR 78461
Period End		
Final Rule	12/01/03	68 FR 67068

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: George Mouchahoir, Team Leader, Special Vehicles and Systems Division, Department of Transportation, National Highway Traffic Safety Administration, 400

Seventh Street SW., Washington, DC 20590

Phone: 202 366-4919

Fax: 202 366-4329

Email: gmouchahoir@nhtsa.dot.gov

RIN: 2127-AF36

2269. DOOR LATCH EXEMPTION FOR VEHICLES EQUIPPED WITH WHEELCHAIR LIFTS AND RAMPS

Priority: Substantive, Nonsignificant

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

CFR Citation: 49 CFR 571.206

Legal Deadline: None

Abstract: Changes in technology eliminated the necessity to exempt vehicles with wheelchair lifts and ramps from the door latch requirements of FMVSS No. 206. A termination notice was published on January 28, 2004.

Timetable:

Action	Date	FR Cite
Termination Notice	01/28/04	69 FR 4097

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: George Mouchahoir, Team Leader, Special Vehicles and Systems Division, Department of Transportation, National Highway Traffic Safety Administration, 400

Seventh Street SW., Washington, DC 20590

Phone: 202 366-4919

Fax: 202 366-4329

Email: gmouchahoir@nhtsa.dot.gov

RIN: 2127-AG16

2270. SEAT BELT POSITIONING DEVICES

Priority: Substantive, Nonsignificant

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

CFR Citation: 49 CFR 575

Legal Deadline: None

Abstract: In response to a petition for rulemaking, the agency proposed a labeling requirement for seat belt positioning devices. This label would consist of a warning regarding the suitability of these devices for a particular height/weight/age of child.

Timetable:

Action	Date	FR Cite
NPRM	08/13/99	64 FR 44164
NPRM Comment	10/12/99	
Period End		
Withdrawn	03/24/04	69 FR 13503

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: George Mouchahoir, Team Leader, Special Vehicles and Systems Division, Department of Transportation, National Highway

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Completed Actions

Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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Email: gmouchahoir@nhtsa.dot.gov

RIN: 2127-AG49

2271. GLARE REDUCTION FROM DAYTIME RUNNING LAMPS

Priority: Substantive, Nonsignificant

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

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: The agency has decided that the issue of daytime running lamps (DRLs) should be addressed together with related issues of DRL effectiveness and safety benefits. The agency plans to finish a comprehensive analysis before proposing any changes to current DRL requirements.

Timetable:

Action	Date	FR Cite
NPRM	08/07/98	63 FR 42348
NPRM Comment Period End	09/21/98	
Withdrawn	03/19/04	69 FR 13001

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Richard Van Iderstine, Chief, Visibility and Injury Prevention Division NVS-121, Department of Transportation, National Highway Traffic Safety Administration, Office of Crash Avoidance Stds., 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-2720

Fax: 202 366-4329

RIN: 2127-AG86

2272. ADMINISTRATIVE REWRITE FOR HEADLAMP REQUIREMENTS

Priority: Substantive, Nonsignificant

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

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: The agency has proposed to rewrite the sections relating to

headlighting. The rewrite is important because of the standard's age and numerous amendments which have made it difficult to read and interpret. The revised standard should reduce burden, especially to small manufacturers, because of improved clarity. The reorganization of the sections relating to other lamps will be addressed in a separate rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	11/12/98	63 FR 63258
NPRM Comment Period Extended to 4/11/99	02/08/99	64 FR 6021
NPRM Comment Period End	02/10/99	
Withdrawn	03/19/04	69 FR 13011

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Richard L. Van Iderstine, Division Chief, Visibility and Control Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-5280

RIN: 2127-AG87

2273. MOTORCYCLE-MOUNTED REFLEX REFLECTOR HEIGHT

Priority: Substantive, Nonsignificant

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

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: In 2001, the agency granted a petition for rulemaking submitted by the United States Motorcycle Manufacturers Association, Inc. (USMMA). Petitioners asked NHTSA to amend the Federal motor vehicle lighting standard to allow a lower minimum mounting height for side reflex reflectors on motorcycles. The granting of the petition commenced agency rulemaking on the petition. Before taking further action in this area, the agency would like to expand its knowledge base with further research and more supporting data. Accordingly, this rulemaking has been withdrawn.

Timetable:

Action	Date	FR Cite
Withdrawn	04/26/04	69 FR 22483

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Kenneth Hardie, Safety Standards Engineer Office of Crash Avoidance Standards, Department of Transportation, National Highway Traffic Safety Administration, NVS-121, Visibility and Injury Prevention Division, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-2720

Fax: 202 366-4329

RIN: 2127-AG92

2274. REVIEW: AIR BAG ON-OFF SWITCHES

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 40 USC 30166

CFR Citation: 49 CFR 571.208

Legal Deadline: None

Abstract: This standard allows passenger vehicles to be equipped with an on-off switch for the right front passenger air bag if the rear seat cannot accommodate a rear-facing infant seat. The standard also enables vehicle owners to obtain an on-off switch for their passenger and/or driver air bag if they transport people who should not be exposed to an air bag deployment. The agency will determine, by observation of vehicles in use, the percentage of on-off switches that are being correctly used. This regulation was selected for review because of its public interest and potential benefit.

Timetable:

Action	Date	FR Cite
Begin Review	04/01/98	
End Review	02/05/04	69 FR 5660

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Additional Information: Final results of the observational survey are that the switches were left on (when they should be off) for 14 percent of infant passengers, 26 percent of child passengers age 1-6, and 54 percent of child passengers age 7-12. They were

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Completed Actions

turned off for 17 percent of teen and adult passengers, depriving them of any potential benefits of air bags.

Agency Contact: Charles J. Kahane, Chief, Evaluation Division, Office of Plans and Policy, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-2560

Fax: 202 366-2559

Email: ckahane@nhtsa.dot.gov

RIN: 2127-AH12

2275. CHILD RESTRAINTS FOR OLDER CHILDREN

Priority: Substantive, Nonsignificant

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

CFR Citation: 49 CFR 571.213

Legal Deadline: None

Abstract: In response to a petition for rulemaking, the agency requested comments on whether the child restraint standard should be amended to facilitate the production of lap belt-installed booster seats and other child restraints for children weighing over 18 kilograms, such as by allowing use of a tether in some of the compliance tests.

Timetable:

Action	Date	FR Cite
Request for Comment	07/07/99	64 FR 36657
Comment Period End	09/07/99	
Termination of Rulemaking	03/29/04	69 FR 16202

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: George Mouchahoir, Team Leader, Special Vehicles and Systems Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-4919

Fax: 202 366-4329

Email: gmouchahoir@nhtsa.dot.gov

RIN: 2127-AH14

2276. ADMINISTRATIVE REWRITE OF THE LIGHTING REQUIREMENTS OTHER THAN HEADLAMPS

Priority: Substantive, Nonsignificant

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

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: The agency was planning to rewrite the reflective devices and associated equipment requirements to make the standard more readable and understandable. The agency has terminated this action. Given other priorities, the agency does not currently plan to take action in this area.

Timetable:

Action	Date	FR Cite
Terminated	03/31/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: David Hines, General Engineer Office of Crash Avoidance Standards, Department of Transportation, National Highway Traffic Safety Administration, NVS-121, 400 7th Street SW., Room 5307, Washington, DC 20590

Phone: 202 493-0245

RIN: 2127-AH37

2277. UPPER INTERIOR IMPACT

Priority: Substantive, Nonsignificant

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

CFR Citation: 49 CFR 571.201

Legal Deadline: None

Abstract: At the request of the manufacturers' organizations, the agency amended the upper interior impact requirements (1) to modify the minimum distance between certain targets on vertical surfaces inside a vehicle and (2) to add new definitions and test procedures for new-style door frames and vertical seat belt mounting structures.

Timetable:

Action	Date	FR Cite
NPRM	04/05/00	65 FR 17843
NPRM Comment Period End	06/05/00	

Action	Date	FR Cite
NPRM Comment Period Extended	06/07/00	65 FR 36106
NPRM Comment Period End	07/05/00	
Final Action	02/27/04	69 FR 9217

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

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

Phone: 202 366-4917

Fax: 202 366-4329

RIN: 2127-AH61

2278. AUTOMOTIVE FUEL ECONOMY MANUFACTURING INCENTIVE FOR ALTERNATIVE FUEL VEHICLES

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: 49 USC 32905(f); 49 USC 32906(a)(l)(B)

CFR Citation: 49 CFR 538

Legal Deadline: Final, Statutory, December 31, 2001, Notice to either extend up to 4 years or discontinue the program after Model Year 2004.

Abstract: The agency is statutorily required to publish a notice that either extends the incentive program whereby automotive manufacturers earn Corporate Average Fuel Economy credits for the production of dual-fuel vehicles for up to four years beyond model year 2004, with a maximum allowable increase in average fuel economy per manufacturer of 0.9 miles per gallon, or explains the rationale for not extending the incentive program.

Timetable:

Action	Date	FR Cite
Notice of Intent	01/07/02	67 FR 713
NPRM	03/11/02	67 FR 10873
NPRM Comment Period End	04/10/02	
Final Action	02/19/04	69 FR 7689

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Peter Feather, Division Chief Fuel Economy,

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Completed Actions

Department of Transportation, National Highway Traffic Safety Administration, 400 7th Street SW., Room 5320, Washington, DC 20590
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 Fax: 202 366-4329
 Email: peter.feather@nhtsa.dot.gov

RIN: 2127-AI41

2279. EXPANDING THE AUTO PARTS MARKING REQUIREMENT

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 33103

CFR Citation: 49 CFR 541

Legal Deadline: None

Abstract: In accordance with the Anti Car Theft Act of 1992, the Attorney General was required to report on the effectiveness of expanding the parts marking requirements of the theft prevention standard to the remaining motor vehicle lines. On the basis of the available evidence presented, the Attorney General found that the evidence did not support a finding that requiring parts marking would not substantially inhibit chop shop operations and auto theft and therefore, recommended expanding the parts marking requirements to the remaining motor vehicle lines. Based on the results of the report, the agency is required to conduct a rulemaking to extend the theft prevention standard to the remaining motor vehicle lines.

Timetable:

Action	Date	FR Cite
NPRM	06/26/02	67 FR 43075
NPRM Comment Period End	08/26/02	
Final Action	04/06/04	69 FR 17960

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Rosalind Proctor, Division Chief, Consumer Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590
 Phone: 202 366-0846
 Fax: 202 493-2290
 Email: rosalind.proctor@nhtsa.dot.gov

RIN: 2127-AI46

2280. DAYTIME RUNNING LAMPS INTENSITY REDUCTION PHASE II

Priority: Substantive, Nonsignificant

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

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: In 1998, the agency proposed (63 FR 42348) to reduce the intensity of daytime running lamps (DRLs). The agency determined that a two-phase approach would be needed to address the issues pertaining to DRLs. This rulemaking was the second phase of that two-phase approach. In late 2001, General Motors (GM) submitted a petition for rulemaking that asked NHTSA to mandate DRLs on new vehicles. We have decided that the issue addressed in the 1998 NPRM, just one of a number of interrelated issues surrounding DRLs, would best be resolved in the context of responding to the GM petition. Therefore, this rulemaking is withdrawn.

Timetable:

Action	Date	FR Cite
Withdrawn	03/19/04	69 FR 13011

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Richard Van Iderstine, Chief, Visibility and Injury Prevention Division NVS-121, Department of Transportation, National Highway Traffic Safety Administration, Office of Crash Avoidance Stds., 400 Seventh Street SW., Washington, DC 20590
 Phone: 202 366-2720
 Fax: 202 366-4329

Related RIN: Related to 2127-AG86

RIN: 2127-AI62

2281. FMVSS NO. 208 ADVANCED AIR BAG PETITIONS FOR RECONSIDERATION (PART 2)

Priority: Substantive, Nonsignificant

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

CFR Citation: 49 CFR 571.208

Legal Deadline: None

Abstract: This notice is the second in a series addressing the Petitions for

Reconsideration received for the December 18, 2001, FMVSS No. 208 Final Rule. It addresses detailed dummy and seat positioning issues and other test procedure clarification requested in the Petitions for Reconsideration.

Timetable:

Action	Date	FR Cite
Final Action	11/19/03	68 FR 65179

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Louis Molino, Safety Standards Engineer, Department of Transportation, National Highway Traffic Safety Administration, Office of Crashworthiness Standards, NVS-112, 400 Seventh Street, SW, Room 5320, Washington, DC 20590
 Phone: 202 366-1833
 Fax: 202 366-4329

RIN: 2127-AI82

2282. FEDERAL MOTOR VEHICLE SAFETY STANDARDS; CHILD RESTRAINT SYSTEMS

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

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

CFR Citation: 49 CFR 571.213

Legal Deadline: Other, Statutory, November 1, 2001, Initiate Rulemaking. Other, Statutory, November 1, 2002, Final Rule or Report to Congress. TREAD ACT MANDATE (November 2002).

