

§ 106.100 Required information for a petition for rulemaking.

(a) You must include the following information in your petition for rulemaking:

- (1) A summary of your proposed action and an explanation of its purpose.
- (2) The language you propose for a new or amended rule, or the language you would delete from a current rule.
- (3) An explanation of your interest in your proposed action and the interest of anyone you may represent.
- (4) Information and arguments that support your proposed action, including relevant technical and scientific data available to you.
- (5) Any specific cases that support or demonstrate the need for your proposed action.

(b) If the impact of your proposed action is substantial, and data or other information about that impact are available to you, we may ask that you provide information about the following:

- (1) The costs and benefits of your proposed action to society in general, and

identifiable groups within society in particular.

- (2) The direct effects, including preemption effects under section 5125 of Federal hazardous materials transportation law, of your proposed action on States, on the relationship between the Federal government and the States, and on the distribution of power and responsibilities among the various levels of government. (See 49 CFR part 107, subpart C, regarding preemption.)
- (3) The regulatory burden of your proposed action on small businesses, small organizations, small governmental jurisdictions, and Indian tribes.
- (4) The recordkeeping and reporting burdens of your proposed action and whom they would affect.
- (5) The effect of your proposed action on the quality of the natural and social environments.

§ 106.105 RSPA response to a petition for rulemaking.

We will review and respond to your petition for rulemaking as follows:

| If your petition is . . . | And if we determine that . . . | Then . . . |
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| (a) Incomplete | | We may return your petition with a written explanation. |
| (b) Complete | Your petition does not justify a rulemaking action. | We will notify you in writing that we will not start a rulemaking proceeding. |
| (c) Complete | Your petition does justify a rulemaking action. | We will notify you in writing that we will start a rulemaking proceeding. |

APPEALS

§ 106.110 Appealing a RSPA Action.

You may appeal the following RSPA actions:

- (a) RSPA's issuance of a final rule or RSPA's withdrawal of a notice of proposed rulemaking under the rulemaking procedures in this part. However, you may appeal RSPA's issuance of a direct final rule only if you previously filed comments to the direct final rule (see § 106.40(e)).
- (b) Any RSPA decision on a petition for rulemaking.

§ 106.115 Required information for an appeal.

(a) *Appeal of a final rule or withdrawal of a notice of proposed rulemaking.* If you

appeal RSPA's issuance of a final rule or RSPA's withdrawal of a notice of proposed rulemaking, your appeal must include the following:

- (1) The docket number of the rulemaking you are concerned about, clearly set out at the beginning of your appeal.
- (2) A brief statement of your concern about the final rule or the withdrawal of notice of proposed rulemaking at issue.
- (3) An explanation of why compliance with the final rule is not practical, reasonable, or in the public interest.
- (4) If you want RSPA to consider more facts, the reason why you did not present those facts within the time given during the rulemaking process for public comment.