Abstract: Section 14(a) of the TREAD Act requires NHTSA to initiate a rulemaking for the purpose of improving the safety of child restraints, including minimizing head injuries from side impact collisions. The TREAD Act also required NHTSA to submit a Report to Congress explaining the considerations not included in the upgrade to the standard.

Timetable:

Action	Date	FR Cite
ANPRM	05/01/02	67 FR 21836
Report to Congress	04/06/04	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

DOT—NHTSA

Completed Actions

Government Levels Affected: Federal

Agency Contact: George Mouchahoir, Team Leader, Special Vehicles and Systems Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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Email: gmouchahoir@nhtsa.dot.gov

RIN: 2127-AI83

2283. FMVSS NO. 201 UPPER INTERIOR IMPACT MULTI-STAGE VEHICLE COMPLIANCE

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

Legal Authority: 49 USC 322; 49 USC 21411; 49 USC 21415; 49 USC 21417; 49 USC 21466

CFR Citation: 49 CFR 571.201

Legal Deadline: None

Abstract: The agency received petitions for rulemaking from Recreational Vehicle Industry Association (RVIA) and National Truck Equipment Association (NTEA). The agency issued an interim final rule extending the compliance date from 9/1/02 to 9/1/03. However, this one year extension does not provide sufficient time for the agency to consider the issues raised in these petitions before the compliance date for multi-stage vehicles manufacturers. This action would extend the compliance date for multi-stage vehicles by another three years, i.e., from 9/1/03 to 9/1/06.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/18/02	67 FR 41348
Interim Final Rule	08/28/03	68 FR 51706

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Dr. William R.S. Fan, Safety Standards Engineer, Department of Transportation, National Highway Traffic Safety Administration, Room 5320F, NVS-112, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-4922
Fax: 202 366-4329

RIN: 2127-AI86

2284. USE OF SEAT-MOUNTED CHILD RESTRAINTS ON SCHOOL BUS SEATS

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 1392

CFR Citation: 49 CFR 571.213

Legal Deadline: None

Abstract: This action responds to petitions to amend FMVSS No. 213, Child Restraint Systems, to allow the use of seat-mounted child restraint systems on school buses. Currently, FMVSS No. 213 does not allow child restraint systems to be attached to a vehicle seat cushion or vehicle seat back except by vehicle seat belts.

Timetable:

Action	Date	FR Cite
Final Rule	03/09/04	69 FR 10928

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: George Mouchahoir, Team Leader, Special Vehicles and Systems Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-4919

Fax: 202 366-4329

Email: gmouchahoir@nhtsa.dot.gov

RIN: 2127-AI88

2285. REPORTING OF INFORMATION AND DOCUMENTS ABOUT POTENTIAL DEFECTS

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

Legal Authority: 49 USC 30166(m)

CFR Citation: 49 CFR 579

Legal Deadline: None

Abstract: Final rule responding to remaining petitions for reconsideration of final rule on reporting of information and documents about potential defects published on July 10, 2002 (67 FR 45882).

Timetable:

Action	Date	FR Cite
Final Rule	04/16/04	69 FR 20556

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Andrew DiMarsico, Trial Attorney, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-5263

Fax: 202 366-3820

Email: andrew.dimarsico@dot.gov

Related RIN: Related to 2127-AI25

RIN: 2127-AI92

2286. BUY AMERICA REQUIREMENTS

Priority: Substantive, Nonsignificant

Legal Authority: PL 97-424

CFR Citation: 23 CFR 1253

Legal Deadline: None

Abstract: The agency is proposing to exempt certain purchases by grantees from the requirements of the Department of Transportation's Buy America provisions to streamline and improve the grant process.

Timetable:

Action	Date	FR Cite
Terminated	04/01/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: John Donaldson, Acting Assistant Chief Counsel, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-9511

RIN: 2127-AJ06

2287. CHILD RESTRAINT SYSTEMS

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

Legal Authority: 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30117; ...

CFR Citation: 49 CFR 571.213

Legal Deadline: None

Abstract: Response to a petition for reconsideration of an October 1, 2002, final rule amending the requirements for child restraint labels and the written instructions that accompany child restraints.

DOT—NHTSA

Completed Actions

Timetable:

Action	Date	FR Cite
Final Action	03/10/04	69 FR 11337

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

Agency Contact: Mary Versailles, Office of Planning and Consumer Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-2057

RIN: 2127-AJ15

2288. CONFIDENTIAL BUSINESS INFORMATION

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

Legal Authority: 49 USC 30166 (m)**CFR Citation:** 49 CFR 512**Legal Deadline:** None

Abstract: This action is related to completed rulemaking action (RIN 2127-AI13), which was published on July 28, 2003, at 68 FR 44209. It responds to petitions for reconsideration received by NHTSA in response to the final rule.

Timetable:

Action	Date	FR Cite
Response to Petitions	04/21/04	69 FR 21409

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

Agency Contact: Michael Kido, Trial Attorney, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590

Phone: 202 366-5263

RIN: 2127-AJ24

2289. • PARTIAL RESPONSE TO PETITIONS FOR RECONSIDERATION; FEDERAL MOTOR VEHICLE SAFETY STANDARD—GLAZING MATERIALS**Priority:** Substantive, Nonsignificant

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

CFR Citation: 49 CFR 571.205**Legal Deadline:** None

Abstract: The agency is amending the effective date of the FMVSS No. 205 Final Rule that was published on July 25, 2003 (68 FR 43964) and subsequently amended on September 26, 2003 (68 FR 55544). The final rule incorporated the 1996 revision of the American National Standards Institute (ANSI) standard for safety glazing used in motor vehicles, and other minor revisions, into the agency's current standard for safety glazing used in motor vehicles. The September 26, 2003 delayed the date on which manufacturers must meet the amended requirements of FMVSS No. 205 from January 22, 2004 until September 1, 2004 in response to petitions for reconsideration.

Timetable:

Action	Date	FR Cite
Final Action	01/05/04	69 FR 279

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

www.dms.dot.gov

URL For Public Comments:

www.dms.dot.gov

Agency Contact: John Lee, Safety Standards Engineer, Department of Transportation, National Highway Traffic Safety Administration, NPS-11, 400 Seventh Street, SW, Washington, DC 20590

Phone: 202 366-2264

Email: johnlee@nhtsa.dot.gov

Related RIN: Related to 2127-AH08

RIN: 2127-AJ25

2290. • HIGH-THEFT LINES FOR MODEL YEAR 2005**Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 33104**CFR Citation:** 49 CFR 541**Legal Deadline:** None

Abstract: This action lists the likely high-theft vehicle lines that are subject to the parts-marking requirements of the theft prevention standard and high theft lines that are exempted from the parts-marking requirements for model year 2005.

Timetable:

Action	Date	FR Cite
Final Action	03/03/04	69 FR 9964

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

Agency Contact: Rosalind Proctor, Division Chief, Consumer Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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RIN: 2127-AJ28

2291. • PARTIAL RESPONSE TO PETITIONS FOR RECONSIDERATION; FEDERAL MOTOR VEHICLE SAFETY STANDARDS—OCCUPANT CRASH PROTECTION**Priority:** Other Significant

Legal Authority: 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166; 49 CFR 1.50; ...

CFR Citation: 49 CFR 571**Legal Deadline:** None

Abstract: On November 19, 2003, NHTSA published a final rule that amended some of the advanced air bag test procedures of Federal Motor Vehicle Safety Standard (FMVSS) No. 208, "Occupant crash protection." These primarily included: dummy seating procedures for the crash tests, dummy positioning for the out-of-position air bag tests, and the effective date and list of child seats listed in Appendix A. In response to this final rule, petitioners stated that compliance with the amended requirements of FMVSS No. 208, prior to resolution of petitions for reconsideration, would cause economic hardship because certification testing for the model year 2004 fleet has been completed. This final rule partially responds to these petitions for reconsideration by permitting manufacturers to temporarily certify vehicles until September 1, 2004, according to the "old" test procedures required prior to the effective date of the November 2003 final rule.

Timetable:

Action	Date	FR Cite
Final Rule	01/27/04	69 FR 3837

DOT—NHTSA

Completed Actions

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

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

RIN: 2127-AJ30**2292. • REPORTING OF INFORMATION AND DOCUMENTS ABOUT POTENTIAL DEFECTS****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 49 USC 30660**CFR Citation:** 49 CFR 579**Legal Deadline:** None

Abstract: This notice grants a petition for reconsideration of the Early Warning Reporting (EWR) Rule, 67 FR 45 822 (July 10, 2002). The petition requested we clarify our definition of "Field Report." We do so in this document, without any substantive change to the EWR rule.

Timetable:

Action	Date	FR Cite
Final Action	04/16/04	69 FR 20556

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

Agency Contact: Andrew DiMarsico, Trial Advisor, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590
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RIN: 2127-AJ38

**Department of Transportation (DOT)
Federal Railroad Administration (FRA)**

Proposed Rule Stage

2293. • LOCOMOTIVE CRASHWORTHINESS**Priority:** Other Significant**Legal Authority:** 49 USC 20103**CFR Citation:** 49 CFR 229

Legal Deadline: Final, Statutory, March 3, 1995, Rule or Report to Congress. Report to Congress issued 9/18/96.

Abstract: The agency has proposed to address the crashworthiness of locomotives pursuant to the Rail Safety Enforcement and Review Act (1992). FRA investigated locomotive crashworthiness, as well as a variety of locomotive working conditions (See RIN 2130-AA89) and reported its finding to Congress. On October 31, 1996, the Railroad Safety Advisory Committee (RSAC) accepted a preliminary planning task to schedule handling of these issues. The Locomotive Crew Safety Working Group met several times between 1997 and 2002, and reached full consensus on proposed rule language on March 19, 2004. On April 14, 2004, the full RSAC voted to concur with the Working Group's recommendations. FRA is currently developing an NPRM in response to the RSAC's recommendations.

Timetable:

Action	Date	FR Cite
Open Meeting Notice	07/22/94	59 FR 37528
Report to Congress	09/18/96	
NPRM	07/00/04	

Regulatory Flexibility Analysis Required: Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** Undetermined**Federalism:** Undetermined

Additional Information: This rulemaking was originally included in RIN 2130-AA89, Locomotive Cab Working Conditions.

Agency Contact: Darrell Tardiff, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW, Washington, DC 20590
Phone: 202 493-6037
Fax: 202 493-6068

RIN: 2130-AB23**2294. • LOCOMOTIVE EVENT RECORDERS****Priority:** Other Significant**Legal Authority:** 49 USC 20103**CFR Citation:** 49 CFR 229**Legal Deadline:** None

Abstract: FRA will propose improvements in the crashworthiness of event recorders and will propose additional requirements for data capture and recording for event recorders installed in new and rebuilt locomotives.

Timetable:

Action	Date	FR Cite
NPRM	07/00/04	

Regulatory Flexibility Analysis Required: Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** Undetermined**Federalism:** Undetermined

Additional Information: This rulemaking was previously titled "Crashworthy Event Recorders."

Agency Contact: Thomas Herrmann, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW, Washington, DC 20590
Phone: 202 493-6036
Fax: 202 493-6068

RIN: 2130-AB34**2295. • OCCUPATIONAL NOISE EXPOSURE FOR RAILROAD OPERATING EMPLOYEES****Priority:** Other Significant**Legal Authority:** 49 USC 20103**CFR Citation:** 49 CFR 229; 49 CFR 227**Legal Deadline:** None

Abstract: FRA has proposed to address crew working conditions on locomotives, pursuant to the Rail Safety Enforcement and Review Act (1992). FRA investigated a variety of

DOT—FRA

Proposed Rule Stage

locomotive working conditions, including noise, and reported its findings to Congress in 1996. FRA presented the subject of locomotive working conditions to the Railroad Safety Advisory Committee (RSAC). The RSAC process, which involves participation of all parties with significant interests, provides a forum for consensual rulemaking and program development.

Through the RSAC process, FRA is amending its occupational noise standards for railroad employees whose predominant noise exposure occurs in the locomotive cab. FRA's existing standard concerning cab noise, 49 CFR 229.121, limits cab employee noise exposure to certain levels based on the duration of their exposure. This proposed rule modifies that standard and also sets out additional requirements. This proposal would require railroads to conduct noise monitoring and implement a hearing conservation program, which would include hearing tests (audiograms), training, and monitoring. It would also set design, build, and maintenance standards for new locomotives and maintenance requirements for existing locomotives. FRA expects that this proposed rule would reduce the likelihood of noise-induced hearing loss for railroad operating employees.

Timetable:

Action	Date	FR Cite
Report to Congress	09/18/96	
NPRM	07/00/04	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Christina McDonald, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW, Washington, DC 20590
Phone: 202 493-6032
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RIN: 2130-AB56

2296. RETENTION OF CURRENT MONETARY THRESHOLD FOR REPORTING RAIL EQUIPMENT ACCIDENTS/INCIDENTS DURING CALENDAR YEAR 2003 AND UNTIL FURTHER AMENDED

Priority: Info./Admin./Other

Legal Authority: 49 USC 20103

CFR Citation: 49 CFR 225

Legal Deadline: None

Abstract: In 2000, FRA issued an interim final rule (IFR) that established the monetary threshold for reporting rail equipment in accidents/incidents for the calendar year 2003 and beyond. The IFR replaced the annual

determination of the threshold, which was withdrawn. The 2003 threshold will remain the same as the threshold for calendar year 2002 (\$6,700) due to the unavailability of Bureau of Labor Statistics data that was previously used to calculate the threshold. The 2002 threshold will be carried over for calendar year 2003 and beyond, until a new formula is established. FRA will issue a notice of proposed rulemaking and seek comments to establish a new formula for calculating the accident/incident monetary reporting threshold.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/30/02	67 FR 79533
Interim Final Rule Effective	01/01/03	
NPRM	12/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Roberta Stewart, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW, Washington, DC 20590
Phone: 202 493-6027
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Related RIN: Related to 2130-AB30

RIN: 2130-AB57

Department of Transportation (DOT)
Federal Railroad Administration (FRA)

Final Rule Stage

2297. WHISTLE BANS AT HIGHWAY-RAIL GRADE CROSSINGS

Priority: Other Significant

Legal Authority: 49 USC 20153

CFR Citation: 49 CFR 222

Legal Deadline: Final, Statutory, November 2, 1996, subsequent enactment prohibited issuance prior to July 1, 2001.

Abstract: This action would govern when train whistles at grade crossings must be sounded. FRA has found that failing to use the locomotive horn can significantly increase the number of collisions with motorists using the crossing. This action is considered significant because of substantial public interest. This action is being taken pursuant to statutory mandate. Public

Law 103-440 requires the Secretary to prohibit local whistle bans, except where there is no significant risk of accidents, supplementary safety measures are adequate, or where use of a horn as a warning is impractical. After publishing an NPRM, FRA participated in extensive public hearings to gather comments and issued an interim final rule to implement the statute. FRA is currently preparing a final rule to implement the statute.

Timetable:

Action	Date	FR Cite
NPRM	01/13/00	65 FR 2230
NPRM Comment Period End	05/26/00	
Interim Final Rule	12/18/03	68 FR 70586

Action	Date	FR Cite
Interim Final Rule Comment Period End	04/19/04	
Final Rule	10/00/04	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal, Local, State

Additional Information: An Omnibus Bill at the end of the 106th Congress prohibited publication of a final rule before July 2001.

Agency Contact: Kathryn Shelton, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW, Washington, DC 20590

DOT—FRA

Final Rule Stage

Phone: 202 493-6063
Fax: 202 493-6068

RIN: 2130-AA71

2298. STANDARDS FOR DEVELOPMENT AND USE OF PROCESSOR-BASED SIGNAL AND TRAIN CONTROL SYSTEMS

Priority: Other Significant

Legal Authority: 49 USC 20103

CFR Citation: 49 CFR 234; 49 CFR 236; 49 CFR 209

Legal Deadline: None

Abstract: FRA has continued its commitment to supporting Positive Train Control (PTC) technology development, testing and compatibility, and promoting deployment of PTC technology in the near future. In September 1997, FRA initiated joint fact-finding efforts through the Railroad Safety Advisory Committee (RSAC) Working Group on PTC. The advice and recommendations of RSAC formed the basis of an NPRM that would facilitate introduction of advanced technology, including systems that support PTC functions. The NPRM addresses technical standards for all processor-based signal and train control products, amending 49 CFR part 236. The comment period ended 11/08/01, FRA is developing a final rule.

Timetable:

Action	Date	FR Cite
NPRM	08/10/01	66 FR 42351
NPRM Comment Period End	11/08/01	
Final Rule	07/00/04	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Federalism: Undetermined

Agency Contact: Cynthia Walters, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW, Washington, DC 20590
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RIN: 2130-AA94

2299. REFLECTORIZATION OF RAIL FREIGHT ROLLING STOCK

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 20103; 49 USC 20148

CFR Citation: 49 CFR 224

Legal Deadline: None

Abstract: FRA first examined the use of reflectors in the early 1980s. The Federal Railroad Safety Authorization Act of 1994 (Pub. L. 103-440) required FRA to revisit the issue of railcar visibility. FRA conducted an additional study of railcar visibility which determined that technological advances in reflective material have made reflective material a feasible and cost-effective option in enhancing rail safety. FRA's cost-benefit analysis found that reflectors are a cost-effective method of enhancing railcar visibility. FRA published the NPRM on 11/6/03, held a public hearing on 1/27/04, and the comment period closed on 3/5/04. FRA is currently reviewing comments received.

Timetable:

Action	Date	FR Cite
NPRM	11/06/03	68 FR 62942
NPRM Comment Period End	03/05/04	
Final Rule	11/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Lucinda Henriksen, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW, Washington, DC 20590
Phone: 202 493-1345
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RIN: 2130-AB41

2300. CIVIL MONETARY PENALTY INFLATION ADJUSTMENT

Priority: Substantive, Nonsignificant

Legal Authority: PL 101-410; PL 104-134; 49 USC ch 201 to 213

CFR Citation: 49 CFR 209; 49 CFR 213 to 223; 49 CFR 225; 49 CFR 228 to 236; 49 CFR 238 to 241; 49 CFR 244

Legal Deadline: None

Abstract: In this final rule, FRA is implementing the requirements of the Federal Civil Penalties Inflation

Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996. FRA is adjusting the minimum and maximum civil monetary penalties it issues for violations of railroad safety statutes.

Timetable:

Action	Date	FR Cite
Final Rule	07/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Melissa Porter, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW, Washington, DC 20590
Phone: 202 493-6034
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RIN: 2130-AB61

2301. ADJUSTMENT OF HAZARDOUS MATERIALS CIVIL PENALTIES FOR INFLATION

Priority: Substantive, Nonsignificant

Legal Authority: PL 101-410; PL 104-134; 49 USC 5123

CFR Citation: 49 CFR 209

Legal Deadline: None

Abstract: In this final rule, FRA is updating 49 CFR part 209 to comply with the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996. FRA is adjusting the minimum and maximum civil monetary penalties to mirror the Research and Special Programs Administration's increase in its civil monetary penalties for its enforcement of hazardous materials laws and regulations.

Timetable:

Action	Date	FR Cite
Final Rule	07/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Melissa Porter, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW, Washington, DC 20590
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DOT—FRA

Final Rule Stage

Fax: 202 493-6068

RIN: 2130-AB62

**Department of Transportation (DOT)
Federal Railroad Administration (FRA)**

Completed Actions

2302. DETERMINATION OF MINIMUM TESTING RATE FOR RANDOM DRUG AND ALCOHOL TESTING

Priority: Info./Admin./Other

Legal Authority: 49 USC 20103

CFR Citation: None

Legal Deadline: None

Abstract: Each year FRA announces the minimum random drug and alcohol testing rates for the following year for the railroad industry. This determination is based on a review of rail industry drug and alcohol management information system data, as well as data from compliance reviews of rail industry drug and alcohol testing programs. Procedures were established in a final rule published on December 2, 1994, 59 FR 62218. For the calendar year 2004, the minimum random drug and alcohol testing rates of covered railroad employees continue to be 25 percent and 10 percent, respectively. This agenda entry will be updated each year to show the latest annual determination. Cites for determinations already issued are provided below.

Timetable:

Action	Date	FR Cite
Annual Determination	01/16/04	69 CFR 2644

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: In the notice of determination of January 2, 2003 (68 FR 57), the minimum random drug and alcohol testing rates of covered railroad employees remained at 25 percent and 10 percent, respectively, for calendar year 2003. In the notices of determination of 2/18/98 (63 FR 8143), 12/30/98 (63 FR 71789), 12/27/99 (64 FR 72289), 12/19/00 (65 FR 79318), and 1/2/02 (67 FR 21), the minimum rates remained at 25 percent and 10 percent for calendar years 1998, 1999, 2000, 2001, and 2002.

Agency Contact: Patricia V. Sun, Trial Attorney, Department of

Transportation, Federal Railroad Administration, 1120 Vermont Avenue NW, MS-10, Washington, DC 20590
Phone: 202 493-6060
Fax: 202 493-6068

RIN: 2130-AB31

2303. APPLICATION OF RANDOM TESTING AND OTHER ALCOHOL AND DRUG REGULATIONS TO EMPLOYEES OF FOREIGN RAILROADS

Priority: Other Significant

Legal Authority: 49 USC 20103; 49 USC 20140

CFR Citation: 49 CFR 219

Legal Deadline: None

Abstract: This action would apply FRA's random testing and other alcohol and drug requirements to employees of a foreign railroad whose primary reporting point is outside the United States, and who perform train service or dispatching service in the United States. Such employees are currently exempt from random testing, pre-employment testing, and requirements for employee self-referral and co-worker report policies. This action is considered significant because of substantial inter-departmental concerns.

Timetable:

Action	Date	FR Cite
NPRM	12/11/01	66 FR 64000
Notice of Hearing	01/23/02	67 FR 3138
NPRM Comment Period End	02/11/02	
Comment Period Extended	03/14/02	
Docket Reopened for Additional Comments	12/10/02	67 FR 75966
Second NPRM Comment Period End	08/27/03	
Final Rule	04/12/04	69 FR 19269

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Patricia V. Sun, Trial Attorney, Department of Transportation, Federal Railroad Administration, 1120 Vermont Avenue NW, MS-10, Washington, DC 20590
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RIN: 2130-AB39

2304. RAILROAD LOCOMOTIVE SAFETY STANDARDS

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 20102 to 20103, 20133, 20137 to 20138, 20107, 20143, 20701 to 20703; 49 USC 21301 to 21302; 49 USC 21304; 49 CFR 1.49(c) and 1.49(m)

CFR Citation: 49 CFR 229

Legal Deadline: None

Abstract: This rulemaking action makes a technical clarification to the headlight and auxiliary light provisions contained in 49 CFR 229.125(a) and (d). The purpose of this modification is to codify FRA's existing acceptance of lamps used in locomotive headlights and auxiliary lights for nearly a decade. The clarifying amendment is consistent with existing FRA enforcement policies and FRA's intent when issuing the original rules related to locomotive headlights and auxiliary lights.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/19/03	68 FR 49713
Interim Final Rule Comment Period End	09/18/03	
Final Rule	03/16/04	69 CFR 12532

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Thomas Herrmann, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW, Washington, DC 20590
Phone: 202 493-6036

DOT—FRA

Completed Actions

Fax: 202 493-6068

RIN: 2130-AB58

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

Final Rule Stage

2305. RAIL FIXED GUIDEWAY SYSTEMS; STATE SAFETY OVERSIGHT

Priority: Other Significant

Legal Authority: 49 USC 5330

CFR Citation: 49 CFR 659

Legal Deadline: None

Abstract: FTA is proposing changes to clarify and further refine state requirements for the provision of safety and security oversight of rail fixed guideway systems. The NPRM incorporates findings and lessons learned from FTA's monitoring and evaluation of the program, which has been in effect for several years. This NPRM also highlights recommendations identified by FTA to facilitate improved

implementation of the original requirements and to address new concerns for security and emergency preparedness.

Timetable:

Action	Date	FR Cite
NPRM	03/09/04	69 FR 11218
NPRM Comment Period End	06/07/04	
Final Action	12/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Local, State**Additional Information:** This rulemaking action is being taken in lieu

of further action on a previously reported RIN (2132-AA69).

Agency Contact: Jerry Fisher, Department of Transportation, Federal Transit Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-2896

Meghan Ludtke, Attorney Advisor, Department of Transportation, Federal Transit Administration, Room 9316, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-4011
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Related RIN: Previously reported as 2132-AA69

RIN: 2132-AA76
Department of Transportation (DOT)
Federal Transit Administration (FTA)

Long-Term Actions

2306. SCHOOL BUS OPERATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 5323(f)

CFR Citation: 49 CFR 605

Legal Deadline: None

Abstract: This rulemaking would amend the definition of "tripper" service, which is mass transportation service modified to meet the needs of school students and personnel. The amended definition will prohibit the use of certain signage without the express written permission of the FTA Administrator, and provides that tripper buses must stop only at stops

that are marked as available to the public. In the previous agenda, FTA had stated that it intended to withdraw the proposed amendment. However, upon further consideration, the agency has decided to hold this matter in abeyance pending reauthorization of the Transportation Equity Act for the 21st Century (TEA-21).

Timetable:

Action	Date	FR Cite
NPRM	05/03/99	64 FR 23590
NPRM Comment Period End	07/02/99	
Next Action	Undetermined	

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

Agency Contact: Elizabeth S. Martineau, Attorney Advisor, Department of Transportation, Federal Transit Administration, 400 Seventh Street SW., Washington, DC 20590
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RIN: 2132-AA67
Department of Transportation (DOT)
Federal Transit Administration (FTA)

Completed Actions

2307. DRUG AND ALCOHOL MANAGEMENT INFORMATION SYSTEM REPORTING

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 5331; 49 CFR 1.51

CFR Citation: 49 CFR 655

Legal Deadline: None

Abstract: FTA's drug and alcohol testing rules include requirements for employers to submit drug and alcohol testing data using specific Management Information System (MIS) forms. The Department of Transportation recently published a final rule revising all DOT

agency MIS forms and transforming them into a single one-page form for use throughout DOT. The requirement for use of the form is now in 49 CFR part 40. By final rule, FTA conforms its Drug and Alcohol rule by deleting portions of the MIS reporting requirements.

DOT—FTA

Completed Actions

Timetable:

Action	Date	FR Cite
Final Action	12/31/03	68 FR 75455
Final Action Effective	12/31/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No
Government Levels Affected: Local, State

Agency Contact: Meghan Ludtke, Attorney Advisor, Department of Transportation, Federal Transit Administration, Room 9316, 400

Seventh Street SW., Washington, DC 20590
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Related RIN: Related to 2105-AD14
RIN: 2132-AA77

Department of Transportation (DOT)

Completed Actions

Saint Lawrence Seaway Development Corporation (SLSDC)

2308. • TARIFF OF TOLLS

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 983(c); 33 USC 984(a)(4); 33 USC 988; 49 CFR 1.52

CFR Citation: 33 CFR 402

Legal Deadline: None

Abstract: This rule will amend the joint U.S. Canadian Tariff of Tolls for the 2004 navigation season.

Timetable:

Action	Date	FR Cite
NPRM	03/02/04	69 FR 9774
Final Action	04/09/04	69 FR 18811

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For More Information: dms.dot.gov

URL For Public Comments: dms.dot.gov

Agency Contact: Marc C. Owen, Chief Counsel, Department of Transportation, Saint Lawrence Seaway Development Corporation, 400 Seventh Street SW., Washington, DC 20590
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Email: marc.owen@sls.dot.gov

RIN: 2135-AA19

Department of Transportation (DOT)

Prerule Stage

Research and Special Programs Administration (RSPA)

2309. • ENHANCING RAIL TRANSPORTATION SECURITY OF TOXIC BY INHALATION MATERIALS

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

Legal Authority: 49 USC 5101-5127

CFR Citation: 49 CFR 172-174; 49 CFR 179

Legal Deadline: None

Abstract: The Department of Transportation and the Department of Homeland Security are examining the need for enhanced security requirements for the rail transportation of hazardous materials that are toxic by inhalation. The two departments are seeking comments on the feasibility of

initiating specific security enhancements and the potential costs and benefits of doing so. Security measures being considered include improvements to security plans, modification of methods used to identify shipments, enhanced requirements for temporary storage, strengthened tank car integrity, and implementation of tracking and communication systems.

Timetable:

Action	Date	FR Cite
Request for Comments	06/00/04	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

URL For More Information: dms.dot.gov

URL For Public Comments: dms.dot.gov

Agency Contact: Susan Gorsky, Senior Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-8553
Email: rules@rspa.dot.gov

RIN: 2137-AE02

Department of Transportation (DOT)

Proposed Rule Stage

Research and Special Programs Administration (RSPA)

2310. PIPELINE SAFETY: GAS GATHERING LINE DEFINITION

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 60101 to 60125

CFR Citation: 49 CFR 192

Legal Deadline: Final, Statutory, October 24, 1994.

Abstract: The existing definition of "gas gathering line" and "regulated gathering line" would be clearly defined to eliminate confusion in distinguishing these pipelines from transmission lines in rural areas. The

costs should be minimal since the definition will conform to prevailing practices in government and industry.

Timetable:

Action	Date	FR Cite
NPRM	09/25/91	56 FR 48505

DOT—RSPA

Proposed Rule Stage

Action	Date	FR Cite
Request for Comments	03/11/99	64 FR 12147
Electronic Public Meeting	04/13/99	64 FR 12147
Extension of Comment Period	04/30/99	64 FR 23256
Comment Period Ends NPRM	07/07/99 12/00/04	64 FR 23256

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** Docket No. RSPA-98-4868 (Formerly PS-122).**ANALYSIS:** Regulatory Evaluation, 09/25/91, 56 FR 48505**Agency Contact:** Fred Joyner, Senior Engineer, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-3530**RIN:** 2137-AB15**2311. SAFEGUARDING FOOD FROM CONTAMINATION DURING TRANSPORTATION****Priority:** Other Significant**Legal Authority:** 49 USC 5701 to 5714**CFR Citation:** 49 CFR 1**Legal Deadline:** Final, Statutory, August 1, 1991.**Abstract:** The Sanitary Food Transportation Act of 1990 (49 USC 5701 et seq.) requires the Secretary of Transportation, in consultation with the Secretaries of Agriculture and Health and Human Services and the Administrator of the Environmental Protection Agency, to issue regulations concerning the transportation of food, food additives, drugs, devices, and cosmetics in motor and rail vehicles also used to transport nonfood products that could pose an unreasonable danger to human or animal health when so transported. This rulemaking will implement the statutory requirements. This rulemaking is significant because of substantial public and congressional interest.**Timetable:**

Action	Date	FR Cite
ANPRM	02/20/91	56 FR 6934
ANPRM Comment Period Extended to	03/21/91	56 FR 11982
	04/29/1991	

Action	Date	FR Cite
NPRM	05/21/93	58 FR 29698
Notice of Public Hearing	05/21/93	58 FR 29698
NPRM Comment Period End	10/18/93	
Supplemental NPRM	07/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:** None**Additional Information:** ANALYSIS: Regulatory Evaluation, 05/21/93, 58 FR 29698**Agency Contact:** Helen L. Engrum, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-8553
Email: rules@rspa.dot.gov**RIN:** 2137-AC00**2312. HAZARDOUS MATERIALS: REVISION OF REQUIREMENTS FOR CARRIAGE BY AIRCRAFT****Priority:** Substantive, Nonsignificant**Legal Authority:** 48 USC 5101 to 5127**CFR Citation:** 49 CFR 175**Legal Deadline:** None**Abstract:** Part 175 is being revised and rewritten in order to simplify and clarify the requirements, further align them with the international requirements (ICAO) and eliminate obsolete requirements.**Timetable:**

Action	Date	FR Cite
ANPRM	02/26/02	67 FR 8769
ANPRM; Extension of Comment Period'	05/13/02	67 FR 32002
ANPRM Comment Period End	05/31/02	
ANPRM; Extension Comment Period End	09/30/02	
NPRM	07/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** Organizations, Businesses, Governmental Jurisdictions**Government Levels Affected:** None**Additional Information:** Docket No. HM-228; RSPA-02-11654.**Agency Contact:** Deborah Boothe, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-8553
Email: rules@rspa.dot.gov
RIN: 2137-AD18**2313. HAZARDOUS MATERIALS SAFETY: TRANSPORTATION OF OXYGEN CYLINDERS AND OXYGEN GENERATORS ABOARD AIRCRAFT****Priority:** Other Significant**Legal Authority:** 49 USC 5101 to 5127**CFR Citation:** 49 CFR 172; 49 CFR 175**Legal Deadline:** None**Abstract:** RSPA proposes to amend the Hazardous Materials Regulations to require oxygen cylinders and oxygen generators, when transported aboard aircraft, to be packed in an outer packaging that meets prescribed thermal and heat resistance requirements. These requirements will increase the level of safety associated with transportation of oxidizing gases by air. This rule has no impact on the use of passenger-owned oxygen cylinders. This rule is significant due to public interest.**Timetable:**

Action	Date	FR Cite
NPRM	06/06/04	69 FR 25470
NPRM Comment Period End	08/13/04	
Final Action	12/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Undetermined**Additional Information:** HM Docket: HM-224B. A separate rulemaking addressing the use of passenger-owned cylinders of oxygen during a flight is under RIN 2105-AC29. Previously titled Hazardous Materials Safety: Transportation of Oxygen Cylinders on Aircraft.**Agency Contact:** John A. Gale, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW, Washington, DC 20590
Phone: 202 366-8553

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Email: rules@rspa.dot.gov

RIN: 2137-AD33

2314. HAZARDOUS MATERIALS: SAFETY REQUIREMENTS FOR EXTERNAL PRODUCT PIPING ON CARGO TANKS TRANSPORTING FLAMMABLE LIQUIDS

Priority: Other Significant

Legal Authority: 49 USC 5101 to 5127

CFR Citation: 49 CFR 173; 49 CFR 180

Legal Deadline: None

Abstract: This rulemaking addresses requirements to reduce the risks associated with the retention of flammable liquid in unprotected product piping on a cargo tank motor vehicle during transportation (wetlines). It responds to an NTSB recommendation. It is significant because of industry concerns about its cost implications.

Timetable:

Action	Date	FR Cite
ANPRM	02/10/03	68 FR 6689
ANPRM Comment Period End	06/10/03	
NPRM	09/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: HM Docket: HM-213B; RSPA-99-6223.

Agency Contact: Michael Stevens, Transportation Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-8553
Email: rules@rspa.dot.gov

RIN: 2137-AD36

2315. PIPELINE SAFETY: ANNUAL UPDATE OF STANDARDS INCORPORATED BY REFERENCE

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 5103, 60102, 60103, 60104, 60108, 60109, 60110, 60113, and 60118

CFR Citation: 49 CFR 191; 49 CFR 193; 49 CFR 195

Legal Deadline: None

Abstract: More than 70 voluntary consensus technical standards are incorporated by reference in the

Federal gas pipeline, hazardous liquid pipeline, and liquefied natural gas (LNG) safety regulations. The Office of Pipeline Safety will propose to incorporate updated standards early in each calendar year.

Timetable:

Action	Date	FR Cite
NPRM	08/00/04	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: Docket No. RSPA-02-11457.

Agency Contact: Richard D. Huriaux, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-4565

RIN: 2137-AD68

2316. HAZARDOUS MATERIALS REGULATIONS: ALUMINUM CYLINDERS—REVISED QUALIFICATION AND USE CRITERIA FOR THE DOT 3 AL CYLINDER MADE OF ALUMINUM ALLOY 6351-TG

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 5101 to 5127

CFR Citation: 49 CFR 173

Legal Deadline: None

Abstract: The purpose of this rulemaking initiative is to minimize personal injury during the filling process and adopt a standard for early detection of sustained load cracking in order to control the risk of the cylinder rupturing.

Timetable:

Action	Date	FR Cite
NPRM	09/10/03	68 FR 53314
Supplemental NPRM	12/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Docket No. HM-220

Agency Contact: Charles E. Betts, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-8553

Email: rules@rspa.dot.gov

RIN: 2137-AD78

2317. HAZARDOUS MATERIALS: MISCELLANEOUS AMENDMENTS

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

Legal Authority: 49 USC 5101 to 5127

CFR Citation: 49 CFR 171 to 180

Legal Deadline: None

Abstract: Miscellaneous amendments to HMR based on petitions for rulemaking and RSPA initiative, including updated incorporation by reference, revised definitions, revisions to the Hazardous Materials Table, and clarifications of certain existing requirements.

Timetable:

Action	Date	FR Cite
NPRM	07/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Docket HM-218C.

Agency Contact: Gigi L. Corbin, Transportation Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW, Washington, DC 20590
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Fax: 202 366-3012
Email: rules@rspa.dot.gov

RIN: 2137-AD87

2318. HAZARDOUS MATERIALS: REQUIREMENTS FOR LIGHTERS AND LIGHTER REFILLS

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

Legal Authority: 49 USC 5101 to 5127

CFR Citation: 49 CFR 171 to 173; 49 CFR 175

Legal Deadline: None

Abstract: RSPA proposes to make substantial amendments to requirements in hazardous materials regulations for the approval, examination, testing, and transportation of lighters and lighter refills. The

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current regulations date back 50 years and do not adequately address current manufacturing or transportation conditions.

Timetable:

Action	Date	FR Cite
NPRM	06/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** Docket HM-237.

Agency Contact: Michael Stevens, Transportation Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-8553
Email: rules@rspa.dot.gov

RIN: 2137-AD88**2319. • HAZARDOUS MATERIALS: MISCELLANEOUS PACKAGING AMENDMENTS**

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

Legal Authority: 49 USC 5101 to 5127**CFR Citation:** 49 CFR 171 to 173; 49 CFR 178**Legal Deadline:** None

Abstract: This rulemaking would revise the specification requirements for non-bulk packagings and portable tanks to address issues raised through enforcement actions and requests for clarification of the regulations by packaging manufacturers, third-party labs, and shippers. The proposals would address packaging closures, design modifications that may or may not require recertification, and specific packaging requirements for air shipments.

Timetable:

Action	Date	FR Cite
NPRM	12/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Docket HM-231.

Agency Contact: Michael Stevens, Transportation Specialist, Department

of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-8553
Email: rules@rspa.dot.gov

RIN: 2137-AD89**2320. • HAZARDOUS MATERIALS: SECURITY REQUIREMENTS FOR OFFERORS AND TRANSPORTERS**

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

Legal Authority: 49 USC 5101-5127**CFR Citation:** 49 CFR Part 172**Legal Deadline:** None

Abstract: This rulemaking would except shippers and carriers of certain types and quantities of hazardous materials from security plan requirements.

Timetable:

Action	Date	FR Cite
NPRM	09/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** None**Additional Information:** Docket HM-232D

Agency Contact: Susan Gorsky, Senior Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-8553
Email: rules@rspa.dot.gov

RIN: 2137-AD90**2321. • HAZARDOUS MATERIALS: INFECTIOUS SUBSTANCES; HARMONIZATION WITH UN RECOMMENDATIONS**

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

Legal Authority: 49 USC 5101 et seq**CFR Citation:** 49 CFR 171 to 173; 49 CFR 178**Legal Deadline:** None

Abstract: This rulemaking would amend the Hazardous Materials Regulations (HMR) to harmonize the current requirements for the Transport of Dangerous Goods with UN standards

which revised the classification criteria for infectious substances, based on risk evaluations conducted by the World Health Organization and U.S. Centers for Disease Control and Prevention, and relax transportation requirements for certain infectious substances based on the level of risk associated with their transportation.

Timetable:

Action	Date	FR Cite
NPRM	12/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** HM-226A Proposes Changes to HMR

Agency Contact: Eileen Edmonson, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590
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RIN: 2137-AD93**2322. • PIPELINE SAFETY: AMENDMENTS TO GAS AND HAZARDOUS LIQUID PIPELINE OPERATOR PERSONNEL QUALIFICATION PROGRAM****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 60101 et seq**CFR Citation:** 49 CFR 192; 49 CFR 195**Legal Deadline:** None

Abstract: This rulemaking would require pipeline operators to update their existing written operator qualification program for individuals performing covered tasks on pipeline facilities. The update reflects mandates promulgated into law through the Pipeline Safety Act of 2002, as well as concerns raised by the National Transportation Safety Board (NTSB), the pipeline safety advisory committees, and the general public. Regulations for training, reevaluation intervals, and modification of written plans are addressed to ensure a qualified work force and to reduce the probability of an incident caused by human error. This rule would provide further enhancement to the operator personnel qualification program which has been in existence since the August 1999 final rule.

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Timetable:

Action	Date	FR Cite
NPRM	06/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses**Government Levels Affected:** None**Additional Information:** Docket No. RSPA-03-15734

Agency Contact: Stanley Kastanas, Programs Administration, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590
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Email: stanley.kastanas@rspa.dot.gov

RIN: 2137-AD95

2323. • PIPELINE SAFETY: IMPLEMENTATION OF EFFECTIVE PUBLIC INFORMATION PROGRAMS**Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 60101 et seq**CFR Citation:** 49 CFR 192; 49 CFR 195**Legal Deadline:** None

Abstract: This rulemaking would require pipeline operators to develop and implement effective public education programs, based on the American Petroleum Institute's (API) Recommended Practice (RP) II62, Public Awareness Programs for Pipeline Operators. The purpose is to enhance awareness of pipeline safety and protection through communications with the affected public, local and state emergency response and planning officials, local public officials and governing councils, and excavators.

Timetable:

Action	Date	FR Cite
NPRM	06/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses**Government Levels Affected:** None**Additional Information:** Docket No. RSPA-03-15852.

Agency Contact: Jeff Wiese, Programs Administration, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590
Phone: 202 366-2036
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Email: jeff.wiese@rspa.dot.gov

RIN: 2137-AD96

2324. • PIPELINE SAFETY: STANDARDS AND DIRECT ASSESSMENT OF GAS AND HAZARDOUS LIQUID PIPELINES**Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 60101**CFR Citation:** 49 CFR 195**Legal Deadline:** None

Abstract: This rulemaking would require pipeline operators to follow certain standards when they use direct assessment to evaluate the effects of corrosion on buried onshore gas and hazardous liquid pipelines. The standards, which are already in effect for gas transmission lines in high-consequence areas, involve processes of data collection, indirect inspection, direct examination, and evaluation. Congress has directed DOT to prescribe standards for inspection of pipelines by direct assessment. The proposed regulations should advance the use of direct assessment as a method of managing the impact of corrosion on buried onshore pipelines.

Timetable:

Action	Date	FR Cite
NPRM	06/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses**Government Levels Affected:** None**Additional Information:** Docket No. RSPA-04-16855

Agency Contact: Lucian M. Furrow, Transportation Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590
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RIN: 2137-AD97

2325. • PIPELINE SAFETY: PROTECTING UNUSUALLY SENSITIVE AREAS AND COMMERCIALY NAVIGABLE WATERWAYS FROM SPILLS BY UNREGULATED GATHERING AND LOW-STRESS PIPELINES**Priority:** Substantive, Nonsignificant**Unfunded Mandates:** Undetermined**Legal Authority:** 49 USC 60101 to 60125**CFR Citation:** 49 CFR 195**Legal Deadline:** None

Abstract: Onshore rural gathering lines and certain onshore low-stress pipelines are exempt from RSPA's safety regulations for hazardous liquid pipelines. In response to congressional directives, this action would establish safety standards for any of these pipelines that could affect areas unusually sensitive to environmental damage or commercially navigable waterways. This rule would provide clarity to the regulatory definitions and would ensure that pipelines that could cause an impact on an unusually sensitive area are regulated.

Timetable:

Action	Date	FR Cite
NPRM	10/00/04	

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: Businesses**Government Levels Affected:** None**Energy Effects:** Statement of Energy Effects planned as required by Executive Order 13211.**Additional Information:** Docket No. RSPA-03-15864.

Agency Contact: Dewitt Burdeaux, Pipeline Security Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventy Street, SW, Washington, DC 20590
Phone: 202 366-7220

RIN: 2137-AD98

2326. • HAZARDOUS MATERIALS: REVISION AND CONSOLIDATION OF REQUIREMENTS FOR THE AUTHORIZATION FOR USE OF INTERNATIONAL STANDARDS**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 49 CFR 5101 to 5127**CFR Citation:** 49 CFR 171 to 172**Legal Deadline:** None

Abstract: This rulemaking would revise 49 CFR by consolidating and revising the requirements authorizing the use of international standards. The NPRM would provide for easier understanding of the restrictions and limitations for

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the authorization to use international standards and insure that an acceptable level of safety is maintained when transporting hazardous materials in accordance with the authorized international standards.

Timetable:

Action	Date	FR Cite
NPRM	07/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** HM Docket: HM-215**Agency Contact:** Joan McIntyre, Transportation Regulations Specialist,

Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-8553

Email: rules@rspa.dot.gov

RIN: 2137-AE01

Department of Transportation (DOT)

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Research and Special Programs Administration (RSPA)

2327. PIPELINE SAFETY: PASSAGE OF INTERNAL INSPECTION DEVICES**Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 60101 to 60125**CFR Citation:** 49 CFR 192; 49 CFR 195**Legal Deadline:** None

Abstract: In 1994, RSPA amended its gas and hazardous liquid pipeline safety regulations to require that operators design and construct certain pipelines to accommodate the passage of instrumented internal inspection devices, or smart pigs. In response to petitions for reconsideration, RSPA proposed to modify requirements that apply to offshore transmission lines and that require removal of smart pig impediments from transmission line sections. In addition, RSPA suspended enforcement of the rule on offshore transmission lines and on onshore transmission line sections except replacement parts. Final rulemaking action will resolve issues raised by the petitions and public comments on the proposed modifications, and end the suspension of enforcement.

Timetable:

Action	Date	FR Cite
NPRM	11/20/92	57 FR 54745
NPRM Comment Period End	01/19/93	
Final Rule	04/12/94	59 FR 17275
NPRM	09/30/94	59 FR 49896
NPRM Correction	10/19/94	59 FR 52863
Limited Suspension of Enforcement	02/07/95	60 FR 7133
Final Action	09/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** Docket No. PS-126. The integrity testing proposal in

Proposals for Pipeline Safety, RIN 2137-AB27, was consolidated, in part, into this rulemaking.

ANALYSIS: Regulatory Evaluation, 04/12/94, 59 FR 17275

Agency Contact: B. Furrow, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW, Washington, DC 20590-0001
Phone: 202 366-4559

RIN: 2137-AB71**2328. PIPELINE SAFETY: RESPONSE PLANS FOR ONSHORE OIL PIPELINES****Priority:** Other Significant**Legal Authority:** 49 USC 60101 to 60125**CFR Citation:** 49 CFR 194**Legal Deadline:** Final, Statutory, August 18, 1992.

Abstract: The interim final rule established regulations requiring response plans for certain onshore oil pipelines. Those regulations are mandated by the Federal Water Pollution Control Act as amended by the Oil Pollution Act of 1990 (Pub. L. 101-380). Pipeline operators filed response plans under this interim final rule, and numerous tabletop exercises and area exercises have been conducted to validate the planning process. The purpose of these requirements is to improve response capabilities and minimize the impact of onshore oil spills from pipelines. This rule is significant because of substantial public and congressional interest. A final rule incorporating the comments will be published in December 2003.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/05/93	58 FR 244
Interim Final Rule Comment Period End	02/19/93	
Notice of Public Meeting	06/15/94	59 FR 30755
Notice of Public Hearing	11/29/96	61 FR 60679
Correction	01/21/97	62 FR 2989
Final Rule	08/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Docket No. PS-130.

ANALYSIS: Regulatory Evaluation, 01/05/93, 58 FR 244

Agency Contact: L.E. Herrick, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590
Phone: 202 366-5523

RIN: 2137-AC30**2329. PIPELINE SAFETY: PERIODIC UNDERWATER INSPECTIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 60101 to 60125**CFR Citation:** 49 CFR 192; 49 CFR 195**Legal Deadline:** Final, Statutory, October 24, 1995.

Abstract: This action would require operators of natural gas and hazardous liquid pipelines to conduct periodic underwater inspections of offshore pipelines and those in navigable waterways. This action would also define what constitutes an exposed

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underwater pipeline and what constitutes a hazard to navigation.

Timetable:

Action	Date	FR Cite
NPRM	12/12/03	68 FR 69368
Final Rule	06/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Docket No. RSPA-97-3001. This action could include requirements for the reburial of exposed pipelines. Under an OPS contract, Texas A&M University completed a study of the issues related to burial depth and inspection requirements for underwater pipelines.

An NPRM is being drafted that will incorporate the Texas A&M recommendation for a risk-based approach.

Agency Contact: L.E. Herrick, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590
Phone: 202 366-5523

RIN: 2137-AC54

2330. APPLICABILITY OF THE HAZARDOUS MATERIALS REGULATIONS TO LOADING, UNLOADING, AND STORAGE

Priority: Other Significant

Legal Authority: 49 USC 5101 to 5127

CFR Citation: 49 CFR 106 to 107; 49 CFR 171 to 180

Legal Deadline: None

Abstract: This rulemaking makes revisions to better define the applicability of the Federal Hazardous Materials Regulations (HMR) in order to clarify the relationship among Federal, State, local, and tribal agencies in the regulation of hazardous materials. Under circumstances specified in Federal statutes, the regulations of other Federal agencies (EPA and OSHA) and non-Federal governments (States, localities, and Indian tribes) must be consistent with or defer to RSPA's regulation of the transportation of hazardous materials in commerce. However, other Federal and non-Federal requirements are generally not limited where hazardous materials are not in transportation. Activities

relating to loading, unloading, and storage of hazardous materials have become areas of particular uncertainty and concern to both industry and non-Federal governments. This action is significant because of the substantial public interest in reducing uncertainty and avoiding conflicting regulations.

Timetable:

Action	Date	FR Cite
ANPRM	07/29/96	61 FR 39522
ANPRM Comment Period End	11/30/96	
SANPRM	04/27/99	64 FR 22718
SANPRM Comment Period End Extended to 08/25/1999	07/26/99	
NPRM	06/14/01	66 FR 32420
NPRM Comment Period Extended to 08/02/2001 & Public Meetings	08/02/01	66 FR 40174
NPRM Comment Period End	11/30/01	
Final Action	10/30/03	68 FR 61906
Final Action; Delay of Effective Date	05/28/04	69 FR 30588
Final Action Effective	01/01/05	
Final Rule Response to Appeals	09/00/04	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal, Local, State, Tribal

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

Additional Information: Docket No. HM-223; RSPA-98-4952. As a result of comments received to the ANPRM, we have upgraded this rulemaking to significant.

Agency Contact: Susan Gorsky, Senior Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-8553
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RIN: 2137-AC68

2331. HAZARDOUS MATERIALS: REVISIONS TO INCIDENT REPORTING REQUIREMENTS AND DETAILED HAZARDOUS MATERIALS INCIDENT REPORT DOT FORM

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 5105 to 5127

CFR Citation: 49 CFR 171

Legal Deadline: None

Abstract: This rulemaking revises the hazardous materials incident reporting regulations in 49 CFR part 171, including the hazardous materials incident report (form 5800.1). The goal of this rulemaking is to simplify, update and review the requirements while enhancing the ability of the Research and Special Programs Administration and the DOT modal administrations to gather information vital to increasing safety of transporting hazardous materials.

Timetable:

Action	Date	FR Cite
ANPRM	03/23/99	64 FR 13943
ANPRM Comment Period End	06/21/99	
NPRM	07/03/01	66 FR 35155
NPRM Comment Period End	10/01/01	
Final Action	12/03/03	68 FR 67746
Final Rule	06/00/04	
Response to Appeals, Corrections	07/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal

Additional Information: Docket No. HM-229; RSPA-99-5013.

Agency Contact: T. Glenn Foster, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-8553
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RIN: 2137-AD21

2332. HAZARDOUS MATERIALS: HAZARD COMMUNICATION REQUIREMENTS—PETITIONS FOR RULEMAKING AND MISCELLANEOUS AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 5101 to 5127

CFR Citation: 49 CFR 171; 49 CFR 172

Legal Deadline: None

Abstract: This rulemaking action would amend the Hazardous Materials Regulations by improving the hazard communication requirements to better

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identify hazardous materials in transportation, in response to several petitions for rulemaking and RSPA initiatives. The primary areas addressed are shipping papers, marking, labeling, and placarding requirements. This action is intended to improve safety for transportation workers, emergency responders, and the public. This regulatory action would simplify, clarify, correct, or provide relief from certain regulatory requirements.

Timetable:

Action	Date	FR Cite
NPRM	06/11/03	68 FR 34880
NPRM Comment Period End	08/11/03	
Final Rule	09/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Docket No. HM-206B; RSPA-03-15327.

Agency Contact: Helen L. Engrum, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-8553

Email: rules@rspa.dot.gov

RIN: 2137-AD28

2333. PIPELINE SAFETY: PERIODIC UPDATES TO PIPELINE SAFETY REQUIREMENTS (1999)

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 60101 et seq

CFR Citation: 49 CFR 190; 49 CFR 191; 49 CFR 192; 49 CFR 195

Legal Deadline: None

Abstract: This periodic update revises and updates the pipeline safety regulations to provide clarity and remove unnecessary burdens to the regulated pipeline community. Revisions include updated references to voluntary specifications and standards incorporated by reference in the pipeline safety regulations, and various clarifications and grammatical corrections. These updates reflect the most recent editions of each specification and standard incorporated by reference. These updates enable pipeline operators to utilize current technology, materials, and practices,

thereby reducing costs and enhancing economic growth.

Timetable:

Action	Date	FR Cite
NPRM	03/22/00	65 FR 15290
NPRM Comment Period End	05/22/00	
Final Rule	06/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Docket No. RSPA-99-6106

Agency Contact: Richard D. Huriaux, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-4565

RIN: 2137-AD35

2334. HAZARDOUS MATERIALS: TRANSPORTATION OF LITHIUM BATTERIES

Priority: Other Significant

Legal Authority: 49 USC 5101 to 5127

CFR Citation: 49 CFR 172 to 175

Legal Deadline: None

Abstract: This rulemaking would revise requirements applicable to lithium batteries for consistency with international requirements. This rulemaking also responds to NTSB recommendations.

Timetable:

Action	Date	FR Cite
NPRM	04/02/02	67 FR 15510
NPRM Comment Period End	06/14/02	
To Be Determined	12/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: HM Docket: HM-224C; RSPA-02-11989

Agency Contact: John A. Gale, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590

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RIN: 2137-AD48

2335. HAZARDOUS MATERIALS: REVISION OF THE REQUIREMENTS FOR HAZARDOUS WASTE MANIFESTS

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 5101 to 5127

CFR Citation: 49 CFR 172

Legal Deadline: None

Abstract: The final rule would update the Hazardous Waste Manifest requirements for alignment with Environmental Protection Agency's changes, including the use of electronic versions of the Hazardous Waste Manifest and electronic signatures.

Timetable:

Action	Date	FR Cite
NPRM	08/08/01	66 FR 41490
NPRM Comment Period End	10/04/01	
Final Action	12/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: HM Docket: HM-206E; RSPA-01-10292.

Agency Contact: Darrell Relerford, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-8553

Email: rules@rspa.dot.gov

RIN: 2137-AD50

2336. PIPELINE SAFETY: PIPELINE INTEGRITY MANAGEMENT IN HIGH-CONSEQUENCE AREAS (GAS TRANSMISSION PIPELINE OPERATORS)

Priority: Other Significant. Major under 5 USC 801.

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

Legal Authority: 49 USC 5121; 49 USC 60102 to 60104; 49 USC 60108, 60109, 60117, 60118, 60124; 49 CFR 1.53

CFR Citation: 49 CFR 192

Legal Deadline: Final, Statutory, December 17, 2003.

A law passed in 2002 requires OPS to issue regulations by December 17, 2003.

Abstract: An October 21, 1999, notice announced a public meeting to consider the need for additional safety and environmental regulations for gas transmission lines, hazardous liquid pipelines, and distribution pipelines in high-density population areas, commercially navigable waterways, and areas unusually sensitive to environmental damage. The public meeting was held on November 18-19, 1999, in Herndon, Virginia. The meeting was to determine the extent to which operators now have integrity management programs, to explore effective ways to promote their development and implementation by all operators, and to discuss mechanisms to confirm the adequacy of such operator-developed programs. Participants in the meeting discussed a practical definition of high-consequence areas, as well as the need, if any, for increased inspection, enhanced damage prevention, improved emergency response, and other measures to prevent and mitigate pipeline leaks and ruptures in these areas. Comments from the public were due by January 17, 2000.

A final rule was published to require validation/testing of the integrity of certain hazardous liquid pipelines in high-consequence areas (RIN 2137-AD45).

Work on a similar gas rule is almost complete. A final rule defining high consequence areas for gas transmission pipelines was issued on August 6, 2002 (67 FR 50824). A notice of proposed rulemaking proposing integrity management requirements for transmission pipelines in the high consequence areas was issued on January 28, 2003 (68 FR 4278).

Timetable:

Action	Date	FR Cite
NPRM – Integrity Management Program	01/28/03	68 FR 4278
Final Rule	12/15/03	68 FR 69778
Correction	04/06/04	69 FR 18228
Correction	06/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State

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

Additional Information: Docket No. RSPA-00-7666.

Agency Contact: Mike Israni, General Engineer, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-4571
Email: mike.israni@rpsa.dot.gov

RIN: 2137-AD54

2337. PIPELINE SAFETY: HAZARDOUS LIQUID PIPELINE OPERATOR ANNUAL REPORTS

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 5103; 49 USC 60102; 49 USC 60104; 49 USC 60108; 49 USC 60109; 49 USC 60118; 49 CFR 1.53

CFR Citation: 49 CFR 195

Legal Deadline: None

Abstract: This rulemaking would amend the pipeline safety regulations to require hazardous liquid pipeline operators to submit a Hazardous Liquid Operator Annual Report. The information on the hazardous liquid operator annual report form is needed to normalize hazardous liquid accident information for identifying safety trends in the accident data. The inventory information that the annual report would provide addresses a major deficiency in the current information collection. Through a separate rulemaking, RSPA is also improving the hazardous liquid accident form by expanding “failure cause” categories and collecting more detailed information about the impact of failed pipelines. Together with the improved hazardous liquid accident report, the proposed Hazardous Liquid Operator Annual Report will address the concerns of RSPA/OPS, the National Transportation Safety Board (NTSB), Congress, and others, increase the overall usefulness of the data, and make analysis more efficient and meaningful.

Timetable:

Action	Date	FR Cite
NPRM	07/26/02	67 FR 48844
Other/NPRM	11/22/02	67 FR 59045
Comment Period Extended		
ICB Published	05/27/03	68 FR 28884
Final Rule	01/06/04	69 FR 537
Correction	06/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Docket No. RSPA-01-9832.

Agency Contact: Roger Little, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590

Phone: 202 366-4569

RIN: 2137-AD59

2338. PIPELINE SAFETY: TECHNICAL REVISIONS TO AGENCY PROCEDURES

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 190 60101 et seq

CFR Citation: 49 CFR 190

Legal Deadline: None

Abstract: This rulemaking action makes minor technical changes to internet and mailing addresses, docket procedures, titles, section numbers, and penalty amounts, among other things.

Timetable:

Action	Date	FR Cite
Final Action	06/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Docket No. RSPA-02-14136.

Agency Contact: Lawrence White, Attorney Advisor, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590
Phone: 202 366-4400
Fax: 292 366-7041

RIN: 2137-AD77

2339. HAZARDOUS MATERIALS: EXEMPTIONS INTO REGULATIONS

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

Legal Authority: 49 USC 5101 to 5127

CFR Citation: 49 CFR 171; 49 CFR 173 and 174; 49 CFR 176 and 177

Legal Deadline: None

DOT—RSPA

Final Rule Stage

Abstract: This rule proposes to incorporate into the HMR certain widely used and safety-proven exemptions.

Timetable:

Action	Date	FR Cite
NPRM	12/04/03	68 FR 67821
Final Rule	09/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: HM Docket: HM-233

URL For More Information:

rules@rspa.dot.gov

Agency Contact: Gigi L. Corbin, Transportation Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW, Washington, DC 20590
Phone: 202 366-8553
Fax: 202 366-3012
Email: rules@rspa.dot.gov

RIN: 2137-AD84

2340. • HAZARDOUS MATERIALS: HARMONIZATION WITH THE UN RECOMMENDATIONS, INTERNATIONAL MARITIME DANGEROUS GOODS CODE, AND INT'L. CIVIL AVIATION ORGANIZATION'S TECHNICAL INSTRUCTIONS; RESPONSE TO APPEALS AND CO

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 5101 to 5127

CFR Citation: 49 CFR 171 to 173; 49 CFR 175 176; 49 CFR 178; 49 CFR 180

Legal Deadline: None

Abstract: This final rule would respond to appeals to a July 31, 2003 final rule under Docket HM-215E. The responses are considered corrections and are favorable to the requests filed to the final rule published on 7/31/03 and also would make corrections to that rule.

Timetable:

Action	Date	FR Cite
Final Rule	06/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Docket HM-215E

Agency Contact: Joan McIntyre, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-8553
Email: rules@rspa.dot.gov
RIN: 2137-AD94

2341. • HAZARDOUS MATERIALS: EDITORIAL CORRECTIONS AND MISCELLANEOUS CLARIFICATIONS

Priority: Routine and Frequent

Legal Authority: 49 USC 5101 to 5127

CFR Citation: 49 CFR 171 to 173; 49 CFR 175 to 176; 49 CFR 178 to 179

Legal Deadline: None

Abstract: This final rule would correct editorial errors and enhance the clarity of certain provisions in the Hazardous Materials Regulations.

Timetable:

Action	Date	FR Cite
Final Action	09/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: HM Docket: HM-189W

Agency Contact: Darrell Relerford, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-8553
Email: rules@rspa.dot.gov
RIN: 2137-AD99

Department of Transportation (DOT)

Long-Term Actions

Research and Special Programs Administration (RSPA)

2342. HAZARDOUS MATERIALS: SECURITY REQUIREMENTS FOR MOTOR CARRIERS TRANSPORTING HAZARDOUS MATERIALS

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 5101 et seq; 49 USC 322; ...

CFR Citation: 49 CFR 397

Legal Deadline: None

Abstract: The Research and Special Programs Administration and the Federal Motor Carrier Safety Administration are examining the need for enhanced security requirements for motor carrier transportation of

hazardous materials. We asked for comments on the feasibility of specific security enhancements and the potential costs and benefits of deploying such enhancements.

Timetable:

Action	Date	FR Cite
ANPRM	07/16/02	67 FR 46622
ANPRM Comment	10/15/02	
Period End		
Next Action	Undetermined	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Undetermined

Federalism: Undetermined

Additional Information: Docket No. HM-232A. The Federal Motor Carrier Safety Administration is closing this rulemaking action under RINA 2136-AA71. Any further rulemaking will be addressed under RSPA RIN 2137-AD70.

Agency Contact: Susan Gorsky, Senior Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-8553
Email: rules@rspa.dot.gov

Related RIN: Split from 2126-AA71

RIN: 2137-AD70

Department of Transportation (DOT)
Research and Special Programs Administration (RSPA)

Completed Actions

**2343. HAZARDOUS MATERIALS:
CARGO TANK ROLLOVER
REQUIREMENTS**

Priority: Substantive, Nonsignificant

Unfunded Mandates: Undetermined

Legal Authority: 49 USC 5101 to 5127

CFR Citation: 49 CFR 178

Legal Deadline: None

Abstract: The purpose of this advance notice of proposed rulemaking is to request comments concerning the need, if any, for amending the Hazardous Materials Regulations with regard to standards for cargo tank rollover protection devices on specification DOT 406, 407, and 412 cargo tank motor vehicles.

Timetable:

Action	Date	FR Cite
ANPRM	11/16/99	64 FR 62161
ANPRM Comment Period End	05/15/00	
Withdrawal and Termination Notice	05/13/04	69 FR 26538

**Regulatory Flexibility Analysis
Required:** Undetermined

Government Levels Affected:
Undetermined

Additional Information: HM Docket: HM-213A; RSPA-99-5921. Based on comments received to the ANPRM, Federal Motor Carrier Safety Administration awarded a contract to review the UMTRI Study. The review is anticipated to be completed in 2004.

Agency Contact: Michael Stevens, Transportation Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-8553
Email: rules@rspa.dot.gov

RIN: 2137-AD34

**2344. HAZARDOUS MATERIALS:
ADOPTION OF LATEST IAEA AND
OTHER MISCELLANEOUS REVISIONS
AND CLARIFICATIONS**

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 5101 to 5127

CFR Citation: 49 CFR 171 to 180

Legal Deadline: None

Abstract: This rulemaking harmonizes the requirements for the packaging and transportation of Class 7 (radioactive) materials with the International Atomic Energy Agency (IAEA) regulations for

the safe transportation of radioactive material and the United Nations recommendations.

Timetable:

Action	Date	FR Cite
ANPRM	12/28/99	64 FR 72633
ANPRM Comment Period End	03/29/00	
ANPRM Comment Period Extended	03/01/00	65 FR 11028
ANPRM Comment Period End	06/29/00	
NPRM	04/30/02	67 FR 21328
NPRM Comment Period End	07/29/02	
Final Action	01/26/04	69 FR 3632

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: HM-230;
RSPA-99-6283.

Agency Contact: Charles E. Betts, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-8553
Email: rules@rspa.dot.gov

RIN: 2137-AD40

**2345. HAZARDOUS MATERIALS:
HARMONIZATION WITH THE UNITED
NATIONS RECOMMENDATIONS,
INTERNATIONAL MARITIME
DANGEROUS GOODS CODE, AND
INTERNATIONAL CIVIL AVIATION
ORGANIZATION TECHNICAL
INSTRUCTIONS**

Priority: Substantive, Nonsignificant

Unfunded Mandates: Undetermined

Legal Authority: 49 USC 5101 to 5127

CFR Citation: 49 CFR 171 to 180

Legal Deadline: None

Abstract: To amend the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to maintain alignment with international standards by incorporating numerous changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations and vessel stowage requirements.

Timetable:

Action	Date	FR Cite
NPRM	12/03/02	67 FR 72034

Action	Date	FR Cite
Effective Date; Incorporation by Reference	01/08/03	
Final Rule; Incorporation by Reference	01/08/03	68 FR 1013
Final Rule	07/31/03	68 FR 44992
Final Action Effective	10/01/03	
Final Action	10/06/03	68 FR 57629
Final Action Effective	10/01/03	
Final Rule; Extension of Compliance Date	04/19/04	69 FR 20831
Final Rule Effective	04/19/04	

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Docket HM-215E.

Agency Contact: Joan McIntyre, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-8553
Email: rules@rspa.dot.gov

RIN: 2137-AD66

**2346. HAZARDOUS MATERIALS:
REVISION TO PENALTY GUIDELINES**

Priority: Info./Admin./Other

Legal Authority: 49 USC 5101 et seq

CFR Citation: 49 CFR app A to subpart D

Legal Deadline: None

Abstract: This final rule will make revisions to RSPA's guidelines in appendix A to 49 CFR part 107, subpart D, which set forth policy and procedures for assessing civil penalties for violations of the Federal Hazardous Materials Transportation Law and the Hazardous Materials Regulations. This rule will add baseline penalty amounts for additional violations, adjust baseline penalty amounts for other violations, and state that RSPA now considers prior violations for 6 years rather than 5. In addition, this rule will correct a typographical error in the address to where the civil penalty payments must be sent and make editorial changes to procedural regulations for issuing administrative preemption determinations.

DOT—RSPA

Completed Actions

Timetable:

Action	Date	FR Cite
Final Action	09/08/03	68 FR 52844

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Frazer C. Hilder, Attorney, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-4400

RIN: 2137-AD71

2347. HAZARDOUS MATERIALS: ENHANCING SECURITY OF EXPLOSIVES TRANSPORTATION

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 5101 et seq

CFR Citation: 49 CFR 174; 49 CFR 175; 49 CFR 176; 49 CFR 177

Legal Deadline: None

Abstract: This rulemaking would incorporate requirements promulgated by the Transportation Security Administration concerning implementation of the Safe Explosives Act (title XI, subtitle C of the Homeland Security Act) into the Hazardous Materials Regulations.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/05/03	68 FR 23881
Interim Final Rule Effective	05/05/03	
Interim Final Rule Comment Period End	06/04/03	
Final Action	02/10/04	69 FR 6195

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Docket No. HM-232C

URL For More Information: rules@rspa.dot.gov

Agency Contact: Susan Gorsky, Senior Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-8553
Email: rules@rspa.dot.gov

RIN: 2137-AD79

2348. PIPELINE SAFETY: LIQUEFIED NATURAL GAS FACILITIES; AND UPDATING SAFETY STANDARDS

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 60101 et seq; 49 USC 5103

CFR Citation: 49 CFR 193

Legal Deadline: None

Abstract: This action will clarify the application of RSPA's safety standards for liquefied natural gas (LNG) facilities to operation, maintenance, and fire protection of certain existing facilities. In addition, it will revise standards that contain incorrect cross-references, make minor editorial changes to fire protection and training standards, require annual reviews of plans and procedures, and update references to National Fire Protection Association (NFPA) 59A, the LNG standard issued by the NFPA. These actions are needed to remove ambiguities, ensure that plans and procedures are up-to-date, and modernize references to NFPA 59A.

Timetable:

Action	Date	FR Cite
NPRM	05/01/03	68 FR 23272
Final Action	03/10/04	69 FR 11330

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Docket No. RSPA-03-14556

Agency Contact: L. M. Furrow, Regulations Manager, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-4559

RIN: 2137-AD80

2349. HAZARDOUS MATERIALS REGULATIONS: MATTER INCORPORATED BY REFERENCE

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

Legal Authority: 49 USC 5101 to 5127

CFR Citation: 49 CFR 171 to 173; 49 CFR 175 to 176; 49 CFR 178 to 179

Legal Deadline: None

Abstract: The final rule creates a standard format for expressing matters

incorporated by reference in the HMR. It also makes minor editorial corrections to improve the clarity of the HMR.

Timetable:

Action	Date	FR Cite
Final Action	12/31/03	68 FR 75734

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Docket Number RSPA-03-15574 (HM-189U)

URL For More Information: rules@rspa.dot.gov

URL For Public Comments: dms.dot.gov/

Agency Contact: Eileen Edmonson, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590
Phone: 202 366-8553

Email: rules@rspa.dot.gov

RIN: 2137-AD83

2350. HAZARDOUS MATERIALS: EDITORIAL CORRECTIONS AND MISCELLANEOUS CLARIFICATIONS

Priority: Substantive, Nonsignificant.

Major status under 5 USC 801 is undetermined.

Legal Authority: 49 USC 5101 to 5127

CFR Citation: 49 CFR 171 to 173; 49 CFR 175 to 176; 49 CFR 178 to 179

Legal Deadline: None

Abstract: This final rule corrects editorial errors and enhances the clarity of certain provisions in the hazardous materials regulations

Timetable:

Action	Date	FR Cite
Final Action	10/06/03	68 FR 57629

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: HM Docket: HM-189V

Agency Contact: Darrell Relerford, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration,

DOT—RSPA

Completed Actions

400 Seventh Street SW., Washington, DC 20590
 Phone: 202 366-8553
 Email: rules@rspa.dot.gov
 RIN: 2137-AD85

2351. HAZARDOUS MATERIALS: SUSPENSION OF APPROVAL PROGRAM FOR CERTAIN PERSONS PERFORMING VISUAL REQUALIFICATION OF DOT SPECIFICATION CYLINDERS

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

Legal Authority: 49 USC 5107 to 5127

CFR Citation: 49 CFR 107; 49 CFR 180

Legal Deadline: None

Abstract: In this final rule, RSPA is suspending until further notice regulations to require certain persons who perform visual cylinder requalifications under 49 CFR 180.209(g) of the Hazardous Materials Regulations to obtain approval from RSPA. The requirements were adopted in a final rule published August 8, 2002 (67 FR 51625; RIN 2137-AD58). This action is necessary to address complexities concerning implementation of the approval requirements.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/08/02	67 FR 51626
Final Rule	05/08/03	68 FR 24653

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: HM-220D; RSPA-01-10373.

Agency Contact: Sandra Webb, Transportation Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590
 Phone: 202 366-8553
 Fax: 202 366-3012
 Email: rules@rspa.dot.gov

Related RIN: Related to 2137-AD58

RIN: 2137-AD86

**Department of Transportation (DOT)
 Maritime Administration (MARAD)**

Proposed Rule Stage

2352. CARGO PREFERENCE REGULATIONS—CARRIAGE OF OCEANGOING CARGO GENERATED BY GOVERNMENT PROGRAMS

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

Legal Authority: 46 app USC 1101, 1114(b), 1122(d), 1241; 49 CFR 1.66

CFR Citation: 46 CFR 381

Legal Deadline: None

Abstract: The Maritime Administration (MARAD) proposes to update and clarify the regulations at 46 CFR part 381. Part 381 implements the requirements of section 901 of the Merchant Marine Act, 1936, as amended (the Act). The Act requires that a specified percentage of ocean-going cargo generated by Government programs must be transported in U.S.-flag, privately-owned, commercial vessels computed separately by vessel type. MARAD is issuing this rulemaking to seek public comment on the proper interpretation of the Act regarding vessel types, to clarify the meaning of certain provisions, and to incorporate provisions related to Pub. L. 105-383 prohibiting the use of substandard vessels. This rule is significant because of public interest.

Timetable:

Action	Date	FR Cite
ANPRM	01/28/99	64 FR 4382

Action	Date	FR Cite
ANPRM Comment Period End	03/29/99	
NPRM	11/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Thomas W. Harrelson, Director, Office of Cargo Preference, Room 8118, Department of Transportation, Maritime Administration, 400 Seventh Street SW., Washington, DC 20590
 Phone: 202 366-5515

RIN: 2133-AB37

2353. APPLICATION FEE FOR ADMINISTRATIVE WAIVERS OF THE COASTWISE TRADE LAWS

Priority: Substantive, Nonsignificant

Legal Authority: 46 app USC 1114(b); 49 USC 322; 46 USC 12106 note; PL 105-383; 49 CFR 1.66(c)

CFR Citation: 46 CFR 388

Legal Deadline: None

Abstract: Part 388 of 46 CFR prescribes regulations to waive the U.S.-build requirements of the Passenger Vessel Services Act and Section 27 of the Merchant Marine Act, 1920, for eligible vessels to be documented with the appropriate endorsement for employment in the coastwise trade as

passenger vessels or uninspected passenger vessels authorized to carry no more than 12 passengers for hire. The Maritime Administration proposes to increase the application fee for administrative waiver of the coastwise trade laws from \$300 to \$500. The increased application fee would closer align the application fee with the actual cost of processing each waiver application.

Timetable:

Action	Date	FR Cite
NPRM	09/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Michael Hokana, Department of Transportation, Maritime Administration, MAR-830 Room 7201, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-0760

Email: michael.hokana@marad.dot.gov

RIN: 2133-AB50

2354. MARITIME EDUCATION AND TRAINING—AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 46 app USC 1295 ; 49 CFR 1.66

CFR Citation: 46 CFR 310 (Revision)

Legal Deadline: None

DOT—MARAD

Proposed Rule Stage

Abstract: This rulemaking would revise and update 46 CFR part 310 regarding Maritime Education and Training. This rulemaking would amend part 310 by eliminating obsolete provisions and references and by updating and adding provisions to reflect current administrative practices. This rulemaking will also revise part 310 by clarifying certain provisions and by making technical corrections.

Timetable:

Action	Date	FR Cite
NPRM	10/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Jay Gordon, Attorney-Advisor, Department of Transportation, Maritime Administration, Office of Chief Counsel, Room 7228 MAR-226, 400 7th

Street, SW, Washington, DC 20590-0001
Phone: 202 366-5191
Email: jay.gordon@marad.dot.gov
RIN: 2133-AB63

2355. • AMENDMENTS TO TITLE XI LOAN GUARANTEE PROGRAM

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

Legal Authority: 46 app USC 1114(b); 46 app USC 1271 et seq; PL 108-136; 49 CFR 1.66

CFR Citation: 46 CFR 298 (Revision)

Legal Deadline: None

Abstract: This rule would implement the provisions of Subtitle B, Title XXXV of the National Defense Authorization Act for Fiscal Year 2004, the Maritime Security Act of 2003, Amendments to Title XI Loan Guarantee Program (Title XI Amendments). The Title XI

amendments, among other things, modify the qualifications for Title XI loan guarantees; procedures for processing applications; type of security required; procedures for monitoring the program; and procedures for remedies after default.

Timetable:

Action	Date	FR Cite
NPRM	09/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Daron Threet, Attorney-Advisor, Department of Transportation, Maritime Administration, 400 7th St., SW, Washington, DC 20590
Phone: 202 366-5169
Email: daron.threet@marad.dot.gov

RIN: 2133-AB65

Department of Transportation (DOT)
Maritime Administration (MARAD)

Final Rule Stage

2356. ADMINISTRATIVE WAIVERS OF THE COASTWISE TRADE LAWS FOR ELIGIBLE VESSELS

Priority: Substantive, Nonsignificant

Legal Authority: 46 app USC 1114(b); 46 USC 12106 note; PL 105-383; 49 CFR 1.66

CFR Citation: 46 CFR 388

Legal Deadline: None

Abstract: The Maritime Administration is publishing this final rule to implement the changes of the Maritime Transportation Security Act of 2002. This final rule implements regulations to waive the U.S.-build requirements of the Passenger Vessel Services Act and section 27 of the Merchant Marine Act, 1920, for eligible vessels to be documented with appropriate endorsement for employment in the coastwise trade as small passenger vessels or uninspected passenger vessels authorized to carry no more than 12 passengers for hire. This final rule also brings the application procedure into compliance with the Government Paperwork Elimination Act, which requires that by October 21, 2003, the government must provide "the option of electronic maintenance,

submission, or disclosure of information when practicable as a substitute for paper."

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/30/03	68 FR 23084
Final Action	07/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Michael Hokana, Department of Transportation, Maritime Administration, MAR-830 Room 7201, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-0760
Email: michael.hokana@marad.dot.gov

RIN: 2133-AB49

2357. VESSEL DOCUMENTATION: LEASE FINANCING FOR VESSELS ENGAGED IN THE COASTWISE TRADE; SECOND RULEMAKING

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

Legal Authority: 46 app USC 808

CFR Citation: 46 CFR 221

Legal Deadline: None

Abstract: This is a joint notice of proposed rulemaking by the Coast Guard and the Maritime Administration. The Coast Guard proposes to amend its regulations on documentation, under the lease-financing provisions, of vessels engaged in the coastwise trade. One proposal addresses the issue of whether we should prohibit or restrict the chartering back (whether by time charter, voyage charter, space charter, contract of affreightment, or other contract for the use of a vessel) of a lease-financed vessel to the parent of the vessel owner or to a subsidiary or affiliate of the parent. A second proposal would establish a limit on the length of time that a coastwise endorsement issued before the date of publication of this notice of proposed rulemaking would run. The final subject concerns the question of whether applications for an endorsement under the lease-financing provisions should be reviewed and approved by an independent third party with expertise in vessel chartering. Though these subjects were discussed in many of the comments received to the previous Coast Guard

DOT—MARAD

Final Rule Stage

rulemaking on lease financing, we feel that we need additional public input specifically focused on these subjects and on our proposed changes. These proposals would amend the final rule (USCG-2001-8825) on vessel documentation under lease financing found elsewhere in this issue of the Federal Register.

The Maritime Administration (MARAD) proposes to amend its regulations to require MARAD's approval of all transfers of the use of a lease-financed vessel engaged in the coastwise trade back to the vessel's foreign owner, the parent of the owner, a subsidiary or affiliate of the parent, or an officer, director, or shareholder of one of them. In 1992, MARAD amended its regulations to grant general approval for time charters of U.S.-flag vessels to charterers that were not U.S. citizens (non-citizens) and to eliminate MARAD's review of these time charters. The lease-financing provisions potentially allow a non-citizen to exert additional control over a vessel operated in the coastwise trade by becoming the owner of the vessel and time chartering the vessel back to itself or to a related entity through an intermediate U.S. citizen bareboat charterer. MARAD's review of charter arrangements in the limited circumstances where the time charterer is related to the non-citizen vessel owner will ensure that U.S. citizens maintain control over vessels operating in the coastwise trade.

Timetable:

Action	Date	FR Cite
NPRM	02/04/04	69 FR 5403
NPRM Comment Period End	05/04/04	
Final Action	12/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

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Related RIN: Duplicate of 1625-AA63

RIN: 2133-AB51

2358. • TRADING RESTRICTIONS ON VESSELS TRANSFERRED TO A FOREIGN REGISTRY: AMENDMENT OF LIST OF PROHIBITED COUNTRIES

Priority: Other Significant

Legal Authority: 46 app USC 808, 839, 802, 803, 835, 841(a), 1114(b), 1195; 46 USC 301, 313; 49 USC 336; 49 CFR 1.66

CFR Citation: 46 CFR 221.15(c)(3); 46 CFR 221.13(a)(4)

Legal Deadline: None

Abstract: In accordance with foreign policy considerations, the Maritime Administration (MARAD) currently prohibits the foreign transfer of an interest in or control of certain U.S. documented or previously U.S. documented vessels to entities in the foreign countries listed in the Department of Commerce's list of prohibited countries. This final rule would amend the regulations to incorporate this list by reference, thus eliminating the need for a separate listing and the need to publish future rulemakings to keep this listing up to date.

Timetable:

Action	Date	FR Cite
Final Action	10/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

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RIN: 2133-AB55

2359. • DEFERMENT OF SERVICE OBLIGATIONS OF MIDSHIPMEN RECIPIENTS OF SCHOLARSHIPS OR FELLOWSHIPS

Priority: Substantive, Nonsignificant

Legal Authority: 46 USC 1114(b); 46 app USC 1295 to 1295g

CFR Citation: 46 CFR 310.58(g)

Legal Deadline: None

Abstract: This rulemaking would amend the Maritime Administration's (MARAD) regulations regarding

deferment of service obligations of midshipmen. Currently, MARAD defers the service obligations of midshipmen who receive scholarships or fellowships for marine or maritime-related graduate courses of study. This rulemaking would amend the regulation to allow the Maritime Administrator to defer the service obligation of a midshipman when the midshipman enters a graduate course of study of national significance although the course of study may not be marine or maritime-related.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/20/04	69 FR 29079
Interim Final Rule Effective	05/20/04	
Interim Final Rule Comment Period End	06/21/04	
Final Action	12/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2133-AB58

2360. • SHIPPING: TECHNICAL AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 46 app USC 802; 49 CFR 1.66

CFR Citation: 46 CFR 221.3; 46 CFR 315.3; 46 CFR 355.1; 46 CFR 355.2

Legal Deadline: None

Abstract: The Maritime Administration is amending its regulations by making minor technical changes to 46 CFR parts 221, 315, and 355 to update the title to conform to 46 App. USC 802, which was amended by the Coast Guard Authorization Act of 1998. The changes include (1) adding the words "by whatever title" after "chief executive officer" and (2) deleting the words "president or other" from the relevant CFR parts listed above. The changes are intended to clarify the term "chief executive officer."

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Timetable:

Action	Date	FR Cite
Final Rule	07/00/04	

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

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RIN: 2133-AB59**2361. • MARITIME EDUCATION AND TRAINING—REVISIONS TO 46 CFR PART 310****Priority:** Substantive, Nonsignificant**Legal Authority:** 46 app USC 1295; 49 CFR 1.66**CFR Citation:** 46 CFR 310 (Revision)**Legal Deadline:** None

Abstract: This interim final rule would implement changes to the Maritime Administration's (MARAD) regulations under the National Defense Authorization Act for Fiscal Year 2004. The effected rule sections govern maritime education and training, including adding new defined terms, increasing student incentive payment amounts, expanding powers to collect education costs from students in breach of agreements, and increasing students' career options that will satisfy their service obligations. This rulemaking also would make non-substantive technical changes to part 310, such as capitalizing words, correcting misspelled words, updating titles of offices and divisions, and adding Internet addresses to allow additional options for submitting information to the Maritime Administration.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/08/04	69 FR 31897
Interim Final Rule Effective	07/08/04	
Interim Final Rule Comment Period End	08/09/04	

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

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RIN: 2133-AB60

2362. • AMENDED SERVICE OBLIGATION REPORTING REQUIREMENTS FOR STATE MARITIME ACADEMY GRADUATES**Priority:** Substantive, Nonsignificant**Legal Authority:** 46 app USC 1295; 49 CFR 1.66**CFR Citation:** 46 CFR 310.7**Legal Deadline:** None

Abstract: This interim final rule would change the service obligation reporting requirements for state maritime academy graduates who receive Student Incentive Payments. This rulemaking would align the state maritime academy reporting requirements with the recently amended United States Merchant Marine Academy reporting requirements. This rulemaking will also provide for the electronic submission of reports as the primary means for submission to the Maritime Administration.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/00/04	

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

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RIN: 2133-AB61**2363. • MARITIME SECURITY PROGRAM****Priority:** Economically Significant. Major under 5 USC 801.**Legal Authority:** 46 app USC 1114(b); PL 108-136; 49 CFR 1.66**CFR Citation:** 46 CFR 296 (New)**Legal Deadline:** None

Abstract: This interim final rule would provide procedures to implement the provisions of Subtitle C, Title XXXV of the National Defense Authorization Act for Fiscal Year 2004, the Maritime Security Act of 2003 (MSA 2003). The MSA 2003 authorizes payments for fiscal years (FYs) 2006 through 2015 for the new Maritime Security Program (MSP). The MSP supports a fleet of active, commercially viable, privately owned vessels to meet national defense and other security requirements and to maintain a United States presence in international commercial shipping. This rulemaking is economically significant because the payments would exceed \$100 million in one year.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/00/04	
Interim Final Rule Comment Period End	08/00/04	
Interim Final Rule Effective	10/00/04	

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

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RIN: 2133-AB62

2364. • ELECTRONIC OPTIONS FOR TRANSMITTING CERTAIN INFORMATION COLLECTION RESPONSES TO MARAD**Priority:** Substantive, Nonsignificant**Legal Authority:** 44 USC 3504; 49 CFR 1.66

CFR Citation: 46 CFR 232; 46 CFR 281; 46 CFR 287; 46 CFR 295; 46 CFR 298; 46 CFR 310; 46 CFR 340; 46 CFR 349; 46 CFR 355; 46 CFR 380; 46 CFR 382; 46 CFR 387; 46 CFR 390; ...

Legal Deadline: None

Abstract: This final rule offers electronic submission options. MARAD will now accept electronic submissions of certain required information that we previously accepted only in paper form.

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This action is part of MARAD's implementation of the Government Paperwork Elimination Act (GPEA). This rule was published as an interim final rule in the Federal Register on November 5, 2003, under the RIN number 2133-AB56. This rule was also listed as a completed action in the Unified Agenda published December 22, 2003. Since further action is required, this rulemaking was assigned RIN number 2133-AB64 for its publication as a final rule.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/05/03	68 FR 62535
Interim Final Rule Effective	11/05/03	
Interim Final Rule Comment Period End	12/05/03	
Final Rule	07/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

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Related RIN: Previously reported as 2133-AB56

RIN: 2133-AB64

2365. • USMMA GRADUATES REPORTING REQUIREMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 46 app USC 1295; 49 CFR 1.66

CFR Citation: 46 CFR 310.58

Legal Deadline: None

Abstract: In this final rule, the Maritime Administration amends the service obligation reporting requirements for United States Merchant Marine Academy (USMMA) graduates. The new reporting requirements create standard reporting dates that coincide with the U.S. Naval Reserve/Merchant Marine Reserve (USNR/MMR) service reporting dates, which will make reporting to the USNR and to MARAD less burdensome. This final rule also corrects an error that appeared in the interim final rule that

proceeded this action, which mistakenly indicated that it applied to both USMMA graduates as well as to State maritime academy graduates.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/02/04	69 FR 9758
Interim Final Rule Effective	03/02/04	
Interim Final Rule Comment Period End	04/01/04	
Final Action	07/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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Related RIN: Previously reported as 2133-AB57

RIN: 2133-AB66

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